DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 200

GENERAL AIR POLLUTION PROCEDURES AND DEFINITIONS

General

340-200-0010

Purpose and Application

(1) This division provides general air pollution procedures and definitions that apply to all air quality rules in OAR 340 divisions 200 through 268.

(2) Divisions 200 through 268 apply in addition to all other rules adopted by the EQC. In cases of apparent conflict between rules within these divisions, the most stringent rule applies unless otherwise expressly stated.

(3) DEQ administers divisions 200 through 268 in all areas of the State of Oregon except when the EQC has designated LRAPA to administer rules within its area of jurisdiction. Subject to, and when provided in divisions 200 through 268, LRAPA is authorized by the EQC as the agency to implement these state rules, and must apply the requirements and procedures contained in these state rules, within its area of jurisdiction. LRAPA may apply any LRAPA rule in lieu of a state rule(s) provided that the LRAPA rule is at least as strict as the state rule(s), LRAPA has submitted the rule to the EQC for its approval, and the EQC has not disapproved the rule.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 14-1999, f. & cert. ef. 10-14-99; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 8-2007, f. & cert. ef. 11-8-07

340-200-0020

General Air Quality Definitions

As used in OAR 340 divisions 200 through 268, unless specifically defined otherwise:

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

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

(3) "Actual emissions" means the mass emissions of a regulated pollutant from an emissions source during a specified time period as set forth in OAR 340 divisions 214, 220 and 222.

(4) "Adjacent", as used in the definitions of major source and source and in OAR 340-216-0070, means interdependent facilities that are nearby to each other.

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

(6) "Affected states" means all states:

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

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

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

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

(b) 120 pounds for lead;

(c) 600 pounds for fluorides;

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

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

(f) The lesser of the amount established in 40 CFR 68.130 or 1,000 pounds;

(g) An aggregate of 5,000 pounds for all hazardous air pollutants;

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

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

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

(10) "Alternative method" means any method of sampling and analyzing for an air pollutant which is not a reference or equivalent method but which has been demonstrated to DEQ's satisfaction to, in specific cases, produce results adequate for determination of compliance. The alternative method must comply with the intent of the rules, is at least equivalent in objectivity and reliability to the uniform recognized procedures, and is demonstrated to be reproducible, selective, sensitive, accurate, and applicable to the program. An alternative method used to meet an applicable federal requirement for which a reference method is specified must be approved by EPA unless EPA has delegated authority for the approval to DEQ.

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

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

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

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

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

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

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

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

(g) Any standard or other requirement under section 111 of the FCAA, including section 111(d);

(h) Any standard or other requirement under section 112 of the FCAA, including any requirement concerning accident prevention under section 112(r)(7) of the FCAA;

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

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

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

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

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

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

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

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

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

(13) “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 OAR 340 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.

(14) “Attainment pollutant” means a pollutant for which an area is designated an attainment or unclassified area.

(15) "Baseline emission rate" means the actual emission rate during a baseline period as determined under OAR 340 division 222.

(16) "Baseline period" means the period used to determine the baseline emission rate for each regulated pollutant under OAR 340 division 222.

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

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

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

(20) “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.

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

(22) "Carbon dioxide equivalent" or "CO2e" means an amount of a greenhouse gas or gases expressed as the equivalent amount of carbon dioxide, and is be computed by multiplying the mass of each of the greenhouse gases by the global warming potential published for each gas at 40 CFR part 98, subpart A, Table A–1-Global Warming Potentials, and adding the resulting value for each greenhouse gas to compute the total equivalent amount of carbon dioxide.

(23) "Categorically insignificant activity" means any of the following listed regulated pollutant emitting activities principally supporting the source or the major industrial group. Categorically insignificant activities must comply with all applicable requirements.

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

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

(c) Distillate oil, kerosene, gasoline, natural gas or propane burning equipment, provided the aggregate expected actual emissions of the equipment identified as categorically insignificant do not exceed the de minimis level for any regulated pollutant, based on the expected maximum annual operation of the equipment. If a source’s expected emissions from all such equipment exceed the de minimis levels, then the source may identify a subgroup of such equipment as categorically insignificant with the remainder not categorically insignificant. The following equipment may never be included as categorically insignificant:

(A) Any individual distillate oil, kerosene or gasoline burning equipment with a rating greater than 0.4 million Btu/hour;

(B) Any individual natural gas or propane burning equipment with a rating greater than 2.0 million Btu/hour.

(d) Distillate oil, kerosene, gasoline, natural gas or propane burning equipment brought on site for six months or less for maintenance, construction or similar purposes, such as but not limited to generators, pumps, hot water pressure washers and space heaters, provided that any such equipment that performs the same function as the permanent equipment, must be operated within the source's existing PSEL;

(e) Office activities;

(f) Food service activities;

(g) Janitorial activities;

(h) Personal care activities;

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

(j) On-site laundry activities;

(k) On-site recreation facilities;

(l) Instrument calibration;

(m) Maintenance and repair shop;

(n) Automotive repair shops or storage garages;

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

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

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

(r) Temporary construction activities;

(s) Warehouse activities;

(t) Accidental fires;

(u) Air vents from air compressors;

(v) Air purification systems;

(w) Continuous emissions monitoring vent lines;

(x) Demineralized water tanks;

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

(z) Electrical charging stations;

(aa) Fire brigade training;

(bb) Instrument air dryers and distribution;

(cc) Process raw water filtration systems;

(dd) Pharmaceutical packaging;

(ee) Fire suppression;

(ff) Blueprint making;

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

(hh) Electric motors;

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

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

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

(ll) Pressurized tanks containing gaseous compounds;

(mm) Vacuum sheet stacker vents;

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

(oo) Log ponds;

(pp) Stormwater settling basins;

(qq) Fire suppression and training;

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

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

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

(uu) Emergency generators and pumps used only during loss of primary equipment or utility service due to circumstances beyond the reasonable control of the owner or operator, or to address a power emergency, provided that the aggregate horsepower rating of all stationary emergency generator and pump engines is not more than 3,000 horsepower. If the aggregate horsepower rating of all stationary emergency generator and pump engines is more than 3,000 horsepower, then no emergency generators and pumps at the source may be considered categorically insignificant;

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

(ww) Non-contact steam condensate flash tanks;

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

(yy) Boiler blowdown tanks;

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

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

(bbb) Uncontrolled oil/water separators in effluent treatment systems, excluding systems with a throughput of more than 400,000 gallons per year of effluent located at the following sources:

(A) Petroleum refineries;

(B) Sources that perform petroleum refining and re-refining of lubricating oils and greases including asphalt production by distillation and the reprocessing of oils and/or solvents for fuels; or

(C) Bulk gasoline plants, bulk gasoline terminals, and pipeline facilities;

(ccc) Combustion source flame safety purging on startup;

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

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

(fff) White water storage tanks.

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

(25) "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 340-204-0060.

(26) “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.

(27) “Class III area” or “PSD Class III area’ means any land which is reclassified as a Class III area under OAR 340-204-0060.

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

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

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

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

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

(31) "Construction":

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

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

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

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

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

(33) "Continuous monitoring systems" means sampling and analysis, in a timed sequence, using techniques which will adequately reflect actual emissions or concentrations on a continuing basis as specified in the DEQ Continuous Monitoring Manual, and includes continuous emission monitoring systems, continuous opacity monitoring system (COMS) and continuous parameter monitoring systems.

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

(35) “Control efficiency” means the product of the capture and removal efficiencies.

(36) "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.

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

(38) “Day” means a 24-hour period beginning at 12:00 a.m. midnight or a 24-hour period as specified in a permit.

(39) "De minimis emission level" means the level for the regulated pollutants listed below:

(a) Greenhouse Gases (CO_2e) = 2,756 tons per year

(b) CO = 1 ton per year

(c) NOx = 1 ton per year

(d) SO2 = 1 ton per year

(e) VOC = 1 ton per year

(f) PM = 1 ton per year

(g) PM10 (except Medford AQMA) = 1 ton per year

(h) PM10 (Medford AQMA) = 0.5 ton per year and 5.0 pounds/day

(i) Direct PM2.5 = 1 ton per year

(j) Lead = 0.1 ton per year

(k) Fluorides = 0.3 ton per year

(l) Sulfuric Acid Mist = 0.7 ton per year

(m) Hydrogen Sulfide = 1 ton per year

(n) Total Reduced Sulfur (including hydrogen sulfide) = 1 ton per year

(o) Reduced Sulfur = 1 ton per year

(p) Municipal waste combustor organics (dioxin and furans) = 0.0000005 ton per year

(q) Municipal waste combustor metals = 1 ton per year

(r) Municipal waste combustor acid gases = 1 ton per year

(s) Municipal solid waste landfill gases (measured as nonmethane organic compounds) = 1 ton per year

(t) Single HAP = 1 ton per year

(u) Combined HAP (aggregate) = 1 ton per year

(40) "Department" or “DEQ”:

(a) Means Department of Environmental Quality; except

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

(41) “DEQ method [#]” means the sampling method and protocols for measuring a regulated pollutant as described in the DEQ Source Sampling Manual.

(42) “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.

(43) “Destruction efficiency” means removal efficiency.

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

(45) "Direct PM2.5" has the meaning provided in the definition of PM2.5.

(46) "Director" means the Director of DEQ or the Director's designee.

(47) "Draft permit" means the version of an Oregon Title V Operating Permit for which DEQ or LRAPA offers public participation under OAR 340-218-0210 or the EPA and affected State review under 340-218-0230.

(48) "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.

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

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

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

(52) "Emission estimate adjustment factor" or "EEAF" means an adjustment applied to an emission factor to account for the relative inaccuracy of the emission factor.

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

(54) "Emission limitation" or "Emission standard" or “Emission limitation or standard” means:

(a) Except as provided in subsection (b), a requirement established by a state, local government, or the EPA which limits the quantity, rate, or concentration of emissions of regulated pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

(b) As used in OAR 340-212-0200 through 340-212-0280, any applicable requirement that constitutes an emission limitation, emission standard, standard of performance or means of emission limitation as defined under the FCAA. An emission limitation or standard may be expressed in terms of the pollutant, expressed either as a specific quantity, rate or concentration of emissions, e.g., pounds of SO2 per hour, pounds of SO2 per million British thermal units of fuel input, kilograms of VOC per liter of applied coating solids, or parts per

million by volume of SO2, or as the relationship of uncontrolled to controlled emissions, e.g., percentage capture and destruction efficiency of VOC or percentage reduction of SO2. An emission limitation or standard may also be expressed either as a work practice, process or control device parameter, or other form of specific design, equipment, operational, or operation and maintenance requirement. For purposes of OAR 340-212-0200 through 340-212-0280, an emission limitation or standard does not include general operation requirements that an owner or operator may be required to meet, such as requirements to obtain a permit, operate and maintain sources using good air pollution control practices, develop and maintain a malfunction abatement plan, keep records, submit reports, or conduct monitoring.

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

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

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

(a) A part of a source is any machine, equipment, raw material, product, or byproduct that produces or emits regulated pollutants. An activity is any process, operation, action, or reaction, e.g., chemical, at a stationary source that emits regulated pollutants. Except as described in subsection (d), 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 regulated pollutant by regulated 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 divisions 210 and 224, or for determining the applicability of any New Source Performance Standard.

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

(59) "EPA Method 9" means the method for Visual Determination of the Opacity of Emissions From Stationary Sources described in 40 CFR part 60, Appendix A–4.

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

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

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

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

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

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

(66) "Federal Major Source" means any source listed in subsections (a) or (d) below:

(a) A source with potential to emit:

(A) 100 tons per year or more of any individual regulated pollutant, excluding greenhouse gases and hazardous air pollutants listed in OAR 340 division 244 if in a source category listed in subsection (c), or

(B) 250 tons per year or more of any individual regulated pollutant, excluding greenhouse gases and hazardous air pollutants listed in OAR 340 division 244, if not in a source category listed in subsection (c).

(b) Calculations for determining a source’s potential to emit for purposes of subsections (a) and (d) must include the following:

(A) Fugitive emissions and insignificant activity emissions; and

(B) Increases or decreases due to a new or modified source.

(c) Source categories:

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

(B) Coal cleaning plants with thermal dryers;

(C) Kraft pulp mills;

(D) Portland cement plants;

(E) Primary zinc smelters;

(F) Iron and steel mill plants;

(G) Primary aluminum ore reduction plants;

(H) Primary copper smelters;

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

(J) Hydrofluoric acid plants;

(K) Sulfuric acid plants;

(L) Nitric acid plants;

(M) Petroleum refineries;

(N) Lime plants;

(O) Phosphate rock processing plants;

(P) Coke oven batteries;

(Q) Sulfur recovery plants;

(R) Carbon black plants, furnace process;

(S) Primary lead smelters;

(T) Fuel conversion plants;

(U) Sintering plants;

(V) Secondary metal production plants;

(W) Chemical process plants, excluding ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;

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

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

(Z) Taconite ore processing plants;

(AA) Glass fiber processing plants;

(BB) Charcoal production plants.

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

(A) For ozone nonattainment areas, sources with the potential to emit 100 tons per year or more of VOCs or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tons per year or more in areas classified as "serious," 25 tons per year or more in areas classified as "severe," and 10 tons per year or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25, and 10 tons per year of

nitrogen oxides do not apply with respect to any source for which the Administrator has made a finding, under section 182(f)(1) or (2) of the FCAA, that requirements under section 182(f) of the FCAA do not apply;

(B) For ozone transport regions established pursuant to section 184 of the FCAA, sources with the potential to emit 50 tons per year or more of VOCs;

(C) For carbon monoxide nonattainment areas that are classified as "serious" and in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator, sources with the potential to emit 50 tons per year or more of carbon monoxide.

(D) For PM10 nonattainment areas classified as "serious," sources with the potential to emit 70 tons per year or more of PM10.

(67) "Final permit" means the version of an Oregon Title V Operating Permit issued by DEQ or LRAPA that has completed all review procedures required by OAR 340-218-0120 through 340-218-0240.

(68) "Form" means a paper or electronic form developed by DEQ.

(69) “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.

(70) "Fugitive emissions":

(a) Except as used in subsection (b), 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.

(71) "General permit":

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

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

(72) "Generic PSEL" means the levels for the regulated pollutants listed below:

(a) Greenhouse Gases (CO2e) = 74,000 tons per year

(b) CO = 99 tons per year

(c) NOx = 39 tons per year

(d) SO2 = 39 tons per year

(e) VOC = 39 tons per year

(f) PM = 24 tons per year

(g) PM10 (except Medford AQMA) = 14 tons per year

(h) PM10 (Medford AQMA) = 4.5 tons per year and 49 pounds per day

(i) PM2.5 = 9 tons per year

(j) Lead = 0.5 tons per year

(k) Fluorides = 2 tons per year

(l) Sulfuric Acid Mist = 6 tons per year

(m) Hydrogen Sulfide = 9 tons per year

(n) Total Reduced Sulfur (including hydrogen sulfide) = 9 tons per year

(o) Reduced Sulfur = 9 tons per year

(p) Municipal waste combustor organics (Dioxin and furans) = 0.0000030 tons per year

(q) Municipal waste combustor metals = 14 tons per year

(r) Municipal waste combustor acid gases = 39 tons per year

(s) Municipal solid waste landfill gases (measured as nonmethane organic compounds) = 49 tons per year

(t) Single HAP = 9 tons per year

(u) Combined HAPs (aggregate) = 24 tons per year

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

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

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

(75) "Hardboard" means a flat panel made from wood that has been reduced to basic wood fibers and bonded by adhesive properties under pressure.

(76) “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.

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

(78) "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.

(79) "Indian reservation" means any federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

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

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

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

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

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

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

(83) “Internal combustion engine” means stationary gas turbines and reciprocating internal combustion engines.

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

(85) "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."

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

(87) "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 comply with the standards pursuant to 40 CFR 51.110. Maintenance areas are designated by the EQC according to division 204.

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

(89) "Major Modification" means any physical change or change in the method of operation of a source that results in satisfying the requirements of OAR 340-224-0025.(90) “Major New Source Review” or “Major NSR”

means the new source review process and requirements under OAR 340-224-0010 through 340-224-0070 and OAR 340-224-0500 through 340-224-0540 based on the location and regulated pollutants emitted.

(91) "Major source":

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

(b) As used in OAR 340 division 210, Stationary Source Notification Requirements, OAR 340 division 218, Oregon Title V Operating Permits, OAR 340 division 220, Oregon Title V Operating Permit Fees, OAR 340-216-0066, Standard ACDPs, and OAR 340 division 236, Emission Standards for Specific Industries, means any stationary source or any group of stationary sources that are located on one or more contiguous or adjacent properties and are under common control of the same person or persons under common control belonging to a single major industrial grouping or supporting the major industrial group and that is described in paragraphs (A), (B), or (C). For the purposes of this subsection, a stationary source or group of stationary sources is considered part of a single industrial grouping if all of the regulated pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same major group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual (U.S. Office of Management and Budget, 1987) or support the major industrial group.

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

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

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

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

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

(ii) Kraft pulp mills;

(iii) Portland cement plants;

(iv) Primary zinc smelters;

(v) Iron and steel mills;

(vi) Primary aluminum ore reduction plants;

(vii) Primary copper smelters;

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

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

(x) Petroleum refineries;

(xi) Lime plants;

(xii) Phosphate rock processing plants;

(xiii) Coke oven batteries;

(xiv) Sulfur recovery plants;

(xv) Carbon black plants (furnace process);

(xvi) Primary lead smelters;

(xvii) Fuel conversion plants;

(xviii) Sintering plants;

(xix) Secondary metal production plants;

(xx) Chemical process plants, excluding ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;

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

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

(xxiii) Taconite ore processing plants;

(xxiv) Glass fiber processing plants;

(xxv) Charcoal production plants;

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

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

(C) From July 1, 2011 through November 6, 2014, a major stationary source of regulated pollutants, as defined by Section 302 of the FCAA, that directly emits or has the potential to emit 100 tons per year or more of greenhouse gases and directly emits or has the potential to emit 100,000 tons per year or more CO2e, including fugitive emissions.

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

(93) "Modification," except as used in the terms "major modification" “permit modification” and “Title I 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:

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

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

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

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

(a) Continuous emission or opacity monitoring systems.

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

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

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

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

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

(g) Visible emission observations and recording.

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

(95) "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.

(96) "Netting basis" means an emission rate determined as specified in OAR 340-222-0046.

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

(98) "Nonattainment area" means a geographical area of the state, as designated by the EQC or the EPA, that exceeds any state or federal primary or secondary ambient air quality standard. Nonattainment areas are designated by the EQC according to division 204.

(99) "Nonattainment pollutant" means a regulated pollutant for which an area is designated a nonattainment area. Nonattainment areas are designated by the EQC according to division 204.

(100) "Normal source operation" means operation that does not include such conditions as forced fuel substitution, equipment malfunction, or highly abnormal market conditions.

(101) "Odor" means that property of an air contaminant that affects the sense of smell.

(102) "Offset" means an equivalent or greater emission reduction that is required before allowing an emission increase from a source that is subject to Major NSR or State NSR.

(103) "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, as specified in each applicable rule.

(104) "Oregon Title V operating permit" or “Title V permit” means written authorization issued, renewed, amended, or revised pursuant to OAR 340 division 218.

(105) "Oregon Title V operating permit program" or “Title V program” means the Oregon program described in OAR 340 division 218 and approved by the Administrator under 40 CFR part 70.

(106) "Oregon Title V operating permit program source" or “Title V source” means any source subject to the permitting requirements, OAR 340 division 218.

(107) "Ozone precursor" means nitrogen oxides and volatile organic compounds.

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

(109) "Particleboard" means matformed flat panels consisting of wood particles bonded together with synthetic resin or other suitable binder.

(110) "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 specified in each applicable rule, or where not specified by rule, in the permit.

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

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

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

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

(115) "Permittee" means the owner or operator of a source, authorized to emit regulated pollutants under an ACDP or Oregon Title V Operating Permit.

(116) "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.

(117) "Plant Site Emission Limit" or "PSEL" means the total mass emissions per unit time of an individual regulated pollutant specified in a permit for a source. The PSEL for a major source may consist of more than one permitted emission for purposes of Oregon Title V Operating Permit Fees in OAR 340 division 220.

(118) “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.

(119) "PM10":

(a) When used in the context of emissions, means finely divided solid or liquid material, including condensable particulate, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal 10 micrometers, emitted to the ambient air as measured by the test method specified in each applicable rule or, where not specified by rule, in each individual permit;

(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.

(120) "PM2.5":

(a) When used in the context of direct PM2.5 emissions, means finely divided solid or liquid material, including condensable particulate, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers, emitted to the ambient air as measured by the test method specified in each applicable rule or, where not specified by rule, in each individual permit.

(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.

(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.

(121) "PM2.5 fraction" means the fraction of PM2.5 in relation to PM10 for each emissions unit that is included in the netting basis and PSEL.

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

(123) “Portable” means designed and capable of being carried or moved from one location to another. Indicia of portability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

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

(a) The regulated pollutant emissions capacity of a stationary source; or

(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.

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

(125) "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.

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

(127) "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.

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

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

(130) “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. Reattainment areas are designated by the EQC according to division 204.

(131) “Reattainment pollutant” means a regulated pollutant for which an area is designated a reattainment area.

(132) "Reference method" means any method of sampling and analyzing for a regulated pollutant as specified in 40 CFR part 52, 60, 61 or 63.

(133) "Regional agency" means Lane Regional Air Protection Agency.

(134) "Regulated air pollutant" or "Regulated pollutant":

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

(A) Nitrogen oxides or any VOCs;

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

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

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

(E) Any pollutant listed under OAR 340-244-0040 or 40 CFR 68.130; and

(F) Greenhouse gases.

(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.

(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.

(135) “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 regulated pollutant that enters the air pollution control device.

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

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

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

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

(B) The delegation of authority to such representative is approved in advance by DEQ or LRAPA.

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

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

(d) For affected sources:

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

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

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

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

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

(139) "Section 111" means section 111 of the FCAA, 42 U.S.C. § 7411, which includes Standards of Performance for New Stationary Sources (NSPS).

(140) "Section 111(d)" means subsection 111(d) of the FCAA, 42 U.S.C. § 7411(d), which requires states to submit to the EPA plans that establish standards of performance for existing sources and provides for implementing and enforcing such standards.

(141) "Section 112" means section 112 of the FCAA, 42 U.S.C. § 7412, which contains regulations for Hazardous Air Pollutants.

(142) "Section 112(b)" means subsection 112(b) of the FCAA, 42 U.S.C. § 7412(b), which includes the list of hazardous air pollutants to be regulated.

(143) "Section 112(d)" means subsection 112(d) of the FCAA, 42 U.S.C. § 7412(d), which directs the EPA to establish emission standards for sources of hazardous air pollutants. This section also defines the criteria to be used by the EPA when establishing the emission standards.

(144) "Section 112(e)" means subsection 112(e) of the FCAA, 42 U.S.C. § 7412(e), which directs the EPA to establish and promulgate emissions standards for categories and subcategories of sources that emit hazardous air pollutants.

(145) "Section 112(r)(7)" means subsection 112(r)(7) of the FCAA, 42 U.S.C. § 7412(r)(7), which requires the EPA to promulgate regulations for the prevention of accidental releases and requires owners or operators to prepare risk management plans.

(146) "Section 114(a)(3)" means subsection 114(a)(3) of the FCAA, 42 U.S.C. § 7414(a)(3), which requires enhanced monitoring and submission of compliance certifications for major sources.

(147) "Section 129" means section 129 of the FCAA, 42 U.S.C. § 7429, which requires the EPA to establish emission standards and other requirements for solid waste incineration units.

(148) "Section 129(e)" means subsection 129(e) of the FCAA, 42 U.S.C. § 7429(e), which requires solid waste incineration units to obtain Oregon Title V Operating Permits.

(149) "Section 182(f)" means subsection 182(f) of the FCAA, 42 U.S.C. § 7511a(f), which requires states to include plan provisions in the SIP for NOx in ozone nonattainment areas.

(150) "Section 182(f)(1)" means subsection 182(f)(1) of the FCAA, 42 U.S.C. § 7511a(f)(1), which requires states to apply those plan provisions developed for major VOC sources and major NOx sources in ozone nonattainment areas.

(151) "Section 183(e)" means subsection 183(e) of the FCAA, 42 U.S.C. § 7511b(e), which requires the EPA to study and develop regulations for the control of certain VOC sources under federal ozone measures.

(152) "Section 183(f)" means subsection 183(f) of the FCAA, 42 U.S.C. § 7511b(f), which requires the EPA to develop regulations pertaining to tank vessels under federal ozone measures.

(153) "Section 184" means section 184 of the FCAA, 42 U.S.C. § 7511c, which contains regulations for the control of interstate ozone air pollution.

(154) "Section 302" means section 302 of the FCAA, 42 U.S.C. § 7602, which contains definitions for general and administrative purposes in the FCAA.

(155) "Section 302(j)" means subsection 302(j) of the FCAA, 42 U.S.C. § 7602(j), which contains definitions of "major stationary source" and "major emitting facility."

(156) "Section 328" means section 328 of the FCAA, 42 U.S.C. § 7627, which contains regulations for air pollution from outer continental shelf activities.

(157) "Section 408(a)" means subsection 408(a) of the FCAA, 42 U.S.C. § 7651g(a), which contains regulations for the Title IV permit program.

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

(a) Would violate applicable requirements;

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

(c) Is a FCAA Title I modification.

(159) "Section 504(b)" means subsection 504(b) of the FCAA, 42 U.S.C. § 7661c(b), which states that the EPA can prescribe by rule procedures and methods for determining compliance and for monitoring.

(160) "Section 504(e)" means subsection 504(e) of the FCAA, 42 U.S.C. § 761c(e), which contains regulations for permit requirements for temporary sources.

(161) "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:

(a) Greenhouse gases (CO_2e) = 75,000 tons per year

(b) Carbon monoxide = 100 tons per year except in a serious nonattainment area = 50 tons per year, provided DEQ has determined that stationary sources contribute significantly to carbon monoxide levels in that area.

(c) Nitrogen oxides (NOX) = 40 tons per year

(d) Particulate matter = 25 tons per year

(e) PM10 = 15 tons per year

(f) Direct PM2.5 = 10 tons per year

(g) PM2.5 precursors (SO2 or NOx) = 40 tons per year

(h) Sulfur dioxide (SO2) = 40 tons per year

(i) Ozone precursors (VOC or NOx) = 40 tons per year except:

(I) In a serious or severe ozone nonattainment area = 25 tons per year

(II) In an extreme ozone nonattainment area = any emissions increase

(j) Lead = 0.6 tons per year

(k) Fluorides = 3 tons per year

(l) Sulfuric acid mist = 7 tons per year

(m) Hydrogen sulfide = 10 tons per year

(n) Total reduced sulfur (including hydrogen sulfide) = 10 tons per year

(o) Reduced sulfur compounds (including hydrogen sulfide) = 10 tons per year

(p) Municipal waste combustor organics (measured as total tetra- through octa- chlorinated dibenzo-p-dioxins and dibenzofurans) = 0.0000035 tons per year

(q) Municipal waste combustor metals (measured as particulate matter) = 15 tons per year

(r) Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride) = 40 tons per year

(s) Municipal solid waste landfill emissions (measured as nonmethane organic compounds) = 50 tons per year

(t) Ozone depleting substances in aggregate = 100 tons per year

(u) For the Medford-Ashland Air Quality Maintenance Area, the SER for PM10 is defined as 5 tons per year on an annual basis and 50.0 pounds per day on a daily basis.

(v) For regulated pollutants not listed in subsections (a) through (u), the SER is zero unless DEQ determines the rate that constitutes a SER.

(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 SER. This subsection does not apply to greenhouse gas emissions.

(162) "Significant impact" means an additional ambient air quality concentration equal to or greater than the significant impact level. For sources of VOC or NOx, a source has a significant impact if it is located within the ozone impact distance defined in OAR 340 division 224.

(163) “Significant impact level” or “SIL” means the ambient air quality concentrations listed below. The threshold concentrations listed below are used for comparison against the ambient air quality standards and PSD increments established under OAR 340 division 202, but do not apply for protecting air quality related values, including visibility.

(a) For Class I areas:

(A) PM2.5:

(i) annual = 0.06 µg/m3

(ii) 24-hour = 0.07 µg/m3

(B) PM10:

(i) annual = 0.20 µg/m3

(ii) 24-hour = 0.30 µg/m3

(C) Sulfur dioxide:

(i) annual = 0.10 µg/m3

(ii) 24-hour = 0.20 µg/m3

(iii) 3-hour = 1.0 µg/m3

(D) Nitrogen dioxide: annual = 0.10 µg/m3

(b) For Class II areas:

(A) PM2.5:

(i) annual = 0.3 µg/m3

(ii) 24-hour = 1.2 µg/m3

(B) PM10:

(i) annual = 0.20 µg/m3

(ii) 24-hour = 1.0 µg/m3

(C) Sulfur dioxide:

(i) annual = 1.0 µg/m3

(ii) 24-hour = 5.0 µg/m3

(iii) 3-hour =25.0 µg/m3

(iv) 1-hour = 8.0 µg/m3

(D) Nitrogen dioxide:

(i) annual =1.0 µg/m3

(ii) 1-hour = 8.0 µg/m3

(E) Carbon monoxide:

(i) 8-hour = 0.5 mg/m3

(ii) 1-hour = 2.0 mg/m3

(c) For Class III areas:

(A) PM2.5:

(i) annual = 0.3 µg/m3

(ii) 24-hour = 1.2 µg/m3

(B) PM10:

(i) annual = 0.20 µg/m3

(ii) 24-hour = 1.0 µg/m3

(C) Sulfur dioxide:

(i) annual = 1.0 µg/m3

(ii) 24-hour = 5.0 µg/m3

(iii) 3-hour = 25.0 µg/m3

(D) Nitrogen dioxide: annual = 1.0 µg/m3

(E) Carbon monoxide:

(i) 8-hour = 0.5 mg/m3

(ii) 1-hour = 2.0 mg/m3

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

(165) "Small scale local energy project" means:

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

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

(c) A recycling project;

(d) An alternative fuel project;

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

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

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

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

(166) "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 air contaminant 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.

(167) "Source category":

(a) Except as provided in subsection (b), means all the regulated 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 device.

(168) "Source test" means the average of at least three test runs conducted under the DEQ Source Sampling Manual.

(169) "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).

(170) "Startup" and "shutdown" means that time during which a source or control device is brought into normal operation or normal operation is terminated, respectively.

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

(172) “State New Source Review” or “State NSR” means the new source review process and requirements under OAR 340-224-0010 through 340-224-0038, OAR 340-224-0245 through 340-224-0270 and OAR 340-224-0500 through 340-224-0540 based on the location and regulated pollutants emitted.

(173) "Stationary source" means any building, structure, facility, or installation at a source that emits or may emit any regulated pollutant. Stationary source includes portable sources that are required to have permits under OAR 340 division 216.

(174) "Substantial underpayment" means the lesser of 10 percent of the total interim emission fee for the major source or five hundred dollars.

(175) “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. Sustainment areas are designated by the EQC according to division 204.

(176) “Sustainment pollutant” means a regulated pollutant for which an area is designated a sustainment area.

(177) "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.

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

(a) A major modification subject to OAR 340-224-0050, Requirements for Sources in Nonattainment Areas or OAR 340-224-0055, Requirements for Sources in Reattainment Areas;

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

(c) A major modification subject to OAR 340-224-0070, Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas or OAR 340-224-0045 Requirements for Sources in Sustainment Areas;

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

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

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

(180) “Type A State NSR” means State NSR as specified in OAR 340-224-0010(2)(a).

(181) “Type B State NSR” means State NSR that is not Type A State NSR.

(182) "Typically Achievable Control Technology" or "TACT" means the emission limit established on a case-by-case basis for a criteria pollutant from a particular emissions unit under OAR 340-226-0130.

(183) "Unassigned emissions" means the amount of emissions that are in excess of the PSEL but less than the netting basis.

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

(185) “Unclassified area” or “attainment 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 OAR 340 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.

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

(187) "Veneer" means a single flat panel of wood not exceeding 1/4 inch in thickness formed by slicing or peeling from a log.

(188) "Veneer dryer" means equipment in which veneer is dried.

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

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

(a) This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity:

(A) methane;

(B) ethane;

(C) methylene chloride (dichloromethane);

(D) 1,1,1-trichloroethane (methyl chloroform);

(E) 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);

(F) trichlorofluoromethane (CFC-11);

(G) dichlorodifluoromethane (CFC-12);

(H) chlorodifluoromethane (HCFC-22);

(I) trifluoromethane (HFC-23);

(J) 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114);

(K) chloropentafluoroethane (CFC-115);

(L) 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);

(M) 1,1,1,2-tetrafluoroethane (HFC-134a);

(N) 1,1-dichloro 1-fluoroethane (HCFC-141b);

(O) 1-chloro 1,1-difluoroethane (HCFC-142b);

(P) 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);

(Q) pentafluoroethane (HFC-125);

(R) 1,1,2,2-tetrafluoroethane (HFC-134);

(S) 1,1,1-trifluoroethane (HFC-143a);

(T) 1,1-difluoroethane (HFC-152a);

(U) parachlorobenzotrifluoride (PCBTF);

(V) cyclic, branched, or linear completely methylated siloxanes;

(W) acetone;

(X) perchloroethylene (tetrachloroethylene);

(Y) 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);

(Z) 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);

(AA) 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);

(BB) difluoromethane (HFC-32);

(CC) ethylfluoride (HFC-161);

(DD) 1,1,1,3,3,3-hexafluoropropane (HFC-236fa);

(EE) 1,1,2,2,3-pentafluoropropane (HFC-245ca);

(FF) 1,1,2,3,3-pentafluoropropane (HFC-245ea);

(GG) 1,1,1,2,3-pentafluoropropane (HFC-245eb);

(HH) 1,1,1,3,3-pentafluoropropane (HFC-245fa);

(II) 1,1,1,2,3,3-hexafluoropropane (HFC-236ea);

(JJ) 1,1,1,3,3-pentafluorobutane (HFC-365mfc);

(KK) chlorofluoromethane (HCFC-31);

(LL) 1 chloro-1-fluoroethane (HCFC-151a);

(MM) 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);

(NN) 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane ($C_4 F_9 OCH_3$ or HFE-7100);

(OO) 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2 CFCF_2 OCH_3$);

(PP) 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4 F_9 OC_2 H_5$ or HFE-7200);

(QQ) 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2 CFCF_2 OC_2 H_5$);

(RR) methyl acetate;

(SS) 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C3F7OCH3, HFE-7000);

(TT) 3-ethoxy- 1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500);

(UU) 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea);

(VV) methyl formate (HCOOCH3);

(WW) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300);

(XX) propylene carbonate;

(YY) dimethyl carbonate;

(ZZ) *trans* -1,3,3,3-tetrafluoropropene (also known as HFO-1234ze);

(AAA) $HCF_2 OCF_2 H$ (HFE-134);

(BBB) $HCF_2 OCF_2 OCF_2 H$ (HFE-236cal2);

(CCC) $HCF_2 OCF_2 CF_2 OCF_2 H$ (HFE-338pcc13);

(DDD) $HCF_2 OCF_2 OCF_2 CF_2 OCF_2 H$ (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180));

(EEE) trans 1-chloro-3,3,3-trifluoroprop-1-ene (also known as SolsticeTM 1233zd(E));

(FFF) 2,3,3,3-tetrafluoropropene (also known as HFO–1234yf);

(GGG) 2-amino-2-methyl-1-propanol; and

(HHH) perfluorocarbon compounds which fall into these classes:

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

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

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

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

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

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

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

(191) "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.

(192) “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 and boilers that burn wood fuels.

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

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025, 468A.035, 468A.040, 468A.050, 468A.055, 468A.070, 468A.075, 468A.085, 468A.105, 468A.135, 468A.140, 468A.155, 468A.280, 468A.310, 468A.315, 468A.360, 468A.363, 468A.380, 468A.385, 468A.420, 468A.495, 468A.500, 468A.505, 468A.515, 468A.575, 468A.595, 468A.600, 468A.610, 468A.612, 468A.620, 468A.635, 468A.707, 468A.740, 468A.745, 468A.750, 468A.775, 468A.780, 468A.797, 468A.799, 468A.803, 468A.820, & Or. Laws 2009, chapter 754
Hist.: [DEQ 15-1978, f. & ef. 10-13-78; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033.04; DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; DEQ 18-1984, f. & ef. 10-16-84; DEQ 8-1988, f. & cert. ef. 5-19-88 (and corrected 5-31-88); DEQ 14-1989, f. & cert. ef. 6-26-89; DEQ 42-1990, f. 12-13-90, cert. ef. 1-2-91; DEQ 2-1992, f. & cert. ef. 1-30-92; DEQ 7-1992, f. & cert. ef. 3-30-92; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0145, 340-020-0225, 340-020-0305, 340-020-0355, 340-020-0460 & 340-020-0520; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 21-1994, f. & cert. ef. 10-14-94; DEQ 24-1994, f. & cert. ef. 10-28-94; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 12-1995, f. & cert. ef. 5-23-95; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 9-1997, f. & cert. ef. 5-9-97; DEQ 14-1998, f. & cert. ef. 9-14-98; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 6-1999, f. & cert. ef. 5-21-99]; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0205, 340-028-0110; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 10-2008, f. & cert. ef. 8-25-08; DEQ 5-2010, f. & cert. ef. 5-21-10; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; Administrative correction 3-29-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 7-2011(Temp), f. & cert. ef. 6-24-11 thru 12-19-11; Administrative correction, 2-6-12; DEQ 1-2012, f. & cert. ef. 5-17-12; DEQ 4-2013, f. & cert. ef. 3-27-13; DEQ 11-2013, f. & cert. ef. 11-7-13

340-200-0025

Abbreviations and Acronyms

(1) “AAQS” means ambient air quality standard.

(2) "ACDP" means Air Contaminant Discharge Permit.

(3) "ACT" means Federal Clean Air Act.

(4) "AE" means Actual Emissions.

(5) "AICPA" means Association of Independent Certified Public Accountants.

(6) "AQCR" means Air Quality Control Region.

(7) “AQRV” means Air Quality Related Value

(8) "AQMA" means Air Quality Maintenance Area.

(9) "ASME" means American Society of Mechanical Engineers.

(10) "ASTM" means American Society for Testing & Materials.

(11) "ATETP" means Automotive Technician Emission Training Program.

(12) "AWD" means all wheel drive.

(13) "BACT" means Best Available Control Technology.

(14) “BART” means Best Available Retrofit Technology.

(15) "BLS" means black liquor solids.

(16) "CAA" means Clean Air Act

(17) "CAR" means control area responsible party.

(18) "CBD" means central business district.

(19) "CCTMP" means Central City Transportation Management Plan.

(20) "CEM" means continuous emissions monitoring.

(21) "CEMS" means continuous emission monitoring system.

(22) "CERCLA" means Comprehensive Environmental Response Compensation and Liability Act.

(23) "CFRMS" means continuous flow rate monitoring system.

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

(25) "CMS" means continuous monitoring system.

(26) "CO" means carbon monoxide.

(27) “CO2e” means carbon dioxide equivalent.

(28) "COMS" means continuous opacity monitoring system.

(29) "CPMS" means continuous parameter monitoring system.

(30) "DEQ" means Department of Environmental Quality.

(31) "DOD" means Department of Defense.

(32) "EA" means environmental assessment.

(33) "ECO" means employee commute options.

(34) "EEAF" means emissions estimate adjustment factor.

(35) "EF" means emission factor.

(36) "EGR" means exhaust gas re-circulation.

(37) "EIS" means Environmental Impact Statement.

(38) "EPA" means Environmental Protection Agency.

(39) "EQC" means Environmental Quality Commission.

(40) "ESP" means electrostatic precipitator.

(41) "FCAA" means Federal Clean Air Act.

(42) "FHWA" means Federal Highway Administration.

(43) "FONSI" means finding of no significant impact.

(44) "FTA" means Federal Transit Administration.

(45) "GFA" means gross floor area.

(46) “GHG” means greenhouse gases.

(47) "GLA" means gross leasable area.

(48) "GPM" means grams per mile.

(49) "gr/dscf" means grains per dry standard cubic foot.

(50) "GTBA" means grade tertiary butyl alcohol.

(51) "GVWR" means gross vehicle weight rating.

(52) "HAP" means hazardous air pollutant.

(53) "HEPA" means high efficiency particulate air.

(54) "HMIWI" means hospital medical infectious waste incinerator.

(55) "I/M" means inspection and maintenance program.

(56) "IG" means inspection grade.

(57) "IRS" means Internal Revenue Service.

(58) "ISECP" means indirect source emission control program.

(59) "ISTEA" means Intermodal Surface Transportation Efficiency Act.

(60) "LAER" means Lowest Achievable Emission Rate.

(61) "LDT2" means light duty truck 2.

(62) "LIDAR" means laser radar; light detection and ranging.

(63) "LPG" means liquefied petroleum gas.

(64) "LRAPA" means Lane Regional Air Protection Agency.

(65) "LUCS" means Land Use Compatibility Statement.

(66) "MACT" means Maximum Achievable Control Technology.

(67) "MPO" means Metropolitan Planning Organization.

(68) "MTBE" means methyl tertiary butyl ether.

(69) "MWC" means municipal waste combustor.

(70) "NAAQS" means National Ambient Air Quality Standards.

(71) “NAICS” means North American Industrial Classification System.

(72) "NEPA" means National Environmental Policy Act.

(73) "NESHAP" means National Emissions Standard for Hazardous Air Pollutants.

(74) "NIOSH" means National Institute of Occupational Safety & Health.

(75) "NOx" means nitrogen oxides.

(76) "NSPS" means New Source Performance Standards.

(77) "NSR" means New Source Review.

(78) "NSSC" means neutral sulfite semi-chemical.

(79) "O3" means ozone.

(80) "OAR" means Oregon Administrative Rules.

(81) "ODOT" means Oregon Department of Transportation.

(82) "ORS" means Oregon Revised Statutes.

(83) "OSAC" means orifice spark advance control.

(84) "OSHA" means Occupational Safety & Health Administration.

(85) "PCDCE" means pollution control device collection efficiency.

(86) "PEMS" means predictive emission monitoring system.

(87) "PM" means particulate matter.

(88) "PM10" means particulate matter less than 10 microns.

(89) “PM2.5” means particulate matter less than 2.5 microns.

(90) "POTW" means Publicly Owned Treatment Works.

(91) "POV" means privately owned vehicle.

(92) “ppm” means parts per million.

(93) "PSD" means Prevention of Significant Deterioration.

(94) "PSEL" means Plant Site Emission Limit.

(95) "QIP" means quality improvement plan.

(96) "RACT" means Reasonably Available Control Technology.

(97) “ROI” means range of influence.

(98) "RVCOG" means Rogue Valley Council of Governments.

(99) "RWOC" means running weighted oxygen content.

(100) "scf" means standard cubic feet.

(101) "SCS" means speed control switch.

(102) "SD" means standard deviation.

(103) “SERP” means source emission reduction plan.

(104) “SIC” means Standard Industrial Classification from the Standard Industrial Classification Manual (U.S. Office of Management and Budget, 1987).

(105) "SIP" means State Implementation Plan.

(106) "SKATS" means Salem-Kaiser Area Transportation Study.

(107) “SLAMS” means State or Local Air Monitoring Stations.

(108) "SO2" means sulfur dioxide.

(109) "SOCMI" means synthetic organic chemical manufacturing industry.

(110) "SOS" means Secretary of State.

(111) “SPMs” means Special Purpose Monitors.

(112) "TAC" means thermostatic air cleaner.

(113) "TACT" means Typically Achievable Control Technology.

(114) "TCM" means transportation control measures.

(115) "TCS" means throttle control solenoid.

(116) "TIP" means Transportation Improvement Program.

(117) “tpy” means tons per year.

(118) "TRS" means total reduced sulfur.

(119) "TSP" means total suspended particulate matter.

(120) "UGA" means urban growth area.

(121) "UGB" means urban growth boundary.

(122) “USC” means United States Code.

(123) "US DOT" means United States Department of Transportation.

(124) "UST" means underground storage tanks.

(125) "UTM" means universal transverse mercator.

(126) "VIN" means vehicle identification number.

(127) "VMT" means vehicle miles traveled.

(128) "VOC" means volatile organic compounds.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 and 468A
Stats. Implemented: ORS 468A
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 3-2007, f. & cert. ef. 4-12-07; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 5-2010, f. & cert. ef. 5-21-10; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

340-200-0030

Exceptions

(1) Except as provided in section (2), OAR Chapter 340 divisions 200 through 268 do not apply to:

(a) Agricultural operations, including but not limited to:

(A) Growing or harvesting crops;

(B) Raising fowl or animals;

(C) Clearing or grading agricultural land;

(D) Propagating and raising nursery stock;

(E) Propane flaming of mint stubble; and

(F) Stack or pile burning of residue from Christmas trees, as defined in ORS 571.505, during the period beginning October 1 and ending May 31 of the following year.

(b) Equipment used in agricultural operations, except boilers used in connection with propagating and raising nursery stock.

(c) Barbecue equipment used in connection with any residence.

(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 divisions 240 and 262, and as provided in ORS 468A.020(1)(d). Emissions from woodstoves can be used to create emission reduction credits in OAR 340 division 268.

(e) Fires set or permitted by any public agency when such fire is set or permitted in the performance of its official duty for the purpose of weed abatement, prevention or elimination of a fire hazard, or instruction of employees in the methods of fire fighting, which in the opinion of the agency is necessary.

(f) Fires set pursuant to permit for the purpose of instruction of employees of private industrial concerns in methods of fire fighting, or for civil defense instruction.

(2) Section (1) does not apply to the extent:

(a) Otherwise provided in ORS 468A.555 to 468A.620, 468A.790, 468A.992, 476.380 and 478.960;

(b) Necessary to implement the federal Clean Air Act (P.L. 88-206 as amended) under ORS 468A.025, 468A.030, 468A.035, 468A.040, 468A.045 and 468A.300 to 468A.330; or

(c) Necessary for the EQC, in the commission's discretion, to implement a recommendation of the Task Force on Dairy Air Quality created under section 3, chapter 799, Oregon Laws 2007, for the regulation of dairy air contaminant emissions.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.020

Hist.: DEQ 15, f. 6-12-70, ef. 9-1-70; DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0003; DEQ 12-2008, f. & cert. ef. 9-17-08

340-200-0035

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 March 2015 edition.

(3) The DEQ Continuous Monitoring Manual refers to the March 2015 edition.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

[ED. NOTE: Manuals referenced are not included in the text. Click here for a a PDF copy.]

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A
Hist.:

340-200-0040

State of Oregon Clean Air Act Implementation Plan

(1) This implementation plan, consisting of Volumes 2 and 3 of the State of Oregon Air Quality Control Program, contains control strategies, rules and standards prepared by DEQ and is adopted as the State Implementation Plan (SIP) of the State of Oregon pursuant to the FCAA, 42 U.S.C.A 7401 to 7671q.

(2) Except as provided in section (3), revisions to the SIP will be made pursuant to the EQC's rulemaking procedures in OAR 340 division 11 of this chapter and any other requirements contained in the SIP and will be submitted to the EPA for approval. The SIP was last modified by the EQC on April 16, 2015.

(3) Notwithstanding any other requirement contained in the SIP, DEQ may:

(a) Submit to the EPA any permit condition implementing a rule that is part of the federally-approved SIP as a source-specific SIP revision after DEQ has complied with the public hearings provisions of 40 CFR 51.102; and

(b) Approve the standards submitted by LRAPA if LRAPA adopts verbatim, other than non-substantive differences, any standard that the EQC has adopted, and submit the standards to EPA for approval as a SIP revision.

(4) Revisions to the State of Oregon Clean Air Act Implementation Plan become federally enforceable upon approval by the EPA. If any provision of the federally approved State Implementation Plan conflicts with any provision adopted by the EQC, DEQ must enforce the more stringent provision.

Stat. Auth.: ORS 468.020 and 468A
Stats. Implemented: ORS 468A.035 & 468A.135
Hist.: DEQ 35, f. 2-3-72, ef. 2-15-72; DEQ 54, f. 6-21-73, ef. 7-1-73; DEQ 19-1979, f. & ef. 6-25-79; DEQ 21-1979, f. & ef. 7-2-79; DEQ 22-1980, f. & ef. 9-26-80; DEQ 11-1981, f. & ef. 3-26-81; DEQ 14-1982, f. & ef. 7-21-82; DEQ 21-1982, f. & ef. 10-27-82; DEQ 1-1983, f. & ef. 1-21-83; DEQ 6-1983, f. & ef. 4-18-83; DEQ 18-1984, f. & ef. 10-16-84; DEQ 25-1984, f. & ef. 11-27-84; DEQ 3-1985, f. & ef. 2-1-85; DEQ 12-1985, f. & ef. 9-30-85; DEQ 5-1986, f. & ef. 2-21-86; DEQ 10-1986, f. & ef. 5-9-86; DEQ 20-1986, f. & ef. 11-7-86; DEQ 21-1986, f. & ef. 11-7-86; DEQ 4-1987, f. & ef. 3-2-87; DEQ 5-1987, f. & ef. 3-2-87; DEQ 8-1987, f. & ef. 4-23-87; DEQ 21-1987, f. & ef. 12-16-87; DEQ 31-1988, f. 12-20-88, cert. ef. 12-23-88; DEQ 2-1991, f. & cert. ef. 2-14-91; DEQ 19-1991, f. & cert. ef. 11-13-91; DEQ 20-1991, f. & cert. ef. 11-13-91; DEQ 21-1991, f. & cert. ef. 11-13-91; DEQ 22-1991, f. & cert. ef. 11-13-91; DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 24-1991, f. & cert. ef. 11-13-91; DEQ 25-1991, f. & cert. ef. 11-13-91; DEQ 1-1992, f. & cert. ef. 2-4-92; DEQ 3-1992, f. & cert. ef. 2-4-92; DEQ 7-1992, f. & cert. ef. 3-30-92; DEQ 19-1992, f. & cert. ef. 8-11-92; DEQ 20-1992, f. & cert. ef. 8-11-92; DEQ 25-1992, f. 10-30-92, cert. ef. 11-1-92; DEQ 26-1992, f. & cert. ef. 11-2-92; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 8-1993, f. & cert. ef. 5-11-93; DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 15-1993, f. & cert. ef. 11-4-93; DEQ 16-1993, f. & cert. ef. 11-4-93; DEQ 17-1993, f. & cert. ef. 11-4-93; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 1-1994, f. & cert. ef. 1-3-94; DEQ 5-1994, f. & cert. ef. 3-21-94; DEQ 14-1994, f. & cert. ef. 5-31-94; DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94; DEQ 25-1994, f. & cert. ef. 11-2-94; DEQ 9-1995, f. & cert. ef. 5-1-95; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 14-1995, f. & cert. ef. 5-25-95; DEQ 17-1995, f. & cert. ef. 7-12-95; DEQ 19-1995, f. & cert. ef. 9-1-95; DEQ 20-1995 (Temp), f. & cert. ef. 9-14-95; DEQ 8-1996(Temp), f. & cert. ef. 6-3-96; DEQ 15-1996, f. & cert. ef. 8-14-96; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 23-1996, f. & cert. ef. 11-4-96; DEQ 24-1996, f. & cert. ef. 11-26-96; DEQ 10-1998, f. & cert. ef. 6-22-98; DEQ 15-1998, f. & cert. ef. 9-23-98; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 17-1998, f. & cert. ef. 9-23-98; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 21-1998, f. & cert. ef. 10-12-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 5-1999, f. & cert. ef. 3-25-99; DEQ 6-1999, f. & cert. ef. 5-21-99; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0047; DEQ 15-1999, f. & cert. ef. 10-22-99; DEQ 2-2000, f. 2-17-00, cert. ef. 6-1-01; DEQ 6-2000, f. & cert. ef. 5-22-00; DEQ 8-2000, f. & cert. ef. 6-6-00; DEQ 13-2000, f. & cert. ef. 7-28-00; DEQ 16-2000, f. & cert. ef. 10-25-00; DEQ 17-2000, f. & cert. ef. 10-25-00; DEQ 20-2000 f. & cert. ef. 12-15-00; DEQ 21-2000, f. & cert. ef. 12-15-00; DEQ 2-2001, f. & cert. ef. 2-5-01; DEQ 4-2001, f. & cert. ef. 3-27-01; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 15-2001, f. & cert. ef. 12-26-01; DEQ 16-2001, f. & cert. ef. 12-26-01; DEQ 17-2001, f. & cert. ef. 12-28-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 5-2002, f. & cert. ef. 5-3-02; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 5-2003, f. & cert. ef. 2-6-03; DEQ 14-2003, f. & cert. ef. 10-24-03; DEQ 19-2003, f. & cert. ef. 12-12-03; DEQ 1-2004, f. & cert. ef. 4-14-04; DEQ 10-2004, f. & cert. ef. 12-15-04; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05; DEQ 7-2005, f. & cert. ef. 7-12-05; DEQ 9-2005, f. & cert. ef. 9-9-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06; DEQ 3-2007, f. & cert. ef. 4-12-07; DEQ 4-2007, f. & cert. ef. 6-28-07; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 5-2008, f. & cert. ef. 3-20-08; DEQ 11-2008, f. & cert. ef. 8-29-08; DEQ 12-2008, f. & cert. ef. 9-17-08; DEQ 14-2008, f. & cert. ef. 11-10-08; DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 3-2009, f. & cert. ef. 6-30-09; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 2-2010, f. & cert. ef. 3-5-10; DEQ 5-2010, f. & cert. ef. 5-21-10; DEQ 14-2010, f. & cert. ef. 12-10-10; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 2-2011, f. 3-10-11, cert. ef. 3-15-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 18-2011, f. & cert. ef. 12-21-11; DEQ 1-2012, f. & cert. ef. 5-17-12; DEQ 7-2012, f. & cert. ef 12-10-12; DEQ 10-2012, f. & cert. ef. 12-11-12; DEQ 4-2013, f. & cert. ef. 3-27-13; DEQ 11-2013, f. & cert. ef. 11-7-13; DEQ 12-2013, f. & cert. ef. 12-19-13; DEQ 1-2014, f. & cert. ef. 1-6-14; DEQ 4-2014, f. & cert. ef. 3-31-14; DEQ 5-2014, f. & cert. ef. 3-31-14; DEQ 6-2014, f. & cert. ef. 3-31-14; DEQ 7-2014, f. & cert. ef. 6-26-14

340-200-0050

Compliance Schedules

(1) DEQ's goal is to encourage voluntary cooperation of all persons responsible for an air contamination source. To facilitate this cooperation and provide for a progressive program of air pollution control, DEQ may negotiate with such persons to establish a compliance schedule for meeting the requirements contained in the applicable air quality rules or statutes. The schedule will set forth the conditions with which the responsible person must comply.

(a) The schedule may be accepted in lieu of a hearing. It must be in writing and signed by the Director of DEQ or his designated officer and an authorized agent of the responsible person. After the schedule is executed by both parties, it must be confirmed by order of DEQ;

(b) Compliance schedules providing for final compliance at a date later than 18 months from the date of execution must contain requirements for periodic reporting and increments of progress toward compliance, at intervals of less than 18 months;

(c) No compliance schedule may allow emissions on a permanent basis in excess of applicable standards and rules.

(2) If a negotiated schedule of compliance cannot be established, DEQ may commence enforcement proceedings as provided by ORS 468.090 or take such other authorized action as may be warranted.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0032; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0700; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

Conflicts of Interest

340-200-0100

Purpose

The purpose of OAR 340-200-0100 through 340-200-0120 is to comply with the requirements of Section 128 of the FCAA regarding public interest representation by a majority of the members of the EQC and by the Director and disclosure by them of potential conflicts of interest.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.035 & 468A.310
Hist.: DEQ 15-1978, f. & ef. 10-13-78; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0200; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-200-0110

Public Interest Representation

At least a majority of the members of the EQC and the Director must represent the public interest and may not derive any significant portion of their respective incomes directly from persons subject in Oregon to permits or enforcement orders under the FCAA.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: 468A.035 & 468A.310
Hist.: DEQ 15-1978, f. & ef. 10-13-78; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0210; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-200-0120

Disclosure of Potential Conflicts of Interest

Each member of the EQC and the Director must disclose any potential conflict of interest.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.035 & 468A.310
Hist.: DEQ 15-1978, f. & ef. 10-13-78; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0215; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

DIVISION 202

AMBIENT AIR QUALITY STANDARDS AND PSD INCREMENTS

340-202-0010

Definitions

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

(1) "Approved method" means an analytical method for measuring air contaminant concentrations described or referenced in 40 CFR part 50 and Appendices.

(2) "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.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025 & 468A.035
Hist.: DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 18-1979, f. & ef. 6-22-79; DEQ 25-1981, f. & ef. 9-8-81; DEQ 8-1988, f. & cert. ef. 5-19-88 (corrected 9-30-88); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 19-1993, f. & cert. ef. 11-4-93, Renumbered from 340-031-0105; DEQ 17-1995, f. & cert. ef. 7-12-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0005; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

340-202-0020

Applicability and Jurisdiction

Subject to the requirements in this division and OAR 340-200-0010(3), LRAPA is designated by the EQC to implement the rules in this division within its area of jurisdiction.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.035
Stat. Implemented: ORS 468A.025, 468A.035 & 468A.135
Hist.: DEQ 11-2013, f. & cert. ef. 11-7-13

Ambient Air Quality Standards

340-202-0050

Purpose and Scope of Ambient Air Quality Standards

(1) An ambient air quality standard is an established concentration, exposure time, and frequency of occurrence of an air contaminant or multiple contaminants in the ambient air that must not be exceeded. The ambient air quality standards set forth in OAR 340-202-0050 through 340-202-0130 were established to protect both public health and public welfare.

(2) Ambient air quality standards are not generally used to determine the acceptability or unacceptability of emissions from a specific source of air contamination. More commonly, the measured ambient air quality is compared with the ambient air quality standards to determine the adequacy or effectiveness of emission standards for all sources in a general area. However, if a source or combination of sources are singularly responsible for a violation of ambient air quality standards in a particular area, it may be appropriate to impose emission standards that are more stringent than those otherwise applied to the class of sources involved. Similarly, proposed construction of new sources or expansions of existing sources, that may prevent or interfere with the attainment and maintenance of ambient air quality standards are grounds for issuing an order prohibiting such proposed construction as authorized by ORS 468A.055 and pursuant to OAR 340-210-0205 through 340-210-0250, and OAR 340-218-0190. 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.

(3) In adopting the ambient air quality standards in this division, the EQC recognizes that one or more of the standards are currently being exceeded in certain parts of the state. It is hereby declared to be the policy of the EQC to achieve, by application of a timely but orderly program of pollution abatement, full compliance with ambient air quality standards throughout the state at the earliest possible date.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025& 468A.035
Hist.: DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0010; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-202-0070

Sulfur Dioxide

Concentrations of sulfur dioxide in ambient air as measured by an approved method for each averaging time must not exceed the following concentrations:

(1) Annual average: 0.02 ppm as an annual arithmetic mean for any calendar year at any site as measured by the reference method described in appendix A of 40 CFR part 50 or by an equivalent method designated in accordance with 40 CFR part 53.

(2) 24-hour average: 0.10 ppm as a 24-hour average concentration more than once per calendar year at any site as measured by the reference method described in appendix A of 40 CFR part 50 or by an equivalent method designated in accordance with 40 CFR part 53.

(3) 3-hour average: 0.50 ppm as a three-hour average concentration more than once per calendar year at any site as measured by the reference method described in appendix A of 40 CFR part 50.

(4) 1-hour average: 0.075 ppm as a three-year average of the annual 99th percentile of the daily maximum 1-hour average concentration recorded at any monitoring site as determined by appendix T of 40 CFR part 50 as measured by a reference method based on appendix A or A-1 of 40 CFR part 50, or by a Federal Equivalent Method (FEM) designated in accordance with 40 CFR part 53.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025 & 468A.035
Hist.: DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 8-1988, f. & cert. ef. 5-19-88 (corrected 9-30-88); DEQ 24-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0020; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 11-2013, f. & cert. ef. 11-7-13

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

340-202-0100

Nitrogen Dioxide

Concentrations of nitrogen dioxide in ambient air as measured by a reference method based on appendix F to 40 CFR part 50 or by a Federal equivalent method (FEM) designated in accordance with 40 CFR part 53 must not exceed:

(1) 0.053 ppm as an annual average concentration for any calendar year at any site. The standard is met when the annual average concentration in a calendar year is less than or equal to 0.053 ppm, as determined in accordance with appendix S of 40 CFR part 50 for the annual standard.

(2) 0.100 ppm as a 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations recorded at any monitoring site. The standards is met when the three-year average of the annual 98th percentile of the daily maximum 1-hour average concentration is less than or equal to 0.100 ppm, as determined in accordance with appendix S of 40 CFR part 50 for the 1-hour standard.

(3) 0.053 ppm as an annual arithmetic mean concentration as determined in accordance with Appendix S of 40 CFR part 50. The secondary standard is attained when the annual arithmetic mean concentration in a calendar year is less than or equal to 0.053 ppm, rounded to three decimal places (fractional parts equal to or greater than 0.0005 ppm must be rounded up). To demonstrate attainment, an annual mean must be based upon hourly data that are at least 75 percent complete or upon data derived from manual methods that are at least 75 percent complete for the scheduled sampling days in each calendar quarter.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025 & 468A.035
Hist.: DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 8-1988, f. & cert. ef. 5-19-88 (corrected 9-30-88); DEQ 24-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0040; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 11-2013, f. & cert. ef. 11-7-13

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

340-202-0110

Particle Fallout

The particle fallout rate as measured by an Oregon standard method at a location approved by DEQ must not exceed:

(1) 10 grams per square meter per month in an industrial area.

(2) 5.0 grams per square meter per month in an industrial area if visual observations show a presence of wood waste or soot and the volatile fraction of the sample exceeds 70 percent.

(3) 5.0 grams per square meter per month in residential and commercial areas.

(4) 3.5 grams per square meter per month in residential and commercial areas if visual observations show the presence of wood waste or soot and the volatile fraction of the sample exceeds 70 percent.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025& 468A.035
Hist.: DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 8-1988, f. & cert. ef. 5-19-88 (corrected 9-30-88); DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0045; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-202-0130

Lead

The concentration of lead and its compounds in ambient air must not exceed:

(1) 0.15 micrograms per cubic meter as a maximum arithmetic mean averaged over a calendar quarter, as measured by a reference method based on appendix G of 40 CFR part 53 or an equivalent method designated in accordance with 40 CFR part 53.

(2) The standard is met when the maximum arithmetic 3-month mean concentration for a 3-year period, as determined in accordance with appendix R of 40 CFR part, is less than or equal to 0.15 micrograms per cubic meter.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025 & 468A.035
Hist.: DEQ 85, f. 1-29-75, ef. 2-25-75; DEQ 1-1983, f. & ef. 1-21-83; DEQ 8-1988, f. & cert. ef. 5-19-88 (corrected 9-30-88); DEQ 24-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0055; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 5-2010, f. & cert. ef. 5-21-10; DEQ 11-2013, f. & cert. ef. 11-7-13

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Prevention of Significant Deterioration Increments

340-202-0200

General

(1) The purpose of OAR 340-202-0200 through 340-202-0220 is to implement a program to prevent significant deterioration of air quality in the State of Oregon as required by the FCAA Amendments of 1977.

(2) DEQ will review the adequacy of the SIP on a periodic basis and within 60 days of such time as information becomes available that an applicable increment is being violated. Any SIP revision resulting from the reviews will be subject to the opportunity for public hearing in accordance with procedures established in the SIP.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025 & 468A.035
Hist.: DEQ 18-1979, f. & ef. 6-22-79; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0100

340-202-0210

Ambient Air PSD Increments

(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:

(a) For Class I areas:

(A) PM2.5:

(i) Annual arithmetic mean = 1 microgram per cubic meter

(ii) 24-hour maximum = 2 micrograms per cubic meter

(B) PM10:

(i) Annual arithmetic mean = 4 micrograms per cubic meter

(ii) 24-hour maximum = 8 micrograms per cubic meter

(C) Sulfur dioxide:

(i) Annual arithmetic mean = 2 micrograms per cubic meter

(ii) 24-hour maximum= 5 micrograms per cubic meter

(iii) 3-hour maximum = 25 micrograms per cubic meter

(D) Nitrogen dioxide:

(i) Annual arithmetic mean = 2.5 micrograms per cubic meter

(b) For Class II areas:

(A) PM2.5:

(i) Annual arithmetic mean = 4 micrograms per cubic meter

(ii) 24-hour maximum = 9 micrograms per cubic meter

(B) PM10:

(i) Annual arithmetic mean = 17 micrograms per cubic meter

(ii) 24-hour maximum = 30 micrograms per cubic meter

(C) Sulfur dioxide:

(i) Annual arithmetic mean = 20 micrograms per cubic meter

(ii) 24-hour maximum = 91 micrograms per cubic meter

(iii) 3-hour maximum = 512 micrograms per cubic meter

(D) Nitrogen dioxide:

(i) Annual arithmetic mean = 25 micrograms per cubic meter

(c) For Class III areas:

(A) PM2.5:

(i) Annual arithmetic mean = 8 micrograms per cubic meter

(ii) 24-hour maximum = 18 micrograms per cubic meter

(B) PM10:

(i) Annual arithmetic mean = 34 micrograms per cubic meter

(ii) 24-hour maximum = 60 micrograms per cubic meter

(C) Sulfur dioxide:

(i) Annual arithmetic mean = 40 micrograms per cubic meter

(ii) 24-hour maximum = 182 micrograms per cubic meter

(iii) 3-hour maximum = 700 micrograms per cubic meter

(D) Nitrogen dioxide:

(i) Annual arithmetic mean = 50 micrograms per cubic meter

(2) For any period other than an annual period, the applicable maximum allowable increase or PSD increment may be exceeded during one such period per year at any one location.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025 & 468A.035
Hist.: DEQ 18-1979, f. & ef. 6-22-79; DEQ 8-1988, f. & cert. ef. 5-19-88 (corrected 9-30-88); DEQ 7-1992, f. & cert. ef. 3-30-92; DEQ 17-1995, f. & cert. ef. 7-12-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0110; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; Administrative correction, 3-29-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

340-202-0220

Ambient Air Ceilings

No concentration of a pollutant may exceed:

(1) The concentration permitted under the national secondary ambient air quality standard;

(2) The concentration permitted under the national primary ambient air quality standard; or

(3) The concentration permitted under the state ambient air quality standard, whichever concentration is lowest for the pollutant for a period of exposure.

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
Stats. Implemented: ORS 468A.025 & 468A.035
Hist.: DEQ 18-1979, f. & ef. 6-22-79; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0115; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-202-0225

Ambient Air Quality Impact Levels for Maintenance Areas

The following ambient air quality impact levels apply to the areas specified for the purpose of the air quality analysis in OAR 340-224-0060 and 340-224-0260, if required.

(1) In a carbon monoxide maintenance area, 0.5 mg/m3 (8 hour average) and 2 mg/m3 (1-hour average).

(2) In a PM10 maintenance area:

(a) 120 ug/m3 (24-hour average) in the Grants Pass PM10 maintenance area;

(b) 140 ug/m3 (24-hour average) in the Klamath Falls PM10 maintenance area; or

(c) 140 ug/m3 (24-hour average) in the Lakeview PM10 maintenance area. In addition, a single source impact is limited to an increase of 5 ug/m3 (24-hour average) in the Lakeview PM10 maintenance area.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025 & 468A.035
Hist.: DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 15-1998, f. & cert. ef. 9-23-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1935; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 9-2005, f. & cert. ef. 9-9-05; DEQ 3-2007, f. & cert. ef. 4-12-07; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

DIVISION 204

DESIGNATION OF AIR QUALITY AREAS

340-204-0010

Definitions

The definitions in OAR 340-200-0020 and this rule apply to this division. If the same term is defined in this rule and OAR 340-200-0020, the definition in this rule applies to this division. Definitions of boundaries in this rule also apply to OAR 340 divisions 200 through 268 and throughout the State of Oregon Clean Air Act Implementation Plan adopted under 340-200-0040.

(1) "Eugene-Springfield UGB" means the area within the bounds beginning at the Willamette River at a point due east from the intersection of East Beacon Road and River Loop No.1; thence southerly along the Willamette River to the intersection with Belt Line Road; thence easterly along Belt Line Road approximately one-half mile to the intersection with Delta Highway; thence northwesterly and then northerly along Delta Highway and on a line north from the Delta Highway to the intersection with the McKenzie River; thence generally southerly and easterly along the McKenzie River approximately eleven miles to the intersection with Marcola Road; thence southwesterly along Marcola Road to the intersection with 42nd Street; thence southerly along 42nd Street to the intersection with the northern branch of US Highway 126; thence easterly along US Highway 126 to the intersection with 52nd Street; thence north along 52nd Street to the intersection with High Banks Road; thence easterly along High Banks Road to the intersection with 58th Street; thence south along 58th Street to the intersection with Thurston Road; thence easterly along Thurston Road to the intersection with the western boundary of Section 36, T17S, R2W; thence south to the southwest corner of Section 36, T17S, R2W; thence west to the Springfield City Limits; thence following the Springfield City Limits southwesterly to the intersection with the western boundary of Section 2, T18S, R2W; thence on a line southwest to the Private Logging Road approximately one-half mile away; thence southeasterly along the Private Logging Road to the intersection with Wallace Creek; thence southwesterly along Wallace Creek to the confluence with the Middle Fork of the Willamette River; thence generally northwesterly along the Middle Fork of the Willamette River approximately seven and one-half miles to the intersection with the northern boundary of Section 11, T18S, R3W; thence west to the northwest corner of Section 10, T18S, R3W; thence south to the intersection with 30th Avenue; thence westerly along 30th Avenue to the intersection with the Eugene City Limits; thence following the Eugene City Limits first southerly then westerly then northerly and finally westerly to the intersection with the northern boundary of Section 5, T18S, R4W; thence west to the intersection with Greenhill Road; thence north along Greenhill Road to the intersection with Barger Drive; thence east along Barger Drive to the intersection with the Eugene City Limits (Ohio Street); thence following the Eugene City Limits first north then east then north then east then south then east to the intersection with Jansen Drive; thence east along Jansen Drive to the intersection with Belt Line Road; thence northeasterly along Belt Line Road to the intersection with Highway 99; thence northwesterly along Highway 99 to the intersection with Clear Lake Road; thence west along Clear Lake Road to the intersection with the western boundary of Section 9, T17S, R4W; thence north to the intersection with Airport Road; thence east along Airport Road to the intersection with Highway 99; thence northwesterly along Highway 99 to the intersection East Enid Road; thence east along East Enid Road to the intersection with Prairie Road; thence southerly along Prairie Road to the intersection with Irvington Road; thence east along Irvington Road to the intersection with the Southern Pacific Railroad Line; thence southeasterly along the Southern Pacific Railroad Line to the intersection with Irving Road; thence east along Irving Road to the intersection with Kalmia Road; thence northerly along Kalmia Road to the intersection with Hyacinth Road; thence northerly along Hyancinth Road to the intersection with Irvington Road; thence east along Irvington Road to the intersection with Spring Creek; thence northerly along Spring Creek to the intersection with River Road; thence northerly along River Road to the intersection with East Beacon Drive;

thence following East Beacon Drive first east then south then east to the intersection with River Loop No.1; thence on a line due east to the Willamette River and the point of beginning.

(2) “Grants Pass CBD” means the area within the City of Grants Pass enclosed by “B” Street on the north, 8th Street to the east, “M” Street on the south, and 5th Street to the west.

(3) Grants Pass Control Area means the area of the state beginning at the northeast corner of Section 35, T35S, R5W; thence south to the southeast corner of Section 11, T37S, R5W; thence west to the southwest corner of Section 9, T37S, R6W; thence north to the northwest corner of Section 33, T35S, R6W; thence east to the point of beginning.

(4) “Grants Pass UGB” as shown on the Plan and Zoning maps for the City of Grants Pass as of Feb. 1, 1988 is the area within the bounds beginning at the NW corner of Sec. 7, T36S, R5W; thence south to the SW corner of Sec. 7; thence west along the southern boundary of Sec. 12, T36S, R5W approx. 2000 feet; thence south approx. 100 feet to the northern right of way of the Southern Pacific Railroad Line (SPRR Line); thence southeasterly along said right of way approx. 800 feet; thence south approx. 400 feet; thence west approx. 1100 feet; thence south approx. 700 feet to the intersection with the Hillside Canal; thence west approx. 100 feet; thence south approx. 550 feet to the intersection with Upper River Road; thence southeasterly along Upper River Road and continuing east along Old Upper River Road approx. 700 feet; thence south approx. 1550 feet; thence west approx. 350 feet; thence south approx. 250 feet; thence west approx. 1000 feet; thence south approx. 600 feet to the north end of Roguela Lane; thence east approx. 400 feet; thence south approx. 1400 feet to the intersection with Lower River Road; thence west along Lower River Road approx. 1400 feet; thence south approx. 1350 feet; thence west approx. 25 feet; thence south approx. 1200 feet to the south bank of the Rogue River; thence northwesterly along said bank approx. 2800 feet; thence on a line southwesterly and parallel to Parkhill Place approx. 600 feet; thence northwesterly at a 90 degree angle approximately 300 feet to the intersection with Parkhill Place; thence southwesterly along Parkhill Place approx. 250 feet; thence on a line southeasterly forming a 90 degree angle approximately 300 feet to a point even with Leonard Road; thence west approx. 1500 feet along Leonard Road; thence north approx. 200 feet; thence west to the west side of Schroeder Lane; thence north approx. 150 feet; thence west approx. 200 feet; thence south to the intersection with Leonard Road; thence west along Leonard Road approx. 450 feet; thence north approx. 300 feet; thence east approx. 150 feet; thence north approx. 400 feet; thence west approx. 500 feet; thence south approx. 300 feet; thence west to the intersection with Coutant Lane; thence south along Coutant Lane to the intersection with Leonard Road; thence west along Leonard Road to the intersection with Buena Vista Lane; thence north along the west side of Buena Vista Lane approx. 200 feet; thence west approx. 150 feet; thence north approx. 150 feet; thence west approx. 200 feet; thence north approx. 400 feet; thence west approx. 600 feet to the intersection with the western boundary of Sec. 23, T36S, R6W; thence south to the intersection with Leonard Road; thence west along Leonard Road approx. 300 feet; thence north approx. 600 feet to the intersection with Darneille Lane; thence northwesterly along Darneille Lane approx. 200 feet; thence west approx. 300 feet; thence south approx. 600 feet to the intersection with Leonard Road; thence west along Leonard Road approx. 700 feet; thence south approx. 1350 feet; thence east approx. 1400 feet to the intersection with Darneille Lane; thence south along Darneille Lane approx. 600 feet; thence west approx. 300 feet; thence south to the intersection with Redwood Avenue; thence east along Redwood Avenue to the intersection with Hubbard Lane and the western boundary of Sec. 23, T36S, R6W; thence south along Hubbard Lane approx. 1850 feet; thence west approx. 1350 feet ; thence south to the south side of U.S. Highway 199; thence westerly along U.S. 199 approx. 1600 feet to the intersection with the north-south midpoint of Sec. 27, T36S, R6W; thence south approx. 2200 feet; thence east approx. 1400 feet; thence north approx. 1000 feet; thence east approx. 300 feet; thence north approx. 250 feet to the intersection with the Highline Canal; thence northerly along the Highline Canal approx. 900 feet; thence east to the intersection with Hubbard Lane; thence north along Hubbard Lane approximately 600 feet; thence east approx. 200 feet; thence north approx. 400 feet to a point even with Canal Avenue; thence east approx. 550 feet; thence north to the south side of U.S. 199; thence easterly along the southern edge of U.S. 199 to the intersection with Willow Lane; thence south along Willow Lane to the intersection with Demaray Drive; thence

easterly along Demaray Drive and continuing along the southern edge of U.S. 199 to the intersection with Dowell Road; thence south along Dowell Road approx. 550 feet; thence easterly approx. 750 feet; thence north to the intersection with the South Canal; thence easterly along the South Canal to the intersection with Schutzwohl Lane; thence south approx. 1300 feet to a point even with West Harbeck Road; thence east approx. 2000 feet to the intersection with Allen Creek; thence southerly along Allen Creek approx. 1400 feet to a point even with Denton Trail to the west; thence west to the intersection with Highline Canal; thence southerly along Highline Canal to the intersection with the southern boundary of Sec. 25, T36S, R6W; thence east to the intersection with Allen Creek; thence southerly along Allen Creek to the intersection with the western boundary of Sec. 31, T36S, R5W; thence south to the SW corner of Sec. 31; thence east to the intersection with Williams Highway; thence southeasterly along Williams Highway approx. 1300 feet; thence east approx. 200 feet; thence north approx. 400 feet; thence east approx. 700 feet; thence north to the intersection with Espey Road; thence west along Espey Road approx. 150 feet; thence north approx. 600 feet; thence east approx. 300 feet; thence north approx. 2000 feet; thence west approx. 2100 feet; thence north approx. 1350 feet; thence east approx. 800 feet; thence north approx. 2800 feet to the east-west midline of Sec. 30, T36S, R5W; thence on a line due NE approx. 600 feet; thence north approx. 100 feet; thence east approx. 600 feet; thence north approx. 100 feet to the intersection with Highline Canal; thence easterly along Highline Canal approx. 1300 feet; thence south approx. 100 feet; thence east to the intersection with Harbeck Road; thence north along Harbeck Road to the intersection with Highline Canal; thence easterly along Highline Canal to a point approx. 250 feet beyond Skyway Road; thence south to the intersection with Skyway Road; thence east to the intersection with Highline Canal; thence southeasterly along Highline Canal approx. 1200 feet; thence on a line due SW to the intersection with Bluebell Lane; thence southerly along Bluebell Lane approx. 150 feet; thence east to the intersection with Sky Crest Drive; thence southerly along Sky Crest Drive to the intersection with Harper Loop; thence southeasterly along Harper Loop to the intersection with the east-west midline of Sec. 29, T36S, R5W; thence east approx. 400 feet; thence south approx. 1300 feet to a point even with Troll View Road to the east; thence east to the intersection with Hamilton Lane; thence north along Hamilton Lane to the intersection with the Highline Canal; thence northeasterly along the Highline Canal to the northern boundary of Sec. 28, T36S, R5W; thence east approx. 1350 feet to the transmission line; thence north to the intersection with Fruitdale Drive; thence southwesterly along Fruitdale Drive approx. 700 feet; thence north to the northern edge of U.S. 199; thence easterly along the northern edge of U.S. 199 approx. 50 feet; thence north to the north bank of the Rogue River; thence northeasterly along the north bank of the Rogue River approx. 2100 feet to a point even with Ament Road; thence north to Ament Road and following Ament Road to U.S. Interstate Highway 5 (U.S. I-5); thence continuing north to the 1200 foot contour line; thence following the 1200 foot contour line northwesterly approx. 7100 feet to the city limits and a point even with Savage Street to the west; thence north following the city limits approx. 400 feet; thence west to the intersection with Beacon Street; thence north along Beacon Street and the city limits approx. 250 feet; thence east along the city limits approx. 700 feet; thence north along the city limits approx. 2200 feet; thence southwesterly along the city limits approximately 800 feet to the intersection with the 1400 foot contour line; thence northerly and northwesterly along the 1400 foot contour line approx. 900 feet to the intersection with the northern boundary of Sec. 9, T36S, R5W; thence west along said boundary approx. 100 feet to the NW corner of Sec. 9; thence south along the western boundary of Sec. 9 approx. 700 feet; thence west approx. 1400 feet; thence north approx. 2400 feet; thence west approx. 1350 feet; thence north approx. 1100 feet to the city limits; thence following the city limits first west approx. 1550 feet, then south approx. 800 feet, then west approx. 200 feet, then south approx. 200 feet, then east approx. 200 feet, then south approx. 300 feet, and finally westerly approx. 1200 feet to the intersection with the western boundary of Sec. 5, T36S, R5W; thence south along said boundary to the northern side of Vine Avenue; thence northwesterly along the northern side of Vine Avenue approx. 3150 feet to the intersection with the west fork of Gilbert Creek; thence north to the intersection with the southern right of way of U.S. I-5; thence northwesterly along said right of way approx. 1600 feet; thence south to the intersection with Old Highland Avenue; thence northwesterly along Highland Avenue approx. 650 feet; thence west approx. 350 feet; thence south approx. 1400 feet; thence east approx. 700 feet; thence south approx. 1000 feet; thence on a line SW approx. 800 feet; thence south approx. 1400 feet to the intersection with the northern boundary of Sec. 7, T36S, R5W; thence west to the NW corner of Sec. 7, the point of beginning.

(5) “Klamath Falls control area” means the area of the state beginning at the northeast corner of Section 8, T38S, R10E, thence south to the southeast corner of Section 5, T40S, R10E; thence west to the southwest corner of Section 3, T40S, R8E; thence north to the northwest corner of Section 10, T38S, R8E; thence east to the point of beginning.

(6) “Klamath Falls nonattainment area” means the area of the state beginning at the northwest corner of Section 31, T37S, R9E; thence east approximately two miles to the northeast corner of Section 32; thence south approximately four miles to the southeast corner of Section 17, T38S, R9E; thence east approximately one mile to the southwest corner of Section 15,; thence north approximately one mile to the northwest corner of Section 15; thence east approximately 2 miles to the northeast corner of Section 14; thence south approximately one mile to the northwest corner of section 24; thence east approximately one mile to the northeast corner of Section 24; thence south approximately three miles to the southeast corner of Section 36; thence east approximately four miles to the northeast corner of Section 3, T39S, R10E; thence south approximately three miles to the southeast corner of Section 15; thence west approximately two miles to the southwest corner of Section16; thence south approximately two miles to the southeast corner of Section 29; thence west approximately five miles to the southwest corner of Section 27, T39S, R9E; thence north approximately one mile to the northeast corner of Section 27; thence west approximately four miles to the southwest corner of Section 24, T39S R8E; thence north approximately two miles to the northeast corner of Section 13; thence west approximately one mile to the southwest corner of Section 11; thence north approximately four miles to the northwest corner of Section 26 T38S, R8E; thence west one mile to the southwest corner of Section 22; thence north approximately one mile to the northwest corner of Section 22; thence west approximately one mile to the southwest corner of Section 16; thence north approximately one mile to the northeast corner of Section 16; thence west approximately one mile to the southwest corner of Section 8; thence north approximately two miles to the northwest corner of Section 5; thence east to the northeast corner of Section 1; thence north approximately one mile to the point of beginning.

(7) “Klamath Falls UGB” means the area within the bounds beginning at the southeast corner of Section 36, Township 38 South, Range 9 East; thence northerly approximately 4500 feet; thence westerly approximately 1/4 mile; thence northerly approximately 3/4 mile into Section 25, T38S, R9E; thence westerly approximately 1/4 mile; thence northerly approximately 1/2 mile to the southern boundary of Section 24, T38S, R9E; thence westerly approximately 1/2 mile to the southeast corner of Section 23, T38S, R9E; thence northerly approximately 1/2 mile; thence westerly approximately 1/4 mile; thence northerly approximately 1/2 mile to the southern boundary of Section 14, T38S, R9E; thence generally northwesterly along the 5000 foot elevation contour line approximately 3/4 mile; thence westerly 1 mile; thence north to the intersection with the northern boundary of Section 15, T38S, R9E; thence west 1/4 mile along the northern boundary of Section 15, T38S, R9E; thence generally southeasterly following the 4800 foot elevation contour line around the old Oregon Institute of Technology Campus to meet with the westerly line of Old Fort Road in Section 22, T38S, R9E; thence southwesterly along the westerly line of Old Fort Road approximately 1 and 1/4 miles to Section 27, T38S, R9E; thence west approximately 1/4 mile; thence southwesterly approximately 1/2 mile to the intersection with Section 27, T38S, R9E; thence westerly approximately 1/2 mile to intersect with the Klamath Falls City Limits at the northerly line of Loma Linda Drive in Section 28, T38S, R9E; thence northwesterly along Loma Linda Drive approximately 1/4 mile; thence southwesterly approximately 1/8 mile to the Klamath Falls City Limits; thence northerly along the Klamath Falls City Limits approximately 1 mile into Section 21, T38S, R9E; thence westerly approximately 1/4 mile; thence northerly approximately 1 mile into Section 17, T38S, R9E; thence westerly approximately 3/4 mile into Section 17, T38S, R9E; thence northerly approximately 1/4 mile; thence westerly approximately 1 mile to the west boundary of Highway 97 in Section 18, T38S, R9E; thence southeasterly along the western boundary of Highway 97 approximately 1/2 mile; thence southwesterly away from Highway 97; thence southeasterly to the intersection with Klamath Falls City Limits at Front Street; thence westerly approximately 1/4 mile to the western boundary of Section 19, T38S, R9E; thence southerly approximately 1 and 1/4 miles along the western boundary of Section 19, T38S, R9E and the Klamath Falls City Limits to the south shore line of Klamath Lake; thence northwesterly along the south shore line of Klamath Lake approximately 1 and 1/4 miles across Section 25, T38S, R9E and Section 26, T38S, R9E;

thence westerly approximately 1/2 mile along Section 26, T38S, R9E; thence southerly approximately 1/2 mile to Section 27, T38S, R9E to the intersection with eastern boundary of Orindale Draw, thence southerly along the eastern boundary of Orindale Draw approximately 1 and 1/4 miles into Section 35, T38S, R9E; thence southerly approximately 1/2 mile into Section 2, T39S, R8E; thence easterly approximately 1/4 mile; thence northerly approximately 1/4 mile to the southeast corner of Section 35, T38S, R8E and the Klamath Falls City Limits; thence easterly approximately 1/2 mile to the northern boundary of Section 1, T38S, R8E; thence southeasterly approximately 1/2 mile to Orindale Road; thence north 500 feet along the west side of an easement; thence easterly approximately 1 and 1/4 miles through Section 1, T38S, R8E to the western boundary of Section 6, T39S, R9E; thence southerly approximately 3/4 mile to the southwest corner of Section 6, T39S, R9E; thence easterly approximately 1/8 mile to the western boundary of Highway 97; thence southwesterly along the Highway 97 right-of-way approximately 1/4 mile; thence westerly approximately 1/2 mile to Agate Street in Section 7, T39S, R8E; thence northerly approximately 1/4 mile; thence westerly approximately 3/4 mile to Orindale Road in Section 12, T39S, R8E; thence northerly approximately 1/4 mile into Section 1, T39S, R8E; thence westerly approximately 3/4 mile to the Section 2, T39S, R8E boundary line; thence southerly approximately 3/4 mile along the Section 2, T39S, R8E boundary line to the northwest corner of Section 12, T39S, R8E; thence westerly approximately 1/8 mile into Section 11, T39S, R8E; thence southerly approximately 1/8 mile; thence northeasterly approximately 3/4 mile to the southern boundary of Section 12, T39S, R8E at Balsam Drive; thence southerly approximately 1/4 mile into Section 12, T39S, R8E; thence easterly approximately 1/4 mile to Orindale Road; thence southeasterly approximately 500 feet to Highway 66; thence southwesterly approximately 1/2 mile along the boundary of Highway 66 to Holiday Road; thence southerly approximately 1/2 mile into Section 13, T39S, R8E; thence northeasterly approximately 1/4 mile to the eastern boundary of Section 13, T39S, R8E; thence northerly approximately 1/4 mile along the eastern boundary of Section 13, T39S, R8E; thence westerly approximately 1/4 mile to Weyerhaeuser Road; thence northerly approximately 1/8 mile; thence easterly approximately 1/8 mile; thence northerly approximately 1/8 mile; thence westerly approximately 1/8 mile to Farrier Avenue; thence northerly approximately 1/4 mile; thence easterly approximately 1/4 mile to the eastern boundary of Section 13, T39S, R8E; thence northerly approximately 1/8 mile along the eastern boundary of Section 13, T39S, R8E; thence easterly approximately 1/4 mile along the northern section line of Section 18, T39S, R8E; thence southerly approximately 1/4 mile; thence easterly approximately 1/2 mile to the boundary of Highway 97; thence southerly approximately 1/3 mile to the Burlington Northern Right-of-Way; thence northeasterly approximately 1 and 1/3 miles along the high water line of the Klamath River to the Southside Bypass in Section 8, T39S, R9E; thence southeasterly along the Southside Bypass to the Southern Pacific Right-of-Way in Section 9, T39S, R9E; thence southerly approximately 1/2 mile along the Southern Pacific Right-of-Way; thence southwesterly approximately 1/4 mile along the Midland Highway; thence southeasterly approximately 1/4 mile to the old railroad spur; thence easterly 1/4 mile along the old railroad spur; thence southerly approximately 1/4 mile in Section 16, T39S, R9E; thence westerly approximately 1/3 mile; thence southerly approximately 1/4 mile; thence easterly approximately 1/16 mile in Section 21, T39S, R9E; thence southerly approximately 1/8 mile to the Lost River Diversion Channel; thence southeasterly approximately 1/4 mile along the northern boundary of the Lost River Diversion Channel; thence easterly approximately 3/4 mile along Joe Wright Road into Section 22, T39S, R9E; thence southeasterly approximately 1/8 mile on the eastern boundary of the Southern Pacific Right-of-Way; thence southeasterly approximately 1 mile along the western boundary of the Southern Pacific Right-of-Way across Section 22, T39S, R9E and Section 27, T39S, R9E to a point 440 yards south of the northern boundary of Section 27, T39S, R9E; thence easterly to Kingsley Field; thence southeasterly approximately 3/4 mile to the southern boundary of Section 26, T39S, R9E; thence east approximately 1/2 mile along the southern boundary of Section 26, T39S, R9E to a pond; thence north-northwesterly for 1/2 mile following the Klamath Falls City Limits; thence north 840 feet; thence east 1155 feet to Homedale Road; thence north along Homedale Road to a point 1/4 mile north of the southern boundary of Section 23, T39S, R9E; thence west 1/4 mile; thence north 1 mile to the Southside Bypass in Section 14, T39S, R9E; thence east 1/2 mile along the Southside Bypass to the eastern boundary of Section 14, T39S, R9E; thence north 1/2 mile; thence east 900 feet into Section 13, T39S, R9E; thence north 1320 feet along the USBR 1-C 1-A to the southern boundary of Section 12, T39S, R9E; thence north 500 feet to the USBR A Canal; thence southeasterly 700 feet along the southern border of the

USBR A Canal back into Section 13, T39S, R9E; thence southeast 1600 feet to the northwest parcel corner of an easement for the Enterprise Irrigation District; thence east-northeast 2200 feet to the eastern boundary of Section 13, T39S, R9E; thence north to the southeast corner of Section 12, T39S, R9E; thence along the Enterprise Irrigation Canal approximately 1/2 mile to Booth Road; thence east 1/2 mile to Vale Road; thence north 1 mile to a point in Section 6, T39S, R10E that is approximately 1700 feet north of the southern boundary of Section 6, T39S, R10E; thence west approximately 500 feet; thence south approximately 850 feet; thence west approximately 200 feet; thence north approximately 900 feet; thence west approximately1600 feet to the western boundary of Section 6, T39S, R10E; thence north approximately 1/2 mile to the southeast corner of Section 36, T38S, R9E, the point of beginning.

(8) “La Grande UGB” means the area within the bounds beginning at the point where U.S. Interstate 84 (I-84) intersects Section 31, Township 2 South, Range 38 East; thence east along I-84 to the Union County Fairgrounds; thence north and then east on a line encompassing the Union County Fairgrounds to the intersection with Cedar Street; thence further east approximately 500 feet, encompassing two (2) residential properties; thence on a line south to the intersection with the northern bank of the Grande Ronde River; thence westerly along the northern bank of the Grande Ronde River to the intersection with the western edge of Mount Glenn Road and Riverside Park; thence north along the western edge of Mount Glenn Road and Riverside Park to the intersection with Fruitdale Road; thence east along Fruitdale Road and the northern boundary of Riverside Park to the eastern boundary of Riverside Park; thence south along the eastern boundary of Riverside Park to the north bank of the Grande Ronde River; thence on a line southeast to the intersection with the northern edge of I-84; thence easterly along the northern edge of I-84 to May Street; thence easterly along May Street to the intersection with State Highway 82; thence northeasterly along State Highway 82 to the a point approximately 1/4 mile from the eastern edge of Section 4, T3S, R38E; thence south to the intersection with Section 9, T3S, R38E, and the southern edge of Buchanan Avenue; thence west along the southern edge of Buchanan Avenue to the intersection with the northern edge of I-84; thence on a line south to the southern edge of I-84; thence southeasterly along the southern edge of I-84 approximately 2500 feet; thence on a line due west approximately 1400 feet; thence on a line due south to the intersection with the Union Pacific Railroad Line; thence southeasterly along the Union Pacific Railroad Line to the intersection with Gekeler Lane; thence west along Gekeler Lane to the intersection with U.S. Highway 30; thence southeast along U.S. Highway 30 to the intersection with the western boundary of Section 15, T3S, R38E; thence on a line west following existing property boundaries approximately 2900 feet; thence on a line north following existing property boundaries approximately 250 feet; thence on a line east following existing property boundaries approximately 650 feet; thence north on a line to the intersection with Gekeler Lane; thence west along Gekeler Lane to the intersection with 20th Avenue; thence south along 20th Avenue to the intersection with Foothill Road; thence southeasterly along Foothill Road approximately 2900 feet; thence on a line west following existing property boundaries approximately 1250 feet; thence on a line south following existing property boundaries approximately 1250 feet; thence on a line west following existing property boundaries approximately 1250 feet; thence on a line north following existing property boundaries approximately 450 feet to the intersection with the southernmost part of the La Grande City Limits; thence westerly and northwesterly along the southernmost part of the La Grande City Limits approximately 1100 feet to the intersection with the 3000 foot elevation contour line; thence westerly following the 3000 foot elevation contour line and existing property boundaries approximately 2200 feet; thence on a line north following existing property boundaries approximately 1900 feet; thence on a line west following existing property boundaries approximately 500 feet; thence on a line north to the La Grande City Limits; thence west along the La Grande City Limits and following existing property boundaries approximately 650 feet; thence on a line south following existing property boundaries approximately 900 feet; thence on a line west following existing property boundaries approximately 1250 feet; thence on a line north to the intersection with the La Grande City Limits; thence west along the southern boundary of the La Grande City Limits to the intersection with the western boundary of the La Grande City Limits; thence north along the western boundary of the La Grande City Limits and following existing property lines approximately 500 feet; thence on a line west following existing property boundaries approximately 200 feet; thence on a line north following existing property boundaries approximately 700 feet; thence east to the first 3000 foot elevation

contour line west of the La Grande City Limits; thence northerly following that 3000 foot elevation contour line to the intersection with Deal Canyon Road; thence easterly along Deal Canyon Road to the intersection with the western boundary of the La Grande City Limits; thence northerly along the western boundary of the La Grande City Limits to the intersection with U.S. Highway 30; thence northwesterly along U.S. Highway 30 and following existing property boundaries approximately 1400 feet; thence on a line west to the intersection with the western boundary of Section 6, T3S, R38E; thence north along the western boundaries of Section 6, T3S, R38E and Section 31, T2S, R38E to the point of beginning.

(9) "Lakeview UGB" means the area beginning at the corner common to sections 21, 22, 27, and 28, T39S, R20E; thence north on the section line between section 21 and 22 to the section corner common to section 15, 16, 21, and 22; thence west along the section line between section 21 and 16 to the section corner common to sections 16, 17, 20, and 21; thence north along the section line between section 16 and 17 approximately 3550 feet to the east branch of Thomas Creek; thence northwesterly along the east branch of Thomas Creek to the center line of Highway 140; thence east along the center line of Highway 140 to the section corner common to sections 8, 9, 16, and 17, T39S, R20E; thence north along the section line between sections 8 and 9 to the section corner common to sections 4, 5, 8, and 9, T39S, R20E; thence north along the section line between section 4 and 5 to the section corner common to section 4 and 5, T39S, R20E and sections 32 and 33, T38S, R20E; thence east along the section line between sections 4 and 33 to the section corner common to sections 3 and 4, T39S, R20E and sections 33 and 34, T38S, R20E; thence south along the eastern boundary of section 4 approximately 4,1318.6 feet; thence S 89 degrees, 11 minutes W 288.28 feet to the east right of way line of the old Paisley/Lakeview Highway; thence S 21 degrees, 53 minutes E along the eastern right of way of the old Paisley/Lakeview Highway 288.4 feet; thence S 78 degrees, 45 minutes W 1375 feet; thence S 3 degrees, 6 minutes, and 30 seconds W 200 feet; thence S 77 degrees, 45 minutes W 136 feet to the east right of way line of U.S. Highway 395; thence southeasterly along the east right of way line of U.S. Highway 395 53.5 feet; thence N 77 degrees, 45 minutes E 195.6 feet; thence S 38 degrees, 45 minutes E 56.8 feet; thence S 51 degrees, 15 minutes W 186.1 feet to the east right of way of U.S. Highway 395; thence southeast along the eastern right of way line of U.S. Highway 395 2310 feet; thence N 76 degrees, 19 minutes 544.7 feet; thence S 13 degrees, 23 minutes, 21 seconds E 400 feet; thence N 63 degrees, 13 minutes E 243.6 feet to the western line of the old American Forest Products Logging Road; thence southeast along the old American Forest Products Logging Road to the western line of the northeast quadrant of the northwest quadrant of section 10, T39S, R20E; thence southeast to a point on the south line of the northeast quadrant of the northwest quadrant of Section 10, T39S, R20E (this point also bears N 89 degrees, 33 minutes E 230 feet from the center line of U.S. Highway 395); thence south on a line parallel to the east right of way line of U.S. Highway 395 to the south line of the northwest quadrant of section 10, T39S, R20E; thence south 491 feet to the east right of way of U.S. Highway 395; thence southeasterly following the east right of way of U.S. Highway 395 255 feet to the south line of the northeast quadrant of the northeast quadrant of the southwest quadrant of section 10, T39S, R20E; thence east along that south line to the center line of section 10, T39S, R20E; thence continuing east along the same south line to the eastern boundary of section 10, T39S, R20E; thence south along the eastern boundary of section 10 to the section corner common to sections 10, 11, 14, and 15, T39S, R20E; thence south along the section line between section 14 and 15 to the section corner common to sections 14, 15, 22, and 23, T39S, R20E; thence west along the section line between sections 15 and 22 to the northwest corner of the northeast quadrant of the northeast quadrant of section 22, T39S, R20E; thence south along the eastern line of the western half of the eastern half of section 22 to the southern boundary of section 22, T39S, R20E; thence west along the southern boundary of section 22 to the point of beginning.

(10) "Medford-Ashland Air Quality Maintenance Area" (AQMA) means the area defined as beginning at a point approximately two and quarter miles northeast of the town of Eagle Point, Jackson County, Oregon at the northeast corner of Section 36, Township 35 South, Range 1 West (T35S, R1W); thence South along the Willamette Meridian to the southeast corner of Section 25, T37S, R1W; thence southeast along a line to the southeast corner of Section 9, T39S, R2E; thence south-southeast along line to the southeast corner of Section 22, T39S, R2E; thence South to the southeast corner of Section 27, T39S, R2E; thence southwest along a line to

the southeast corner of Section 33, T39S, R2E; thence West to the southwest corner of Section 31, T39S, R2E; thence northwest along a line to the northwest corner of Section 36, T39S, R1E; thence West to the southwest corner of Section 26, T39S, R1E; thence northwest along a line to the southeast corner of Section 7, T39S, R1E; thence West to the southwest corner of Section 12, T39S, R1W, T39S, R1W; thence northwest along a line to southwest corner of Section 20, T38S, R1W; thence West to the southwest corner of Section 24, T38S, R2W; thence northwest along a line to the southwest corner of Section 4, T38S, R2W; thence West to the southwest corner of Section 6, T38S, R2W; thence northwest along a line to the southwest corner of Section 31, T37S, R2W; thence North and East along the Rogue River to the north boundary of Section 32, T35S, R1W; thence East along a line to the point of beginning.

(11) "Medford-Ashland CBD" means the area beginning at the intersection of Crater Lake Highway (Highway 62) south on Biddle Road to the intersection of Fourth Street, west on Fourth Street to the intersection with Riverside Avenue (Highway 99), south on Riverside Avenue to the intersection with Tenth Street, west on Tenth Street to the intersection with Oakdale Avenue, north on Oakdale Avenue to the intersection with Fourth Street, east on Fourth Street to the intersection with Central Avenue, north on Central Avenue to the intersection with Court Street, north on Court Street to the intersection with Crater Lake Highway (Highway 62) and east on Crater Lake Highway to the point of beginning, with extensions along McAndrews Road east from Biddle Road to Crater Lake Avenue, and along Jackson Street east from Biddle Road to Crater Lake Avenue.

NOTE: This definition also marks the area where indirect sources are required to have indirect source construction permits in the Medford area. See OAR 340-254-0040.

(12) "Medford UGB" means the area beginning at the line separating Range 1 West and Range 2 West at a point approximately 1/4 mile south of the northwest corner of Section 31, T36S, R1W; thence west approximately 1/2 mile; thence south to the north bank of Bear Creek; thence west to the south bank of Bear Creek; thence south to the intersection with the Medford Corporate Boundary; thence following the Medford Corporate Boundary west and southwesterly to the intersection with Merriman Road; thence northwesterly along Merriman Road to the intersection with the eastern boundary of Section 10, T36S, R2W; thence south along said boundary line approximately 3/4 mile; thence west approximately 1/3 mile; thence south to the intersection with the Hopkins Canal; thence east along the Hopkins Canal approximately 200 feet; thence south to Rossanely Drive; thence east along Rossanely Drive approximately 200 feet; thence south approximately 1200 feet; thence west approximately 700 feet; thence south approximately 1400 feet; thence east approximately 1400 feet; thence north approximately 100 feet; thence east approximately 700 feet; thence south to Finley Lane; thence west to the end of Finley Lane; thence approximately 1200 feet; thence west approximately 1300 feet; thence north approximately 150 feet; thence west approximately 500 feet; thence south to Highway 238; thence west along Highway 238 approximately 250 feet; thence south approximately 1250 feet to a point even with the end of Renault Avenue to the east; thence east approximately 2200 feet; thence south approximately 1100 feet to a point even with Sunset Court to the east; thence east to and along Sunset Court to the first (nameless) road to the south; thence approximately 850 feet; thence west approximately 600 feet; thence south to Stewart Avenue; thence west along Stewart Avenue approximately 750 feet; thence south approximately 1100 feet; thence west approximately 100 feet; thence south approximately 800 feet; thence east approximately 800 feet; thence south approximately 1000 feet; thence west approximately 350 feet to a point even with the north-south connector street between Sunset Drive and South Stage Road; thence south to and along said connecting road and continuing along South Stage Road to Fairlane Road; thence south to the end of Fairlane Road and extending beyond it approximately 250 feet; thence east approximately 250 feet; thence south approximately 250 feet to the intersection with Judy Way; thence east on Judy Way to Griffin Creek Road; thence north on Griffin Creek Road to South Stage Road; thence east on South Stage Road to Orchard Home Drive; thence north on Orchard Home Drive approximately 800 feet; thence east to Columbus Avenue; thence south along Columbus Avenue to South Stage Road; thence east along South Stage Road to the first road to the north after Sunnyview Lane; thence north approximately 300 feet; thence east approximately 300 feet; thence north approximately 700 feet; thence east to King's Highway; thence north along King's

Highway to Experiment Station Road; thence east along Experiment Station Road to Marsh Lane; thence east along Marsh Lane to the northern boundary of Section 6, T38S, R1W; thence east along said boundary approximately 1100 feet; thence north approximately 1200 feet; thence east approximately 1/3 mile; thence north approximately 400 feet; thence east approximately 1000 feet to a drainage ditch; thence following the drainage ditch southeasterly approximately 500 feet; thence east to the eastern boundary of Section 31, T37S, R1W; thence south along said boundary approximately 1900 feet; thence east to and along the loop off of Rogue Valley Boulevard, following that loop to the Southern Pacific Railroad Line (SPRR); thence following SPRR approximately 500 feet; thence south to South Stage Road; thence east along South Stage Road to SPRR; thence southeasterly along SPRR to the intersection with the west fork of Bear Creek; thence northeasterly along the west fork of Bear Creek to the intersection with U.S. Highway 99; thence southeasterly along U.S. Highway 99 approximately 250 feet; thence east approximately 1600 feet; thence south to East Glenwood Road; thence east along East Glenwood Road approximately 1250 feet; thence north approximately 1/2 mile; thence west approximately 250 feet; thence north approximately 1/2 mile to the Medford City Limits; thence east along the city limits to Phoenix Road; thence south along Phoenix Road to Coal Mine Road; thence east along Coal Mine Road approximately 9/10 mile to the western boundary of Section 35, T37S, R1W; thence north to the midpoint of the western boundary of Section 35, T37S, R1W; thence west approximately 800 feet; thence north approximately 1700 feet to the intersection with Barnett Road; thence easterly along Barnett Road to the southeast corner of Section 27, T37S, R1W; thence north along the eastern boundary line of said section approximately 1/2 mile to the intersection with the 1800 foot contour line; thence east to the intersection with Cherry Lane; thence following Cherry Lane southeasterly and then northerly to the intersection with Hillcrest Road; thence east along Hillcrest Road to the southeast corner of Section 23, T37S, R1W; thence north to the northeast corner of Section 23, T37S, R1W; thence west to the midpoint of the northern boundary of Section 22; T37S, R1W; thence north to the midpoint of Section 15, T37S, R1W; thence west to the midpoint of the western boundary of Section 15, T37S, R1W; thence south along said boundary approximately 600 feet; thence west approximately 1200 feet; thence north approximately 600 feet; thence west to Foothill Road; thence north along Foothill Road to a point approximately 500 feet north of Butte Road; thence west approximately 300 feet; thence south approximately 250 feet; thence west on a line parallel to and approximately 250 feet north of Butte Road to the eastern boundary of Section 8, T37S, R1W; thence north approximately 2200 feet; thence west approximately 1800 feet; thence north approximately 2000 feet; thence west approximately 500 feet; thence north to Coker Butte Road; thence east along Coker Butte Road approximately 550 feet; thence north approximately 1250 feet; thence west to U.S. Highway 62; thence north approximately 3000 feet; thence east approximately 400 feet to the 1340 foot contour line; thence north approximately 800 feet; thence west approximately 200 feet; thence north approximately 250 feet to East Vilas Road; thence east along East Vilas Road approximately 450 feet; thence north approximately 2000 feet to a point approximately 150 feet north of Swanson Creek; thence east approximately 600 feet; thence north approximately 850 feet; thence west approximately 750 feet; thence north approximately 650 feet; thence west approximately 2100 feet; thence on a line southeast approximately 600 feet; thence east approximately 450 feet; thence south approximately 1600 feet; thence west approximately 2000 feet to the continuance of the private logging road north of East Vilas Road; thence south along said logging road approximately 850 feet; thence west approximately 750 feet; thence south approximately 150 feet; thence west approximately 550 feet to Peace Lane; thence north along Peace Lane approximately 100 feet; thence west approximately 350 feet; thence north approximately 950 feet; thence west approximately 1000 feet to the western boundary of Section 31, T36S, R1W; thence north approximately 1300 feet along said boundary to the point of beginning.

(13) “Oakridge UGB” means the area enclosed by the following: Beginning at the northwest corner of Section 17, T21S, R3E and the city limits; thence south along the western boundary of Section 17, T21S, R3E along the city limits approximately 800 feet; thence southwesterly following the city limits approximately 750 feet; thence west along the city limits approximately 450 feet; thence northwesterly along the city limits approximately 450 feet; thence on a line south along the city limits approximately 250 feet; thence on a line east along the city limits approximately 100 feet; thence southwesterly along the city limits approximately 200 feet; thence on a line east along the city limits approximately 400 feet; thence on a line south along the city limits to

the channel of the Willamette River Middle Fork; thence south-easterly up the Willamette River Middle Fork along the city limits approximately 7200 feet; thence exiting the Willamette River Middle Fork with the city limits in a northerly manner and forming a rough semicircle with a diameter of approximately one-half mile before rejoining the Willamette River Middle Fork; thence diverging from the city limits upon rejoining the Willamette River Middle Fork and moving southeasterly approximately 5600 feet up the Willamette River Middle Fork to a point on the river even with the point where Salmon Creek Road intersects with U.S. Highway 58; thence on a line east from the channel of the Willamette River Middle Fork across the intersection of Salmon Creek Road and U.S. Highway 58 to the intersection with the Southern Pacific Railroad Line; thence northerly along the Southern Pacific Railroad Line to the intersection with the northern boundary of Section 22, T21S, R3E; thence west along the northern boundary of Section 22, T21S, R3E to the intersection with Salmon Creek Road; thence on a line north to the intersection with the Southern Pacific Railroad Line; thence east along the Southern Pacific Railroad Line approximately 600 feet; thence on a line north to the intersection with High Prairie Road; thence on a line west approximately 400 feet; thence on a line north to the intersection with the northern boundary of Section 15, T21S, R3E; thence west along the northern boundary of Section 15, T21S, R3E to the intersection with the southeastern corner of Section 9, T21S, R3E; thence north along the eastern boundary of Section 9, T21S, R3E approximately 1300 feet; thence on a line west approximately 1100 feet; thence on a line south to the intersection with West Oak Road; thence northwesterly along West Oak Road approximately 2000 feet; thence on a line south to the intersection with the northern boundary line of the city limits; thence westerly and northwesterly approximately 8000 feet along the city limits to the point of beginning.

(14) “Portland AQMA” means the area within the bounds beginning at the point starting on the Oregon-Washington state line in the Columbia River at the confluence with the Willamette River, thence east up the Columbia River to the confluence with the Sandy River, thence southerly and easterly up the Sandy River to the point where the Sandy River intersects the Clackamas County-Multnomah County line, thence west along the Clackamas County-Multnomah County line to the point where the Clackamas County-Multnomah County line is intersected by H. Johnson Road (242nd), thence south along H. Johnson Road to the intersection with Kelso Road (Boring Highway), thence west along Kelso Road to the intersection with Deep Creek Road (232nd), thence south along Deep Creek Road to the point of intersection with Deep Creek, thence southeasterly along Deep Creek to the confluence with Clackamas River, thence easterly along the Clackamas River to the confluence with Clear Creek, thence southerly along Clear Creek to the point where Clear Creek intersects Springwater Road then to Forsythe Road, thence easterly along Forsythe Road to the intersection with Bradley Road, thence south along Bradley Road to the intersection with Redland Road, thence west along Redland Road to the intersection with Ferguson Road, thence south along Ferguson Road to the intersection with Thayler Road, thence west along Thayler Road to the intersection with Beaver Creek Road, thence southeast along Beaver Creek Road to the intersection with Henrici Road, thence west along Henrici Road to the intersection with State Highway 213 (Mollala Avenue), thence southeast along State Highway 213 to the point of intersection with Beaver Creek, thence westerly down Beaver Creek to the confluence with the Willamette River, thence southerly and westerly up the Willamette River to the point where the Willamette River intersects the Clackamas County-Yamhill County line, thence north along the Clackamas County-Yamhill County line to the point where it intersects the Washington County-Yamhill County line, thence west and north along the Washington County-Yamhill County line to the point where it is intersected by Mount Richmond Road, thence northeast along Mount Richmond Road to the intersection with Patton Valley Road, thence easterly and northerly along Patton Valley Road to the intersection with Tualatin Valley State Highway, thence northerly along Tualatin Valley State Highway to the intersection with State Highway 47, thence northerly along State Highway 47 to the intersection with Dilley Road, thence northwesterly and northerly along Dilley Road to the intersection with Stringtown Road, thence westerly and northwesterly along Stringtown Road to the intersection with Gales Creek Road, thence northwesterly along Gales Creek Road to the intersection with Tinmmerman Road, thence northerly along Tinmmerman Road to the intersection with Wilson River Highway, thence west and southwesterly along Wilson River Highway to the intersection with Narup Road, thence north along Narup Road to the intersection with Cedar Canyon Road, thence westerly and northerly along Cedar Canyon Road to

the intersection with Banks Road, thence west along Banks Road to the intersection with Hahn Road, thence northerly and westerly along Hahn Road to the intersection with Mountaindale Road, thence southeasterly along Mountaindale Road to the intersection with Glencoe Road, thence east-southeasterly along Glencoe Road to the intersection with Jackson Quarry Road, thence north-northeasterly along Jackson Quarry Road to the intersection with Helvetia Road, thence easterly and southerly along Helvetia Road to the intersection with Bishop Road, thence southerly along Bishop Road to the intersection with Phillips Road, thence easterly along Phillips Road to the intersection with the Burlington Northern Railroad Track, thence northeasterly along the Burlington Northern Railroad Line to the intersection with Rock Creek Road, thence east-southeasterly along Rock Creek Road to the intersection with Old Cornelius Pass Road, thence northeasterly along Old Cornelius Pass Road to the intersection with Skyline Boulevard, thence easterly and southerly along Skyline Boulevard to the intersection with Newberry Road, thence northeasterly along Newberry Road to the intersection with State Highway 30 (St. Helens Road), thence northeast on a line over land across State Highway 30 to the Multnomah Channel, thence east-southeasterly up the Multnomah Channel to the diffluence with the Willamette River, thence north-northeasterly down the Willamette River to the confluence with the Columbia River and the Oregon-Washington state line (the point of beginning).

(15) "Portland metropolitan service district boundary" or "Portland Metro" means the boundary surrounding the urban growth boundaries of the cities within the Greater Portland Metropolitan Area. It is defined in the Oregon Revised Statutes (ORS) 268.125 (1989).

(16) "Portland vehicle inspection area" means the area of the state included within the following census tracts, block groups, and blocks as used in the 1990 Federal Census. In Multnomah County, the following tracts, block groups, and blocks are included: Tracts 1, 2, 3.01, 3.02, 4.01, 4.02, 5.01, 5.02, 6.01, 6.02, 7.01, 7.02, 8.01, 8.02, 9.01, 9.02, 10, 11.01, 11.02, 12.01, 12.02, 13.01, 13.02, 14, 15, 16.01, 16.02, 17.01, 17.02, 18.01, 18.02, 19, 20, 21, 22.01, 22.02, 23.01, 23.02, 24.01, 24.02, 25.01, 25.02, 26, 27.01, 27.02, 28.01, 28.02, 29.01, 29.02, 29.03, 30, 31, 32, 33.01, 33.02, 34.01, 34.02, 35.01, 35.02, 36.01, 36.02, 36.03, 37.01, 37.02, 38.01, 38.02, 38.03, 39.01, 39.02, 40.01, 40.02, 41.01, 41.02, 42, 43, 44, 45, 46.01, 46.02, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56 57, 58, 59, 60.01. 60.02, 61, 62, 63, 64.01, 64.02, 65.01, 65.02, 66.01, 66.02, 67.01, 67.02, 68.01, 68.02, 69, 70, 71, 72.01, 72.02, 73, 74, 75, 76, 77, 78, 79, 80.01, 80.02, 81, 82.01, 82.02, 83.01, 83.02, 84, 85, 86, 87, 88, 89, 90, 91, 92.01, 92.02, 93, 94, 95, 96.01, 96.02, 97.01, 97.02, 98.01, 98.02, 99.01, 99.02, 99.03, 100, 101, 102, 103.01, 103.02, 104.02, 104.04, 104. 05, 104.06, 104.07; Block Groups 1, 2 of Tract 105; Blocks 360, 361, 362 of Tract 105; that portion of Blocks 357, 399 of Tract 105 beginning at the intersection of the Oregon-Washington State Line ("State Line") and the northeast corner of Block Group 1 of Tract 105, thence east along the State Line to the intersection of the State Line and the eastern edge of Section 26, Township 1 North, Range 4 East, thence south along the section line to the centerline of State Highway 100 to the intersection of State Highway 100 and the western edge of Block Group 2 of Tract 105. In Clackamas County, the following tracts, block groups, and blocks are included: Tracts 201, 202, 203.01, 203.02, 204.01, 204.02, 205.01, 205.02, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216.01, 216.02, 217, 218, 219, 220, 221.01, 221.02, 222.02, 223, 224, 225, 226, 227.01, 227.02, 228, 229, 230, 231, 232, 233, 234.01, 234.02, , 235, 236, 237; Block Groups 1, 2 of Tract 241; Block Groups 1, 2, 3, 4 of Tract 242; Block Groups 1, 2 of Tract 243.02. In Yamhill County, the following tract is included: Tract 301, except those areas in Tract 301 that lie within the Newberg City Limits defined as of July 12, 1996, and the following blocks within Tract 301: 102B, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121D, 122B, 122C, 123, 126, and 127B. In Washington County the following tracts, block groups, and blocks are included: Tracts 301, 302, 303, 304.01, 304.02, 305.01, 305.02, 306, 307, 308.01, 308.02, 309, 310.03, 310.04, 310.05, 310.06, 311, 312, 313, 314.01, 314.02, 315.01, 315.04, 315.05, 315.06, 315.07, 315.08, 316.03, 316.04, 316.05, 316.06, 316.07, 317.02, 317.03, 317.04, 318.01, 318.02, 318.03, 319.01, 319.03, 319.04, 320, 321.01, 321.02, 322, 323, 324.02, 324.03, 324.04, 325, 326.01, 326.02, 328, 329, 330, 331, 332, 333; Block Groups 1, 2 of Tract 327; Block Group 1 of Tract 334; Block Group 2 of Tract 335; Block Group 1 of Tract 336. In Columbia County the following tracts, block groups, and blocks are included: Tract 9710.98; Block Groups 2, 3 of Tract 9709.98; Blocks 146B, 148, 152 of Tract 9709.98.

(17) “Rogue Basin” means the area bounded by the following line: Beginning at the NE corner of T32S, R2E, W.M., thence south along range line 2E to the SE corner of T39S; thence west along township line 39S to the NE corner of T40S, R7W; thence south to the SE corner of T40S, R7W; thence west to the SE corner of T40S, R9W; thence north on range line 9W to the NE corner of T39S, R9W; thence east to the NE corner of T39S, R8W; thence north on range line 8W to the SE corner of Section 1, T33S, R8W on the Josephine-Douglas County line; thence east on the Josephine-Douglas and Jackson-Douglas County lines to the NE corner of T32S, R1W; thence east along township line 32S to the NE corner of T32S, R2E to the point of beginning.

(18) “Salem-Keizer Area Transportation Study” or “SKATS” means the area within the bounds beginning at the intersection of U.S. Interstate Highway 5 (I-5) with Battle Creek Road SE and Wiltsey Road, south along I-5 to the intersection with the western boundary of Section 24, T8S, R3W; thence due south on a line to the intersection with Delaney Road; thence easterly along Delaney Road to the intersection with Sunnyside Road; thence north along Sunnyside Road to the intersection with Hylo Road SE; thence west along Hylo Road SE to the intersection with Liberty Road; thence north along Liberty Road to the intersection with Cole Road; thence west along Cole Road to the intersection with Bates Road; thence northerly and easterly along Bates Road to the intersection with Jory Hill Road; thence west along Jory Hill Road to the intersection with Stone Hill Avenue; thence north along Stone Hill Avenue to the intersection with Vita Springs Road; thence westerly along Vita Springs Road to the Willamette River; thence northeasterly downstream the Willamette River to a point adjacent to where the western boundary of Section 30, T7S, R3W intersects the Southern Pacific Railroad Line; thence westerly along the Southern Pacific Railroad Line to the intersection with State Highway 51; thence northeasterly along State Highway 51 to the intersection with Oak Grove Road; thence northerly along Oak Grove Road to the intersection with State Highway 22; thence west on State Highway 22 to the intersection with Oak Grove Road; thence north along Oak Grove Road to the intersection with Orchard Heights Road; thence east and north along Orchard Heights Road to the intersection with Eagle Crest Drive; thence northerly along Eagle Crest Drive to the intersection with Hunt Road; thence north along Hunt Road to the intersection with Fourth Road; thence east along Fourth Road to the intersection with Spring Valley Road; thence north along Spring Valley to the intersection with Oak Knoll Road; thence east along Oak Knoll Road to the intersection with Wallace Road; thence south along Wallace Road to the intersection with Lincoln Road; thence east along Lincoln Road on a line to the intersection with the Willamette River; thence northeasterly downstream the Willamette River to a point adjacent to where Simon Street starts on the East Bank; thence east and south along Simon Street to the intersection with Salmon; thence east along Salmon to the intersection with Ravena Drive; thence southerly and easterly along Ravena Drive to the intersection with Wheatland Road; thence northerly along Wheatland Road to the intersection with Brooklake Road; thence southeast along Brooklake Road to the intersection with 65th Avenue; thence south along 65th Avenue to the intersection with Labish Road; thence east along Labish Road to the intersection with the West Branch of the Little Pudding River; thence southerly along the West Branch of the Little Pudding River to the intersection with Sunnyview Road; thence east along Sunnyview Road to the intersection with 63rd Avenue; thence south along 63rd Avenue to the intersection with State Street; thence east along State Street to the intersection with 62nd Avenue; thence south along 62nd Avenue to the intersection with Deer Park Drive; thence southwest along Deer Park Drive to the intersection with Santiam Highway 22; thence southeast along Santiam Highway 22 to the point where it intersects the Salem Urban Growth Boundary (SUGB); thence following the southeast boundary of the SUGB generally southerly and westerly to the intersection with Wiltsey Road; thence west along Wiltsey Road to the intersection with I-5 (the point of beginning).

(19) “Umpqua Basin” means the area bounded by the following line: Beginning at the SW corner of Section 2, T19S, R9W, on the Douglas-Lane County lines and extending due south to the SW corner of Section 14, T32S, R9W, on the Douglas-Curry County lines, thence easterly on the Douglas-Curry and Douglas-Josephine County lines to the intersection of the Douglas, Josephine, and Jackson County lines; thence easterly on the Douglas-Jackson County line to the intersection of the Umpqua National Forest boundary on the NW corner of Section 32, T32S, R3W; thence northerly on the Umpqua National Forest boundary to the NE corner of Section 36,

T25S, R2W; thence west to the NW corner of Section 36, T25S, R4W; thence north to the Douglas-Lane County line; thence westerly on the Douglas-Lane County line to the starting point.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025 & 468A.035
Hist.: DEQ 14-1995, f. & cert. ef. 5-25-95; DEQ 18-1996, f. & cert. ef. 8-19-96; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0500; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 3-2007, f. & cert. ef. 4-12-07; DEQ 5-2010, f. & cert. ef. 5-21-10; DEQ 18-2011, f. & cert. ef. 12-21-11; DEQ 10-2012, f. & cert. ef. 12-11-12

340-204-0020

Designation of Air Quality Control Regions

Oregon's thirty-six counties are divided into five AQCRs. The AQCR boundaries follow county lines, and there are no counties that belong to more than one AQCR. The five AQCRs are as follows:

(1) Portland Interstate AQCR, containing ten counties:

(a) Benton County;

(b) Clackamas County;

(c) Columbia County;

(d) Lane County;

(e) Linn County;

(f) Marion County;

(g) Multnomah County;

(h) Polk County;

(i) Washington County;

(j) Yamhill County.

(2) Northwest Oregon AQCR, containing three counties:

(a) Clatsop County;

(b) Lincoln County;

(c) Tillamook County.

(3) Southwest Oregon AQCR, containing five counties:

(a) Coos County;

(b) Curry County;

(c) Douglas County;

(d) Jackson County;

(e) Josephine County.

(4) Central Oregon AQCR, containing eight counties:

(a) Crook County;

(b) Deschutes County;

(c) Hood River County;

(d) Jefferson County;

(e) Klamath County;

(f) Lake County;

(g) Sherman County;

(h) Wasco County.

(5) Eastern Oregon AQCR, containing ten counties:

(a) Baker County;

(b) Gilliam County;

(c) Grant County;

(d) Harney County;

(e) Malheur County;

(f) Morrow County;

(g) Umatilla County;

(h) Union County;

(i) Wallowa County;

(j) Wheeler County.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025 & 468A.035
Hist.: DEQ 14-1995, f. & cert ef. 5-25-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0510

340-204-0030

Designation of Nonattainment Areas

The following areas are designated as Particulate Matter Nonattainment Areas:

(1) The Oakridge Nonattainment Area for PM10 is the Oakridge UGB as defined in OAR 340-204-0010.

(2) The Klamath Falls Nonattainment Area defined in OAR 340-204-0010.

(3) The Oakridge Nonattainment Area for PM2.5 is defined as a line from Township 21 South, Range 2 East, Section 11 (northwest corner), east to Township 21 South, Range 3 East, Section 11 (northeast corner), south to Township 21 South, Range 3 East, Section 23 (southeast corner), west to Township 21 South, Range 2 East, Section 23 (southwest corner) connecting back to Township 21 South, Range 2 East, Section 11 (northwest corner).

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025 & 468A.035
Hist.: DEQ 14-1995, f. & cert. ef. 5-25-95; DEQ 18-1996, f. & cert. ef. 8-19-96; DEQ 15-1998, f. & cert. ef. 9-23-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0520; DEQ 15-1999, f. & cert. ef. 10-22-99; DEQ 16-2000, f. & cert. ef. 10-25-00; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 9-2005, f. & cert. ef. 9-9-05; DEQ 3-2007, f. & cert. ef. 4-12-07; DEQ 4-2007, f. & cert. ef. 6-28-07; DEQ 5-2010, f. & cert. ef. 5-21-10; DEQ 18-2011, f. & cert. ef. 12-21-11

340-204-0040

Designation of Maintenance Areas

The following areas are designated as Maintenance Areas:

(1) Carbon Monoxide Maintenance Areas:

(a) The Eugene Maintenance Area for carbon monoxide is the Eugene-Springfield AQMA as defined in OAR 340-204-0010;

(b) The Portland Maintenance Area for carbon monoxide is the Portland Metropolitan Service District as referenced in OAR 340-204-0010;

(c) The Medford Maintenance Area for carbon monoxide is the Medford UGB as defined in OAR 340-204-0010;

NOTE: EPA maintenance plan approval and redesignation pending.

(d) The Grants Pass Maintenance Area for carbon monoxide is the Grants Pass CBD as defined in OAR 340-204-0010;

(e) The Klamath Falls Maintenance Area for carbon monoxide is the Klamath Falls UGB as defined in OAR 340-204-0010;

(f) The Salem Maintenance Area for carbon monoxide is the Salem-Keizer Area Transportation Study as defined in OAR 340-204-0010.

(2) Ozone Maintenance Areas:

(a) The Medford Maintenance Area for ozone is the Medford-Ashland AQMA as defined in OAR 340-204-0010;

(b) The Oregon portion of the Portland-Vancouver Interstate Maintenance Area for ozone is the Portland AQMA, as defined in OAR 340-204-0010;

(c) The Salem Maintenance Area for ozone is the Salem-Keizer Area Transportation Study as defined in OAR 340-204-0010.

(3) PM10 Maintenance Areas:

(a) The Grants Pass Maintenance Area for PM10 is the Grants Pass UGB as defined in OAR 340-204-0010;

(b) The Klamath Falls Maintenance Area for PM10 is the Klamath Falls UGB as defined in OAR 340-204-0010;

(c) The Medford-Ashland Maintenance Area for PM10 is the Medford-Ashland AQMA as defined in OAR 340-204-0010;

NOTE: EPA maintenance plan approval and redesignation pending.

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

NOTE: EPA maintenance plan approval and redesignation pending.

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

NOTE: EPA maintenance plan approval and redesignation pending.

(f) The Eugene-Springfield Maintenance Area for PM10 is the Eugene-Springfield UGB as defined in OAR 340-204-0010.

NOTE: EPA maintenance plan approval and redesignation pending.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025 & 468A.035
Hist.: DEQ 14-1995, f. & cert. ef. 5-25-95; DEQ 18-1996, f. & cert. ef. 8-19-96; DEQ 15-1998, f. & cert. ef. 9-23-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0530; DEQ 15-1999, f. & cert. ef. 10-22-99; DEQ 16-2000, f. & cert. ef. 10-25-00; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 9-2005, f. & cert. ef. 9-9-05; DEQ 3-2007, f. & cert. ef. 4-12-07; DEQ 4-2007, f. & cert. ef. 6-28-07; DEQ 18-2011, f. & cert. ef. 12-21-11

340-204-0050

Designation of Prevention of Significant Deterioration Areas

(1) All of the following areas which were in existence on August 7, 1977, and for which the 1990 Clean Air Act Amendments clarified, shall be Class I Areas and may not be redesignated:

(a) Mt. Hood Wilderness, as established by Public Law 88-577;

(b) Eagle Cap Wilderness, as established by Public Law 88-577;

(c) Hells Canyon Wilderness, as established by Public Law 94-199;

(d) Mt. Jefferson Wilderness, as established by Public Law 90-548;

(e) Mt. Washington Wilderness, as established by Public Law 88-577;

(f) Three Sisters Wilderness, as established by Public Law 88-577;

(g) Strawberry Mountain Wilderness, as established by Public Law 88-577;

(h) Diamond Peak Wilderness, as established by Public Law 88-577;

(i) Crater Lake National Park, as established by Public Law 32-202 ;

(j) Kalmiopsis Wilderness, as established by Public Law 88-577;

(k) Mountain Lake Wilderness, as established by Public Law 88-577;

(l) Gearhart Mountain Wilderness, as established by Public Law 88-577.

(2) All other areas, in Oregon are initially designated Class II, but may be redesignated as provided in OAR 340-204-0060.

(3) The following areas may be redesignated only as Class I or II:

(a) An area which as of August 7, 1977, exceeded 10,000 acres in size and was a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, a national lakeshore or seashore; and

(b) A national park or national wilderness area established after August 7, 1977, which exceeds 10,000 acres in size.

(4) The extent of the areas referred to in section (1) and (3) shall conform to any changes in the boundaries of such areas which occurred between August 7, 1977, and April 15, 2015.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025 & 468A.035
Hist.: DEQ 18-1979, f. & ef. 6-22-79; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1995, f. & cert. ef. 5-25-95; DEQ 17-1995, f. & cert. ef. 7-12-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0120

340-204-0060

Redesignation of Prevention of Significant Deterioration Areas

(1)(a) All areas in Oregon, except as otherwise provided under OAR 340-204-0050, are designated Class II as of December 5, 1974;

(b) Redesignation, except as otherwise precluded by OAR 340-204-0050, may be proposed by DEQ , as provided below, subject to approval by the EPA Administrator as a revision to the SIP.

(2) DEQ may submit to the EPA Administrator a proposal to redesignate areas of the state Class I or II provided that:

(a) At least one public hearing has been held in accordance with procedures established in the SIP;

(b) Other states, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation were notified at least 30 days prior to the public hearing;

(c) A discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic, social and energy effects of the proposed redesignation, was prepared and made available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contained appropriate notification of the availability of such discussion;

(d) Prior to the issuance of notice respecting the redesignation of an area that includes any federal lands, DEQ has provided written notice to the appropriate Federal Land Manager and afforded adequate opportunity, not in excess of 60 days to confer with DEQ respecting the redesignation and to submit written comments and recommendations. In redesignating any area with respect to which any Federal Land Manager had submitted written comments and recommendations, DEQ must have published a list of any inconsistency between such redesignation and such comments and recommendations together with the reasons for making such redesignation against the recommendation of the Federal Land Manager; and

(e) DEQ has proposed the redesignation after consultation with the elected leadership of local general purpose governments in the area covered by the proposed redesignation.

(3) Any area other than an area to which OAR 340-204-0050 refers may be redesignated as Class III if:

(a) The redesignation would meet the requirements of section (2);

(b) The redesignation, except any established by an Indian Governing Body, has been specifically approved by the Governor, after consultation with the appropriate committees of the legislature, if it is in session, or with the leadership of the legislature, if it is not in session, unless state law provides that the redesignation must be specifically approved by state legislation, and if general purpose units of local government representing a majority of the residents of the area to be redesignated enact legislation or pass resolutions concurring in the redesignation;

(c) The redesignation would not cause, or contribute to, a concentration of any regulated pollutant which would exceed any maximum allowable increase permitted under the classification of any other area or any ambient air quality standard; and

(d) Any permit application for any major stationary source or major modification, subject to review under section (1), which could receive a permit under this section only if the area in question were redesignated as Class III, and any material submitted as part of that application, were available insofar as was practicable for public inspection prior to any public hearing on redesignation of the area as Class III.

(4) Lands within the exterior boundaries of Indian Reservations may be redesignated only by the appropriate Indian Governing Body.

(5) The EPA Administrator may disapprove, within 90 days of submission, a proposed redesignation of any area only if he finds, after notice and opportunity for public hearing, that such redesignation does not meet the procedural requirements of this paragraph or is inconsistent with OAR 340-204-0050. If any such disapproval occurs, the classification of the area must be that which was in effect prior to the redesignation which was disapproved.

(6) If the EPA Administrator disapproves any proposed redesignation, DEQ may resubmit the proposal after correcting the deficiencies noted by the EPA Administrator.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025 & 468A.035
Hist.: DEQ 18-1979, f. & ef. 6-22-79; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0130

340-204-0070

Special Control Areas

The following areas are designated as Special Control Areas:

(1) The counties within the Willamette Valley, including Benton, Clackamas, Columbia, Lane, Linn, Marion, Multnomah, Polk, Washington and Yamhill Counties;

(2) Umpqua Basin;

(3) Rogue Basin;

(4) Within incorporated cities having a population of 4,000 or more, and within three miles of the corporate limits of any such city.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025 & 468A.035
Hist.: DEQ 16, f. 6-12-70, ef. 7-11-70; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-021-0010

340-204-0080

Motor Vehicle Inspection Boundary Designations

In addition to the area specified in ORS 815.300, pursuant to 468A.390, the following geographical areas are designated as areas within which motor vehicles are subject to the requirement under 815.300 to have a Certificate of Compliance issued pursuant to 468A.380 to be registered or have the registration of the vehicle renewed.

(1) Portland Vehicle Inspection Area;

(2) Medford-Ashland AQMA.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.390
Stats. Implemented: ORS 468A.035 & 468A.390
Hist.: DEQ 11-1985, f. 9-30-85, ef. 1-1-86; DEQ 21-1988, f. & cert. ef. 9-12-88; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 1-1995, f. & cert. ef. 1-10-95; DEQ 13-1996, f. & cert. ef. 8-12-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0301

340-204-0090

Oxygenated Gasoline Control Areas

The EQC may adopt or amend a CO maintenance plan that includes contingency plan provisions that require use of oxygenated fuel.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.035 & 468A.420
Hist.: DEQ 25-1992, f. 10-30-92, cert. ef. 11-1-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0470; DEQ 15-1999, f. & cert. ef. 10-22-99; DEQ 16-2000, f. & cert. ef. 10-25-00; DEQ 4-2001, f. & cert. ef. 3-27-01; DEQ 10-2004, f. & cert. ef. 12-15-04

Designation of Areas

340-204-0300

Designation of Sustainment Areas

(1) The EQC may designate sustainment areas provided that DEQ submits a request for designation that includes the following information:

(a) Monitoring data showing that an area is exceeding or has the potential to exceed an ambient air quality standard;

(b) A description of the affected area based on the monitoring data;

(c) A discussion and identification of the priority sources contributing to the exceedance or potential exceedance of the ambient air quality standard; and

(d) A discussion of the reasons for the proposed designation.

(2) Designation of sustainment areas:

(a) The Lakeview UGB as defined in OAR 340-204-0010 is designated as a sustainment area for PM2.5.

(b) Reserved

(3) An area designated as a sustainment area under section (2) will automatically be reclassified immediately upon the EPA officially designating the area as a nonattainment area.

(4) The EQC may rescind the designation based on a request by DEQ. DEQ will consider the following information for rescinding the designation:

(a) Whether at least three consecutive years of monitoring data shows the area is meeting the ambient air quality standard; and

(b) A request by a local government.

NOTE: This rule, except sections (2), (3) and (4), is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025 & 468A.035

340-204-0310

Designation of Reattainment Areas

(1) The EQC may designate reattainment areas provided that DEQ submits a request for designation that includes the following information:

(a) At least three consecutive years of monitoring data showing that an area that is currently designated by EPA as nonattainment is attaining an ambient air quality standard; and

(b) A discussion of the reasons for the proposed designation.

(2) Reserved for list of reattainment areas.

(3) An area designated as a reattainment area under section (2) will automatically be reclassified immediately upon:

(a) The EQC designating the area as a maintenance area and EPA officially designating the area as an attainment area; or

(b) The EQC rescinding the designation based on a request by DEQ. DEQ will consider the following information for rescinding the designation:

(A) Monitoring data that shows the area is not meeting the ambient air quality standard; and

(B) A request by a local government.

NOTE: This rule, except sections (2) and (3), is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025& 468A.035

OAR 340-204-0320

Priority Sources

For the purposes of division 224, priority sources are identified as follows:

(1) In the Lakeview sustainment area, uncertified residential wood fuel-fired devices. The offset values for replacement of uncertified residential wood fuel-fired devices are specified in OAR 340-240-0560.

(2) In any other area, DEQ may identify priority sources during a specific permit action based on the sources addressed in the emission reduction strategies that were included in the attainment or maintenance plans for the area. The offset value for priority sources identified under this section must be determined by DEQ. The offset values for replacement of uncertified residential wood fuel-fired devices in OAR 340-240-0560 may only be used if DEQ determines that the values reasonably apply to the geographical area in question.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025 & 468A.035

DIVISION 206

AIR POLLUTION EMERGENCIES

340-206-0010

Introduction

OAR 340-206-0030, 340-206-0050 and 340-206-0060 are effective within priority I and II air quality control regions (AQCR) as defined in 40 CFR part 51, subpart H (1995), when the AQCR contains a nonattainment area listed in 40 CFR part 81. All other rules in this division are equally applicable to all areas of the state. Notwithstanding any other regulation or standard, this division is designed to prevent the excessive accumulation of air contaminants during periods of atmospheric stagnation or at any other time, which if allowed to continue to accumulate unchecked could result in concentrations of these contaminants reaching levels which could cause significant harm to the health of persons. This division establishes criteria for identifying and declaring air pollution episodes at levels below the level of significant harm and are adopted pursuant to the requirements of the FCAA as amended and 40 CFR part 51.151. Levels of significant harm for various regulated pollutants listed in 40 CFR part 51.151 are:

(1) For sulfur dioxide (SO2) - 1.0 ppm, 24-hour average.

(2) For particulate matter

(a) PM10 - 600 micrograms per cubic meter, 24-hour average.

(b) PM2.5 -- 350.5 micrograms per cubic meter, 24-hour average.

(3) For carbon monoxide (CO):

(a) 50 ppm, 8-hour average.

(b) 75 ppm, 4-hour average.

(c) 125 ppm, 1-hour average.

(4) For ozone (O3) -- 0.6 ppm, 2-hour average.

(5) For nitrogen dioxide (NO2):

(a) 2.0 ppm, 1-hour average.

(b) 0.5 ppm, 24-hour average.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025& 468A.035Hist.: DEQ 37, f. 2-15-72, ef. 9-1-72; DEQ 18-1983, f. & ef. 10-24-83; DEQ 8-1988, f. & cert. ef. 5-19-88 (and corrected 5-31-88); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ

19-1996, f. & cert. ef. 9-24-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-027-0005; DEQ 5-2010, f. & cert. ef. 5-21-10

340-206-0020

Definitions

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

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025 & 468A.035
Hist.: DEQ 14-1999, f. & cert. ef. 10-14-99

340-206-0030

Episode Stage Criteria for Air Pollution Emergencies

Three stages of air pollution episode conditions and a pre-episode standby condition are established to inform the public of the general air pollution status and provide a management structure to require preplanned actions designed to prevent continued accumulation of regulated pollutants to the level of significant harm. The three episode stages are: Alert, Warning, and Emergency. DEQ is responsible to enforce the provisions of this division which requires actions to reduce and control emissions during air pollution episode conditions. An air pollution alert or air pollution warning must be declared by the Director or appointed representative when the appropriate air pollution conditions are deemed to exist. When conditions exist which are appropriate to an air pollution emergency, DEQ must notify the Governor and declare an air pollution emergency pursuant to ORS 468.115. The statement declaring an air pollution Alert, Warning or Emergency must define the area affected by the air pollution episode where corrective actions are required. Conditions justifying the proclamation of an air pollution alert, air pollution warning, or air pollution emergency must be deemed to exist whenever DEQ determines that the accumulation of air contaminants in any place is increasing or has increased to levels which could, if such increases are sustained or exceeded, lead to a threat to the health of the public. In making this determination, DEQ will be guided by the following criteria for each regulated pollutant and episode stage:

(1) "Pre-episode standby" condition, indicates that ambient levels of regulated pollutants are within standards or only moderately exceed standards. In this condition, there is no imminent danger of any ambient regulated pollutant concentrations reaching levels of significant harm. DEQ must maintain at least a normal monitoring schedule but may conduct additional monitoring. An air stagnation advisory issued by the National Weather Service, an equivalent local forecast of air stagnation or observed ambient air levels in excess of ambient air standards may be used to indicate the need for increased sampling frequency. The pre-episode standby condition is the lowest possible air pollution episode condition and may not be terminated.

(2) "Air pollution alert" condition indicates that air pollution levels are significantly above standards but there is no immediate danger of reaching the level of significant harm. Monitoring must be intensified and readiness to implement abatement actions must be reviewed. At the air pollution alert level the public is to be kept informed of the air pollution conditions and of potential activities to be curtailed should it be necessary to declare a warning or higher condition. An air pollution alert condition is a state of readiness. When the conditions in both

subsections (a) and (b) are met, an air pollution alert will be declared and all appropriate actions described in OAR 340-206-8010 and 340-206-8040 must be implemented:

(a) Meteorological dispersion conditions are not expected to improve during the next 24 or more hours;

(b) Monitored regulated pollutant levels at any monitoring site exceed any of the following:

(A) Sulfur dioxide -- 0.3 ppm -- 24-hour average;

(B) Particulate matter:

(i) PM10 -- 350 micrograms per cubic meter (ug/m3) -- 24-hour average;

(ii) PM2.5 -- 140.5 micrograms per cubic meter (ug/m3) -- 24-hour average;

(C) Carbon monoxide -- 15 ppm -- 8-hour average;

(D) Ozone -- 0.2 ppm -- 1-hour average;

(E) Nitrogen dioxide:

(i) 0.6 ppm -- 1-hour average; or

(ii) 0.15 ppm -- 24-hour average.

(3) "Air pollution warning" condition indicates that pollution levels are very high and that abatement actions are necessary to prevent these levels from approaching the level of significant harm. At the air pollution warning level substantial restrictions may be required limiting motor vehicle use and industrial and commercial activities. When the conditions in both subsections (a) and (b) are met, an air pollution warning will be declared by DEQ and all appropriate actions described in OAR 340-206-8020 and 340-206-8040 must be implemented:

(a) Meteorological dispersion conditions are not expected to improve during the next 24 or more hours;

(b) Monitored regulated pollutant levels at any monitoring site exceed any of the following:

(A) Sulfur dioxide -- 0.6 ppm -- 24-hour average;

(B) Particulate matter:

(i) PM10 -- 420 ug/m3 -- 24-hour average;

(ii) PM2.5 -- 210.5 ug/m3 -- 24-hour average;

(C) Carbon monoxide -- 30 ppm -- 8-hour average;

(D) Ozone -- 0.4 ppm -- 1-hour average;

(E) Nitrogen dioxide:

(i) 1.2 ppm -- 1-hour average; or

(ii) 0.3 ppm -- 24-hour average.

(4) "Air pollution emergency" condition indicates that regulated pollutants have reached an alarming level requiring the most stringent actions to prevent these levels from reaching the level of significant harm to the health of persons. At the air pollution emergency level extreme measures may be necessary involving the closure of all manufacturing, business operations and vehicle traffic not directly related to emergency services. Pursuant to ORS 468.115, when the conditions in both subsections (a) and (b) are met, an air pollution emergency will be declared by DEQ and all appropriate actions described in OAR 340-206-8030 and 340-206-8040 must be implemented:

(a) Meteorological dispersion conditions are not expected to improve during the next 24 or more hours;

(b) Monitored regulated pollutant levels at any monitoring site exceed any of the following:

(A) Sulfur dioxide 0.8 ppm -- 24-hour average;

(B) Particulate matter:

(i) PM10 -- 500 ug/m3 -- 2-hour average;

(ii) PM2.5 -- 280.5 ug/m3 -- 2-hour average;

(C) Carbon monoxide 40 ppm -- 8-hour average;

(D) Ozone 0.5 ppm -- 1-hour average;

(E) Nitrogen dioxide:

(i) 1.6 ppm -- 1-hour average; or

(ii) 0.4 ppm -- 24-hour average.

(5) "Termination": Any air pollution episode condition (alert, warning or emergency) established by these criteria may be reduced to a lower condition when the elements required for establishing the higher conditions are no longer observed.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025& 468A.035
Hist.: DEQ 37, f. 2-15-72, ef. 9-1-72; DEQ 18-1983, f. & ef. 10-24-83; DEQ 8-1988, f. & cert. ef. 5-19-88 (and corrected 5-31-88); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-027-0010; DEQ 5-2010, f. & cert. ef. 5-21-10

340-206-0040

Special Conditions

(1) DEQ must issue an "ozone advisory" to the public when monitored ozone values at any site exceed the ambient air quality standard of 0.12 ppm but are less than 0.2 ppm for a one hour average. The ozone advisory must clearly identify the area where the ozone values have exceeded the ambient air standard and must state that significant health effects are not expected at these levels, however, sensitive individuals may be affected by some symptoms.

(2) Where particulate is primarily soil from windblown dust or fallout from volcanic activity, episodes dealing with such conditions must be treated differently than particulate episodes caused by other controllable sources. In making a declaration of air pollution alert, warning, or emergency for such particulate, DEQ must be guided by the following criteria:

(a) "Air pollution alert for particulate from volcanic fallout or windblown dust" means particulate values are significantly above a standard but the source is a volcanic eruption or dust storm. In this condition there is no significant danger to public health but there may be a public nuisance created from the dusty conditions. It may be advisable under these circumstances to voluntarily restrict traffic volume and/or speed limits on major thoroughfares and institute cleanup procedures. DEQ will declare an air pollution alert for particulate from volcanic fallout or wind-blown dust when particulate values at any monitoring site exceed or are projected to exceed 800 ug/m3 -- 24-hour average and the particulate is primarily from volcanic activity or dust storms, meteorological conditions not withstanding;

(b) "Air pollution warning for particulate from volcanic fallout or windblown dust" means particulate values are very high but the source is volcanic eruption or dust storm. Prolonged exposure over several days at or above these levels may produce respiratory distress in sensitive individuals. Under these conditions staggered work hours in metropolitan areas, mandated traffic reduction, speed limits and cleanup procedures may be required. DEQ will declare an air pollution warning for particulate from volcanic fallout or wind-blown dust when particulate values at any monitoring site exceed or are expected to exceed 2,000 ug/m3 -- 24-hour average and the particulate is primarily from volcanic activity or dust storms, meteorological conditions not withstanding;

(c) "Air pollution emergency for particulate from volcanic fallout or windblown dust" means particulate values are extremely high but the source is volcanic eruption or dust storm. Prolonged exposure over several days at or above these levels may produce respiratory distress in a significant number of people. Under these conditions cleaning procedures must be accomplished before normal traffic can be permitted. An air pollution emergency for particulate from volcanic fallout or wind-blown dust will be declared by the Director, who must keep the Governor advised of the situation, when particulate values at any monitoring site exceed or are expected to exceed 5,000 ug/m3 -- 24-hour average and the particulate is primarily from volcanic activity or dust storms, meteorological conditions notwithstanding.

(3) Termination: Any air pollution condition for particulate established by these criteria may be reduced to a lower condition when the criteria for establishing the higher condition are no longer observed.

(4) 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 OAR 340-206-8040.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & ORS 468A
Stats. Implemented: ORS 468A.025 & 468A.035
Hist.: DEQ 18-1983, f. & ef. 10-24-83; DEQ 8-1988, f. & cert. ef. 5-19-88 (and corrected 5-31-88); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-027-0012

340-206-0050

Source Emission Reduction Plans

(1) OAR 340-206-8010 through 340-206-8030 set forth specific emission reduction measures which must be taken upon the declaration of an air pollution alert, air pollution warning, or air pollution emergency. Any person responsible for a source of air contamination within a Priority I AQCR must, upon declaration of any air pollution episode condition affecting the locality of the air contamination source, take all appropriate actions specified in the applicable rule and must take appropriate actions specified in an approved source emission reduction plan which has been submitted and is on file with DEQ.

(2) Any person responsible for the operation of any point source of air pollution which is located in a Priority I AQCR, located within an AQMA or located within a nonattainment area listed in 40 CFR, Part 81, and emits 100 tons or more of any regulated pollutant specified by subsection (a) or (b) must file a Source Emission Reduction Plan (SERP) with DEQ in accordance with the schedule described in section (4). Persons responsible for other point sources of air pollution located in a Priority I AQCR may optionally file a SERP with DEQ for approval. Such plans must specify procedures to implement the actions required by OAR 340-206-8010 through 340-206-8030 and must be consistent with good engineering practice and safe operating procedures. Source emission reduction plans specified by this section are mandatory only for those sources which:

(a) Emit 100 tons per year or more of any regulated pollutant for which the nonattainment area, AQMA, or any portion of the AQMA is designated nonattainment; or

(b) Emit 100 tons per year or more of volatile organic compounds when the nonattainment area, AQMA or any portion of the AQMA is designated nonattainment for ozone.

(3) Municipal and county governments or other governmental body having jurisdiction in nonattainment areas where ambient levels of carbon monoxide, ozone or nitrogen dioxide qualify for Priority I ACQR classification, must cooperate with DEQ in developing a traffic control plan to be implemented during air pollution episodes of motor vehicle related emissions. Such plans must implement the actions required by OAR 340-206-8010 through 340-206-8030 and must be consistent with good traffic management practice and public safety.

(4) DEQ must periodically review the source emission reduction plans to assure that they meet the requirements of this division. If deficiencies are found, DEQ must notify the persons responsible for the source. Within 60 days of such notice the person responsible for the source must prepare a corrected plan for approval by DEQ. Source emission reduction plans must not be effective until approved by DEQ.

(5) During an air pollution alert, warning or emergency episode, source emission reduction plans required by this rule must be available on the source premises for inspection by any person authorized to enforce the provisions of this division.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025 & 468A.035
Hist.: DEQ 37, f. 2-15-72, ef. 9-1-72; DEQ 18-1983, f. & ef. 10-24-83; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-027-0015

340-206-0060

Regional Air Pollution Authorities

(1) DEQ and LRAPA must cooperate to the fullest extent possible to insure uniformity of enforcement and administrative action necessary to implement this division. With the exception of sources of air contamination where jurisdiction has been retained by DEQ, all persons within the territorial jurisdiction of LRAPA must submit the source emission reduction plans prescribed in OAR 340-206-0050 to the regional air pollution authority. LRAPA must submit copies of approved source emission reduction plans to DEQ.

(2) Declarations of air pollution alert, air pollution warning, and air pollution emergency must be made by LRAPA. In the event such a declaration is not made by LRAPA, DEQ must issue the declaration and LRAPA must take appropriate remedial actions as set forth in this division.

(3) Additional responsibilities of LRAPA include, but are not limited to:

(a) Securing acceptable source emission reduction plans;

(b) Measurement and reporting of air quality data to DEQ;

(c) Informing the public, news media, and persons responsible for air contaminant sources of the various levels set forth in this division and required actions to be taken to maintain air quality and the public health;

(d) Surveillance and enforcement of source emission reduction plans.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025 & 468A.035
Hist.: DEQ 37, f. 2-15-72, ef. 9-1-72; DEQ 18-1983, f. & ef. 10-24-83; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-027-0025

340-206-0070

Operations Manual

The DEQ must maintain an operations manual to administer the provisions of this division. This manual must be available to the Department Emergency Action office at all times. At a minimum the operations manual must contain the following elements:

(1) A copy of this division.

(2) A chapter on communications which must include:

(a) Telephone lists naming public officials, public health and safety agencies, local government agencies, emission sources, news media agencies and individuals who need to be informed about the episode status and information updates. These telephone lists must be specific to episode conditions and will be used when declaring and cancelling episode conditions;

(b) Example and sample messages to be released to the news media for declaring or modifying an episode status.

(3) A chapter on data gathering and evaluation which must include:

(a) A description of ambient air monitoring activities to be conducted at each episode stage including "standby";

(b) Assignment of responsibilities and duties for ascertaining ambient air levels of specified regulated pollutants and notification when levels reach the predetermined episode levels;

(c) Assignment of responsibilities and duties for monitoring meteorological developments from teletype reports and National Weather Service contacts. Part of this responsibility must be to evaluate the meteorological conditions for their potential to affect ambient regulated pollutant levels.

(4) A chapter defining responsibilities and duties for conducting appropriate source compliance inspections during episode stages requiring curtailment of regulated pollutant emissions.

(5) A chapter establishing the duties and responsibilities of the emergency action center personnel to assure coordinated operation during an air pollution episode established in accordance with this division.

(6) An appendix containing individual source emission reduction plans required by this division plus any approved voluntary plans.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025 & 468A.035
Hist.: DEQ 18-1983, f. & ef. 10-24-83; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-027-0035

340-206-8010

Air Pollution Episode ALERT Conditions Source Emission Reduction Plan Emission Control Actions to be Taken as Appropriate in Alert Episode Area

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

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025 & 468A.035

340-206-8020

Air Pollution Episode WARNING Conditions Emission Reduction Plan

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

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025 & 468A.035

340-206-8030

Air Pollution Episode EMERGENCY Conditions Emission Reduction Plan
Pollution Episode Conditions for all Pollutants
(Except Particulate from Volcanic Activity or Windblown Dust.)

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

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025 & 468A.035

340-206-8040

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.

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

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025 & 468A.035

DIVISION 208

VISIBLE EMISSIONS AND NUISANCE REQUIREMENTS

340-208-0005

Applicability and Jurisdiction

(1) This division applies in all areas of the state; except rules OAR 340-208-0500 through 340-208-0610, which apply in all areas of Clackamas, Columbia, Multnomah and Washington counties.

(2) Subject to the requirements in this division and OAR 340-200-0010(3), LRAPA is designated by the EQC to implement the rules in this division within its area of jurisdiction.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025& 468A.035

340-208-0010

Definitions

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

(1) "Abate" means to eliminate the nuisance or suspected nuisance by reducing or managing the emissions using reasonably available practices. The degree of abatement will depend on an evaluation of all of the circumstances of each case and does not necessarily mean completely eliminating the emissions.

(2) "Nuisance" means a substantial and unreasonable interference with another's use and enjoyment of real property, or the substantial and unreasonable invasion of a right common to members of the general public.

(3) "Special control area" means an area designated in OAR 340-204-0070.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025 & 468A.035
Hist.: [DEQ 16, f. 6-12-70, ef. 7-11-70; DEQ 1-1984, f. & ef. 1-16-84; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 3-1996, f. & cert. ef. 1-29-96]; [DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 3-1996, f. & cert. ef. 1-29-96]; [DEQ 4-1978, f. & ef. 4-7-78; DEQ 9-1979, f. & ef. 5-3-79; DEQ 3-1980, f. & ef. 1-28-80; DEQ 14-1981, f. & ef. 5-6-81; DEQ 22-1989, f. & cert. ef. 9-26-89; DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 4-1995, f. & cert. ef. 2-17-95; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 3-1996, f. & cert. ef. 1-29-96]; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-021-0005, 340-021-0050, 340-030-0010; DEQ 2-2001, f. & cert. ef 2-5-01; DEQ 8-2007, f. & cert. ef. 11-8-07

Visible Emissions

340-208-0110

Visible Air Contaminant Limitations

(1) The emissions standards in this rule do not apply to fugitive emissions from a source or part of a source.

(2) The visible emissions standards in this rule are based on the average of 24 consecutive observations recorded at 15-second intervals, or more frequently as allowed under subsection (b), which comprise a six-minute block. Six-minute blocks need not be consecutive in time and in no case may two blocks overlap. For each set of 24 observations, the six-minute block average is calculated by summing the opacity of the 24 observations and dividing the sum by 24. Six-minute block averages are 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.

(3) For sources, other than wood-fired boilers, installed, constructed or modified prior to June 1, 1970:

(a) If located outside a special control area, no person may emit or allow to be emitted any visible emissions that equal or exceed:

(A) An average of 40 percent opacity through December 31, 2019; and

(B) An average of 20 percent opacity on and after January 1, 2020.

(b) If located inside a special control area, no person may emit or allow to be emitted any visible emissions that equal or exceed an average of 20 percent opacity.

(4) For sources, other than wood-fired boilers, installed, constructed, or modified on or after June 1, 1970, no person may emit or allow to be emitted any visible emissions that equal or exceed an average of 20 percent opacity.

(5) For wood-fired boilers installed, constructed or modified prior to June 1, 1970, no person may emit or allow to be emitted any visible emissions that equal or exceed:

(a) An average of 40 percent opacity through December 31, 2019, with the exception that visible emissions may equal or exceed an average of 40 percent opacity for up to two independent six-minute blocks in any hour, as long as the average opacity during each of these two six-minute blocks is less than 55 percent.

(b) An average of 20 percent opacity on or after January 1, 2020, with one or more of the following exceptions:

(A) Visible emissions may equal or exceed an average of 20 percent opacity for up to two independent six-minute blocks in any hour, as long as the average opacity during each of these two six-minute blocks is less than 40 percent;

(B) Visible emissions may equal or exceed an average of 20 percent opacity but may not equal or exceed 40 percent opacity, as the average of all six-minute blocks during grate cleaning operations provided the grate cleaning is performed in accordance with a grate cleaning plan approved by DEQ; or

(C) DEQ may approve, at the owner's or operator's request, a boiler specific limit greater than an average of 20 percent opacity, but not to equal or exceed an average of 40 percent opacity, based on the opacity measured during a source test that demonstrates compliance with 340-228-0210(2)(d) as provided below:

(i) Opacity must be measured for at least 60 minutes during each compliance source test run using any method included in section (2);

(ii) The boiler specific limit will be the average of at least 30 six-minute block averages obtained during the compliance source test;

(iii) The boiler specific limit will include a higher limit for one six minute period during any hour based on the maximum six-minute block average measured during the compliance source test;

(iv) 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; and

(v) If an alternative limit is established in accordance with this paragraph, the exception provided in paragraph (A) does not apply.

(6) For wood-fired boilers installed, constructed, or modified after June 1, 1970 but before April 16, 2015, no person may emit or allow to be emitted any visible emissions that equal or exceed an average of 20 percent opacity with the exception that visible emissions may equal or exceed an average of 20 percent opacity for up to two independent six-minute blocks in any hour, as long as the average opacity during each of these two six-minute blocks is less than 40 percent.

(7) For all wood-fired boilers installed, constructed, or modified after April 16, 2015, no person may emit or allow to be emitted any visible emissions that equal or exceed an average of 20 percent opacity.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025 & 468A.035
Hist.: DEQ 16, f. 6-12-70, ef. 7-11-70; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 3-1996, f. & cert. ef. 1-29-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-021-0015; DEQ 2-2001, f. & cert. ef 2-5-01; DEQ 8-2007, f. & cert. ef. 11-8-07

Fugitive Emission Requirements

340-208-0210

Requirements for Fugitive Emissions

(1) No person may cause or permit any materials to be handled, transported, or stored; or a building, its appurtenances, or a road to be used, constructed, altered, repaired or demolished; or any equipment to be

operated, without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but not be limited to the following:

(a) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;

(b) Application of water or other suitable chemicals on unpaved roads, materials stockpiles, and other surfaces which can create airborne dusts;

(c) Full or partial enclosure of materials stockpiles in cases where application of water or other suitable chemicals are not sufficient to prevent particulate matter from becoming airborne;

(d) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials;

(e) Adequate containment during sandblasting or other similar operations;

(f) Covering, at all times when in motion, open bodied trucks transporting materials likely to become airborne;

(g) The prompt removal from paved streets of earth or other material that does or may become airborne.

(2) When fugitive particulate 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.

(a) For purposes of this section, fugitive emissions are visible emissions that leave the property of a source for a period or periods totaling more than 18 seconds in a six minute period. The minimum observation time must be at least six minutes unless otherwise specified in a permit.

(b) Fugitive emissions are determined by EPA Method 22 at the downwind property boundary.

(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.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025 & 468A.035
Hist.: DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-021-0060; DEQ 2-2001, f. & cert. ef 2-5-01

Nuisance Control Requirements

340-208-0300

Nuisance Prohibited

(1) No person may cause or allow air contaminants from any source subject to regulation by DEQ to cause a nuisance.

(2) Upon determining a nuisance may exist, DEQ will provide written notice to the person creating the suspected nuisance. DEQ will endeavor to resolve observed nuisances in keeping with the policy outlined in OAR 340-012-0026. If DEQ subsequently determines a nuisance exists under 340-208-0310 and 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.

Stat. Auth.: ORS 468.020, 468A.010 & 468A.025
Stats. Implemented: ORS 468A.010 & 468A.025
Hist.: DEQ 2-2001, f. & cert. ef. 2-5-01

340-208-0310

Determining Whether A Nuisance Exists

(1) In determining whether a nuisance exists, DEQ may consider factors including, but not limited to, the following:

(a) Frequency of the emission;

(b) Duration of the emission;

(c) Strength or intensity of the emissions, odors or other offending properties;

(d) Number of people impacted;

(e) The suitability of each party's use to the character of the locality in which it is conducted;

(f) Extent and character of the harm to complainants;

(g) The source's ability to prevent or avoid harm.

(2) Compliance with a best work practices agreement that identifies and abates a suspected nuisance constitutes compliance with OAR 340-208-0300 for the identified nuisance. For sources subject to OAR 340-216-0020 or 340-218-0020, compliance with specific permit conditions that results in the abatement of a nuisance associated with an operation, process or other pollutant emitting activity constitutes compliance with 340-208-0300 for the identified nuisance. For purposes of this section, "permit condition" does not include the general condition prohibiting the creation of nuisances.

Stat. Auth.: ORS 468.020, 468A.010 & 468A.025
Stats. Implemented: ORS 468A.010 & 468A.025
Hist.: DEQ 2-2001, f. & cert. ef. 2-5-01

340-208-0320

Best Work Practices Agreement

(1) A person may voluntarily enter into an agreement with DEQ to implement specific practices to abate the suspected nuisance. This agreement may be modified by mutual consent of both parties. This agreement will be an Order for the purposes of enforcement under OAR 340 division 12.

(2) For any source subject to OAR 340-216-0020 or 340-218-0020, the conditions outlined in the best work practices agreement will be incorporated into the permit at the next permit renewal or modification.

(3) This agreement will remain in effect unless or until DEQ provides written notification to the person subject to the agreement that:

(a) The agreement is superseded by conditions and requirements established later in a permit;

(b) DEQ determines the activities that were the subject of the agreement no longer occur; or

(c) DEQ determines that further reasonably available practices are necessary to abate the suspected nuisance.

(4) The agreement will include one or more specific practices to abate the suspected nuisance. The agreement may contain other requirements including, but not limited to:

(a) Monitoring and tracking the emission of air contaminants;

(b) Logging complaints and the source's response to the complaint;

(c) Conducting a study to propose further refinements to best work practices.

(5) DEQ will consult, as appropriate, with complainants with standing in the matter throughout the development, preparation, implementation, modification and evaluation of a best work practices agreement. DEQ will not require that complainants identify themselves to the source as part of the investigation and development of the best work practices agreement.

Stat. Auth.: ORS 468.020, 468A.010 & 468A.025
Stats. Implemented: ORS 468A.010 & 468A.025
Hist.: DEQ 2-2001, f. & cert. ef. 2-5-01

340-208-0450

Particle Fallout Limitation

No person may cause or permit the emission of particulate matter larger than 250 microns in size at sufficient duration or quantity as to create an observable deposition upon the real property of another person.

Stat. Auth.: ORS 468.020, 468A.010 & 468A.025
Stats. Implemented: ORS 468A.010 & 468A.025
Hist.: DEQ 61, f. 12-5-73, ef. 12-25-73; DEQ 4-1993, f. & cert. ef. 3-10-93; Renumbered from 340-028-0080; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0520; DEQ 2-2001, f. & cert. ef. 2-5-01, Renumbered from 340-208-0620

Clackamas, Columbia, Multnomah, and Washington Counties

340-208-0500

Application

OAR 340-208-0510 through 340-208-0610 apply in Clackamas, Columbia, Multnomah, and Washington Counties.

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 61, f. 12-5-73, ef. 12-25-73; DEQ 4-1993, f. & cert. ef. 3-10-93, Renumbered from 340-028-0001; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0400; DEQ 2-2001, f. & cert. ef. 2-5-01; DEQ 8-2007, f. & cert. ef. 11-8-07

340-208-0510

Exclusions

(1) The requirements contained in OAR 340-208-0510 through 340-208-0610 apply to all activities conducted in Clackamas, Columbia, Multnomah, and Washington Counties, other than those for which specific industrial standards have been adopted (divisions 230, 234, 236, and 238), and except for the reduction of animal matter, 340-236-0310(1) and (2).

(2) The requirements outlined in OAR 340-208-0510 through 340-208-0610 do not apply to activities related to a domestic residence of four or fewer family-living units.

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 61, f. 12-5-73, ef. 12-25-73; DEQ 4-1993, f. & cert. ef. 3-10-93, Renumbered from 340-028-0003; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0410; DEQ 2-2001, f. & cert. ef. 2-5-01; DEQ 8-2007, f. & cert. ef. 11-8-07

340-208-0550

Odor Control Measures

(1) Control apparatus and equipment, using the highest and best practicable treatment currently available, must be installed and operated to reduce to a minimum odor-bearing gases or odor-bearing particulate matter emitted into the atmosphere.

(2) Gas effluents from incineration operations and process after-burners installed under section (1) of this rule must be maintained at a temperature of 1,400° Fahrenheit for at least a 0.5 second residence time, or controlled in another manner determined by the department to be equally or more effective.

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 61, f. 12-5-73, ef. 12-25-73; DEQ 4-1993, f. & cert. ef. 3-10-93; Renumbered from 340-028-0045; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0450; DEQ 2-2001, f. & cert. ef. 2-5-01

340-208-0570

Ships

While in those portions of the Willamette River and Columbia River that pass through or adjacent to Clackamas, Columbia, and Multnomah Counties, each ship is subject to the emission standards and rules for visible emissions and particulate matter size and must minimize soot emissions. The owner, operator or other responsible party must ensure that these standards and requirements are met.

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 61, f. 12-5-73, ef. 12-25-73; DEQ 4-1993, f. & cert. ef. 3-10-93; Renumbered from 340-028-0055; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0470; DEQ 2-2001, f. & cert. ef. 2-5-01

340-208-0590

Emission Standards -- General

Compliance with any specific emission standard in this Division does not preclude required compliance with any other applicable emission standard or requirement contained in OAR Chapter 340.

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 61, f. 12-5-73, ef. 12-25-73; DEQ 4-1993, f. & cert. ef. 3-10-93; Renumbered from 340-028-0065; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0490

340-208-0610

Particulate Matter Weight Standards

Except for equipment burning natural gas and liquefied petroleum gas, the maximum allowable emission of particulate matter from any fuel burning equipment:

(1) Is a function of maximum heat input as determined from **Figure 1**, except that from existing fuel burning equipment utilizing wood residue, it is 0.2 grain, and from new fuel burning equipment utilizing wood residue, it is 0.1 grain per standard cubic foot of exhaust gas, corrected to 12 percent carbon dioxide;

(2) Must not exceed Smoke Spot #2 for distillate fuel and #4 for residual fuel, measured by ASTM D2156-65, "Standard Method for Test for Smoke Density of the Flue Gases from Distillate Fuels".

[ED. NOTE: Figures referenced in this rule are available from the agency.]

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468.020 & ORS 468A.025
Hist.: DEQ 61, f. 12-5-73, ef. 12-25-73; DEQ 4-1993, f. & cert. ef. 3-10-93; Renumbered from 340-028-0075; DEQ 3-1996, f. & cert. ef. 1-29-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0510; DEQ 2-2001, f. & cert. ef. 2-5-01

DIVISION 209

PUBLIC PARTICIPATION

340-209-0010

Purpose

The purpose of this division is to specify the requirements for notifying the public of certain permit actions and providing an opportunity for the public to participate in those permit actions.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468.065 & 468A.310
Stats. Implemented: ORS 468.065, 468A.035, 468A.040 & ORS 468A.310
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-209-0020

Applicability

This division applies to permit actions requiring public notice as specified in OAR 340, divisions 216 and 218.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468.065 & 468A.310
Stats. Implemented: ORS 468.065, 468A.035, 468A.040 & ORS 468A.310
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-209-0030

Public Notice Categories and Timing

(1) DEQ categorizes permit actions according to potential environmental and public health significance and the degree to which DEQ has discretion for implementing the applicable regulations. Category I is for permit actions with low environmental and public health significance so they have less public notice and opportunity for public participation. Category IV is for permit actions with potentially high environmental and public health significance so they have the greatest level of public notice and opportunity for participation.

(2) Permit actions are assigned to specific categories in OAR 340, divisions 216 and 218. If a permit action is uncategorized, the permit action will be processed under Category III.

(3) The following describes the public notice or participation requirements for each category:

(a) Category I -- No prior public notice or opportunity for participation. However, DEQ will maintain a list of all permit actions processed under Category I and make the list available for public review.

(b) Category II -- DEQ will provide public notice of the proposed permit action and a minimum of 30 days to submit written comments.

(c) Category III -- DEQ will provide public notice of the proposed permit action and a minimum of 35 days to submit written comments. DEQ will provide a minimum of 30 days notice for a hearing, if one is scheduled. DEQ will schedule a hearing at a reasonable time and place to allow interested persons to submit oral or written comments if:

(A) DEQ determines that a hearing is necessary; or

(B) Within 35 days of the mailing of the public notice, DEQ receives written requests from ten persons, or from an organization representing at least ten persons, for a hearing.

(d) Category IV -- Once an application is considered complete under OAR 340-216-0040, DEQ will:

(A)(i) Provide notice of the completed application and requested permit action; and

(ii) Schedule an informational meeting within the community where the facility will be or is located and provide public notice at least 14 days before the meeting. During the meeting, DEQ will describe the requested permit action and accept comments from the public. DEQ will consider any information gathered in this process in its drafting of the proposed permit, but will not maintain an official record of the meeting and will not provide a written response to the comments;

(B) Once a draft permit is completed, provide public notice of the proposed permit and a minimum of 40 days to submit written comments; and

(C) Schedule a public hearing at a reasonable time and place to allow interested persons to submit oral or written comments and provide a minimum of 30 days public notice for the hearing.

(4) Except for actions regarding Oregon Title V Operating Permits, DEQ may move a permit action to a higher category under section (3) based on, but not limited to the following factors:

(a) Anticipated public interest in the facility;

(b) Compliance and enforcement history of the facility or owner;

(c) Potential for significant environmental or public harm due to location or type of facility; or

(d) Federal requirements.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468.065 & 468A.310
Stats. Implemented: ORS 468.065 & 468A.035, 468A.040 & 468A.310
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 8-2009, f. & cert. ef. 12-16-09

340-209-0040

Public Notice Information

(1) The following information is required in public notices for all proposed ACDP and draft Oregon Title V Operating Permit actions, except for General Permit actions:

(a) Name of applicant and location of the facility;

(b) Type of facility, including a description of the facility's processes subject to the permit;

(c) Description of the air contaminant emissions including, the type of regulated pollutants, quantity of emissions, and any decreases or increases since the last permit action for the facility;

(d) Location and description of documents relied upon in preparing the draft permit;

(e) Other permits required by DEQ;

(f) Date of previous permit actions;

(g) Opportunity for public comment and a brief description of the comment procedures, whether in writing or in person, including the procedures for requesting a hearing (unless a hearing has already been scheduled or is not an option for the public notice category);

(h) Compliance, enforcement, and complaint history along with resolution of the same;

(i) A summary of the discretionary decisions made by DEQ in drafting the permit;

(j) Type and duration of the proposed or draft permit action;

(k) Basis of need for the proposed or draft permit action;

(l) Any special conditions imposed in the proposed or draft permit action;

(m) Whether each proposed permitted emission is a criteria pollutant and whether the area in which the source is located is designated as attainment/unclassified, sustainment, nonattainment, reattainment or maintenance for that pollutant;

(n) If the proposed permit action is for a federal major source, whether the proposed permitted emission would have a significant impact on a Class I airshed;

(o) If the proposed permit action is for a major source for which dispersion modeling has been performed, an indication of what impact each proposed permitted emission would have on the ambient air quality standard and PSD increment consumption within an attainment area;

(p) Other available information relevant to the permitting action;

(q) The name and address of DEQ office processing the permit;

(r) The name, address, and telephone number and e-mail address of a person from whom interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, including any compliance plan, permit, and monitoring and compliance certification report, except for information that is exempt from disclosure, and all other materials available to DEQ that are relevant to the permit decision; and

(s) If applicable, a statement that an enhanced NSR process under OAR 340 division 224, including the external review procedures required under OAR 340-218-0210 and 340-218-0230, is being used to allow for subsequent incorporation of the operating approval into an Oregon Title V Operating Permit as an administrative amendment.

(2) General Permit Actions. The following information is required for General ACDP and General Oregon Title V Operating Permit actions:

(a) The name and address of potential or actual facilities assigned to the General Permit;

(b) Type of facility, including a description of the facility's process subject to the permit;

(c) Description of the air contaminant emissions including, the type of regulated pollutants, quantity of emissions, and any decreases or increases since the last permit action for the potential or actual facilities assigned to the permit;

(d) Location and description of documents relied upon in preparing the draft permit;

(e) Other permits required by DEQ;

(f) Date of previous permit actions;

(g) Opportunity for public comment and a brief description of the comment procedures, whether in writing or in person, including the procedures for requesting a hearing (unless a hearing has already been scheduled or is not an option for the Public Notice category);

(h) Compliance, enforcement, and complaint history along with resolution of the same;

(i) A summary of the discretionary decisions made by DEQ in drafting the permit;

(j) Type and duration of the proposed or draft permit action;

(k) Basis of need for the proposed or draft permit action;

(l) Any special conditions imposed in the proposed or draft permit action;

(m) Whether each proposed permitted emission is a criteria pollutant and whether the area in which the sources are located are designated as attainment or non-attainment for that pollutant;

(n) If the proposed permit action is for a federal major source, whether the proposed permitted emission would have a significant impact on a Class I airshed;

(o) Other available information relevant to the permitting action; and

(p) The name and address of DEQ office processing the permit;

(q) The name, address, and telephone number and e-mail address of a person from whom interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, including any compliance plan, permit, and monitoring and compliance certification report, except

for information that is exempt from disclosure, and all other materials available to DEQ that are relevant to the permit decision.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468.065 & 468A.310
Stats. Implemented: ORS 468.065, 468A.035, 468A.040 & 468A.310
Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033; DEQ 13-1988, f. & cert. ef. 6-17-88; DEQ 34-1990, f. 8-20-90, cert. ef. 9-1-90; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0150; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1710; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-216-0050; DEQ 8-2007, f. & cert. ef. 11-8-07

340-209-0050

Public Notice Procedures

(1) All notices. DEQ will mail or email a notice of proposed permit actions to the persons identified in OAR 340-209-0060.

(2) NSR, Oregon Title V Operating Permit and General ACDP actions. In addition to section (1), DEQ will provide notice of NSR, Oregon Title V Operating Permit and General ACDP actions as follows:

(a) Advertisement in a newspaper of general circulation in the area where the source or sources are or will be located or a DEQ publication designed to give general public notice; and

(b) Other means, if necessary, to assure adequate notice to the affected public.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468.065 & 468A.310
Stats. Implemented: ORS 468.065, 468A.035, 468A.040 & 468A.310
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-209-0060

Persons Required to Be Notified

(1) All notices. For all types of public notice, DEQ will provide notice to the following persons:

(a) The applicant;

(b) Persons on a mailing list maintained by DEQ, including those who request in writing to be notified of air quality permit actions;

(c) Local news media; and

(d) Interested state and federal agencies.

(2) General ACDP or General Oregon Title V Operating Permit actions. In addition to section (1), DEQ will notify the following:

(a) Potential applicants; and

(b) All existing permit holders in the source category in the case where a General Permit is being issued to a category of sources already permitted.

(3) Oregon Title V Operating Permit actions. DEQ will provide notice to affected states and the EPA in addition to the persons identified in sections (1) and (2).

(4) NSR actions. For NSR actions excluding Type B State NSR actions (OAR 340 division 224), DEQ will provide notice to the following officials and agencies having jurisdiction over the location where the proposed construction would occur in addition to the persons identified in section (1):

(a) The chief executives of the city and county where the source or modification would be located;

(b) Any comprehensive regional land use planning agency;

(c) Any state, federal land manager, or Indian governing body whose land may be affected by emissions from the source or modification; and

(d) The EPA.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468.065 & 468A.310
Stats. Implemented: ORS 468.065, 468A.035, 468A.040 & 468A.310
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-209-0070

Hearing Procedures

When a public hearing is required or requested, DEQ will provide the hearing at a reasonable place and time before taking the final permit action.

(1) Notice of the hearing may be given either in the notice accompanying the proposed or draft permit action or in such other manner as is reasonably calculated to inform interested persons. DEQ will provide notice of the hearing at least 30 days before the hearing.

(2) Presiding Officer. A Presiding Officer will preside over the public hearing and ensure that proper procedures are followed to allow for the public to comment on the proposed permit action.

(a) Before accepting oral or written comments by members of the public, the Presiding Officer or DEQ representative will present a summary of the proposed permit action DEQ's preliminary decision. During this period, there may be an opportunity to ask questions about the proposed or draft permit action.

(b) The Presiding Officer will then provide an opportunity for interested persons to submit oral or written comments regarding the proposed permit action. Interested persons are encouraged to submit written comments because time constraints may be imposed, depending on the level of participation. While public comment is being accepted, discussion of the proposed or draft permit action will not be allowed.

(c) After the public hearing, the Presiding Officer will prepare a report of the hearing that includes the date and time of the hearing, the permit action, names of persons attending the hearing, written comments, and a summary of the oral comments. The Presiding Officer's report will be entered into the permit action record.

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 78, f. 9-6-74, ef. 9-25-74; DEQ 122, f. & ef. 9-13-76; DEQ 7-1988, f. & cert. ef. 5-6-88 (and corrected 9-30-88); DEQ 34-1990, f. 8-20-90, cert. ef. 9-1-90; DEQ 9-1996, f. & cert. ef. 7-10-96; DEQ 15-2000, f. & cert. ef. 10-11-00, Renumbered from 340-011-0007; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-014-0022; DEQ 8-2007, f. & cert. ef. 11-8-07

340-209-0080

Issuance or Denial of a Permit

(1) Following the public comment period and public hearing, if one is held, DEQ will take action upon the matter as expeditiously as possible. Before taking such action, DEQ will prepare a written response to address each relevant, distinct issue raised during the comment period and during the hearing record.

(2) DEQ will make a record of the public comments, including the names and affiliation of persons who commented, and the issues raised during the public participation process. The public comment records may be in summary form rather than a verbatim transcript. The public comment records are available to the public at the DEQ office processing the permit.

(3) The applicant may submit a written response to any comments submitted by the public within 10 working days after DEQ provides the applicant with a copy of the written comments received by DEQ. DEQ will consider the applicant's response in making a final decision.

(4) After considering the comments, DEQ may adopt or modify the provisions requested in the permit application.

(5) Issuance of permit: DEQ will promptly notify the applicant in writing of the final action as provided in OAR 340-011-0525 and will include a copy of the permit. If the permit conditions are different from those contained in the proposed permit, the notification will identify the affected conditions and include the reasons for the changes.

(6) Denial of a permit: DEQ will promptly notify the applicant in writing of the final action as provided in OAR 340-011-0525. If DEQ denies a permit application, the notification will include the reasons for the denial.

(7) DEQ's decision under sections (5) and (6) is effective 20 days from the date of service of the notice unless, within that time, DEQ receives a request for a hearing from the applicant. The request for a hearing must be in writing and state the grounds for the request. The hearing will be conducted as a contested case hearing in accordance with ORS 183.413 through 183.470 and OAR 340 division 11.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468.065 & 468A.310
Stats. Implemented: ORS 183.413, 183.415, 468.065, 468A.035, 468A.040 & 468A.310
Hist.: DEQ 42, f. 4-5-72, ef. 4-15-72; DEQ 13-1988, f. & cert. ef. 6-17-88; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-014-0025 & 340-014-0035; DEQ 8-2007, f. & cert. ef. 11-8-07

DIVISION 210

STATIONARY SOURCE NOTIFICATION REQUIREMENTS

340-210-0010

Applicability and Jurisdiction

(1) This division applies to air contaminant sources, to stationary sources, and to modifications of existing portable sources that are required to have permits under OAR 340 division 216.

(2) Subject to the requirements in this division and OAR 340-200-0010(3), LRAPA is designated by the EQC to implement the rules in this division within its area of jurisdiction.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.050, 468A.070 & 468A.310
Stats. Implemented: ORS 468.065, 468A.025, 468A.035 468A.040, 468A.050, 468A.070 & 468A.310
Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0200

340-210-0020

Definitions

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

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468.065 & 468A
Stats. Implemented: ORS 468.065 & 468A
Hist.: DEQ 14-1999, f. & cert. ef. 10-14-99

Registration

340-210-0100

Registration in General

(1) Any air contaminant source not subject to Air Contaminant Discharge Permits, OAR 340 division 216, or Oregon Title V Operating Permits, OAR 340 division 218, must register with DEQ upon request pursuant to OAR 340-210-0110 through 340-210-0120.

(2) The owner or operator of an air contaminant source listed in subsection (2)(a) that is certified through a DEQ approved environmental certification program and subject to an Area Source NESHAP may register the source with DEQ pursuant to OAR 340-210-0110 through 340-210-0120 in lieu of obtaining a permit according

to with OAR 340-216-0020, unless DEQ determines that the source has not complied with the requirements of the environmental certification program.

(a) The following sources may be registered under this section:

(A) Motor vehicle surface coating operations.

(B) Dry cleaners using perchloroethylene.

(b) Approved environmental certification program. To be approved, the environmental certification program must, at a minimum, require certified sources to comply with all applicable state and federal rules and regulations and require additional measures to increase environmental protection.

(c) Fees. In order to obtain and maintain registration, owners and operators of sources registered pursuant to this section must pay the following annual fees by March 1 of each year:

(A) Motor vehicle surface coating operations - $288.00.

(B) Dry cleaners using perchloroethylene - $216.00.

(C) Late fees.

(i) 8-30 days late: 5% of annual fee.

(ii) 31-60 days late: 10% of annual fee.

(iii) 61 or more days late: 20% of annual fee.

(D) Failure to pay fees. Registration is automatically terminated upon failure to pay annual fees within 90 days of invoice by DEQ, unless prior arrangements for payment have been approved in writing by DEQ.

(d) Recordkeeping. In order to maintain registration, owners and operators of sources registered pursuant to this section must maintain records required by the approved environmental performance program under subsection (2)(b). The records must be kept on site and in a form suitable and readily available for expeditious inspection and review.

(3) The owner or operator of an air contaminant source that is subject to a federal NSPS or NESHAP in 40 CFR part 60 or 40 CFR part 3 and that is not located at a source that is required to obtain a permit under OAR 340 division 216 (Air Contaminant Discharge Permits) or OAR 340 division 218 (Oregon Title V Operating Permits), must register and maintain registration with DEQ pursuant to OAR 340-210-0110 through 340-210-0120 if requested in writing by DEQ (or by EPA at DEQ's request).

(4) Revocation. DEQ may revoke a registration if a source fails to meet any requirement in OAR 340-210-0110.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.050, 468A.070 & 468A.310
Stats. Implemented: ORS 468A.025, 468A.035, 468A.050, 468A.070 & 468A.310
Hist.: DEQ 15, f. 6-12-70, ef. 9-1-70; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93,

Renumbered from 340-020-0005; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0500; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 7-2011(Temp), f. & cert. ef. 6-24-11 thru 12-19-11; Administrative correction, 2-6-12; DEQ 1-2012, f. & cert. ef. 5-17-12; DEQ 4-2013, f. & cert. ef. 3-27-13; DEQ 9-2013(Temp), f. & cert. ef. 10-24-13 thru 4-22-14; Administrative correction, 5-21-14; DEQ 9-2014 f. & cert. ef. 6-26-14

340-210-0110

Registration Requirements

(1) Registration pursuant to OAR 340-210-0100(1) or (3) must be completed within 30 days following the mailing date of the request by DEQ.

(2) Registration must be completed by the owner, lessee of the source, or agent on forms made available by DEQ. If a form is not available from DEQ, the registrant may provide the information using a format approved by DEQ.

(3) In order to obtain registration pursuant to OAR 340-210-0100(1), the following information must be reported by registrants:

(a) Name, address, and nature of business;

(b) Name of local person responsible for compliance with these rules;

(c) Name of person authorized to receive requests for data and information;

(d) A description of the production processes and a related flow chart;

(e) A plot plan showing the location and height of all air contaminant sources. The plot plan must also indicate the nearest residential or commercial property;

(f) Type and quantity of fuels used;

(g) Amount, nature, and duration of air contaminant emissions;

(h) Estimated efficiency of air pollution control devices under present or anticipated operating conditions;

(i) Any other information requested by DEQ.

(4) In order to obtain registration pursuant to OAR 340-210-0100(2), the following information must be submitted by a registrant:

(a) Name, address, and nature of business;

(b) Name of local person responsible for compliance with these rules;

(c) Name of person authorized to receive requests for data and information;

(d) Information demonstrating that the air contaminant source is operating in compliance with all applicable state and federal rules and regulations, as requested by DEQ;

(e) Information demonstrating that the source is certified through an approved environmental certification program;

(f) A signed statement that the submitted information is true, accurate, and complete. This signed statement must state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete;

(g) Any other information requested by DEQ.

(5) In order to obtain registration pursuant to OAR 340-210-0100(3), the following information must be submitted by a registrant:

(a) Name, address and nature of business or institution;

(b) Name of local person responsible for compliance with these rules;

(c) Name of person authorized to receive requests for data and information;

(d) A description of the air contaminant source subject to regulation;

(e) Identification of the applicable regulation;

(f) Confirmation that approval to construct and operate the air contaminant source was obtained in accordance with OAR 340-210-0205 through 340-0210-0250;

(g) Confirmation that the air contaminant source is operating in compliance with all applicable state rules and regulations, including but not limited to OAR 340-208-0110 (visible air contaminant limitations) and 340-226-0210 or 340-228-0210 (grain loading standards);

(h) Confirmation that the air contaminant source is operating in compliance with all applicable federal rules and regulations, including but not limited to 40 CFR part 60 and part 63 standards and work practice requirements, such as routine tune-up for boilers; and

(i) Any other information requested by DEQ.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.050, 468A.070 & 468A.310
Stats. Implemented: ORS 468A.025, 468A.035, 468A.050, 468A.070 & 468A.310
Hist.: DEQ 15, f. 6-12-70, ef. 9-1-70; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0010; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0510; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 7-2011(Temp), f. & cert. ef. 6-24-11 thru 12-19-11; Administrative correction, 2-6-12; DEQ 1-2012, f. & cert. ef. 5-17-12

340-210-0120

Re-Registration and Maintaining Registration

(1) In order to re-register or maintain registration pursuant to OAR 340-210-0100, a person responsible for an air contaminant source must reaffirm in writing, by March 1 of each year, the correctness and current status of the information furnished to DEQ.

(2) In order to re-register or maintain registration pursuant to OAR 340-210-0100(3):

(a) The registrant must report any change in any of the factual information reported under OAR 340-210-0110 to DEQ on a form made available by DEQ; and

(b) The registrant must confirm the compliance status of the air contaminant source, including but not limited to compliance with any work practice requirements such as routine tune-ups. Confirmation must be made in writing on a form furnished by DEQ.

(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.

(4) If a registered air contaminant source is sold or transferred, the sale or transfer must be reported to DEQ by either the former owner or the new owner within 30 days of the date of sale or transfer. The new owner of the registered air contaminant source must register the air contaminant source within 30 days of the date of sale or transfer in accordance with OAR 340-210-0110(2) and (5).

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.050, 468A.070 & 468A.310
Stats. Implemented: ORS 468A.025, 468A.035, 468A.050, 468A.070 & 468A.310
Hist.: DEQ 15, f. 6-12-70, ef. 9-1-70; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0015; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0520; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 7-2011(Temp), f. & cert. ef. 6-24-11 thru 12-19-11; Administrative correction, 2-6-12; DEQ 1-2012, f. & cert. ef. 5-17-12

Notice of Construction and Approval of Plans

340-210-0205

Applicability

(1) Except as provided in section (2), OAR 340-210-0200 through 340-210-0250 apply to the following:

(a) All new sources not otherwise required to obtain a permit under OAR 340, division 216 or 218. Sources that are required to submit a permit application under OAR 340, division 216 or 218 are not required to submit a Notice of Construction application under this rule;

(b) Modifications at existing sources, including sources that have permits under OAR 340 division 216 or 218; and

(c) All sources that use air pollution control devices to comply with emissions limits, or to avoid the requirement to obtain an Oregon Title V Operating Permit (OAR 340 division 218) or Major NSR or Type A State NSR (OAR 340 division 224) requirements, or MACT standards (OAR 340 division 244).

(2) OAR 340-210-0205 through 340-210-0250 do not apply to the following sources:

(a) Agricultural operations or equipment that is exempted by OAR 340-200-0030;

(b) Heating equipment in or used in connection with residences used exclusively as dwellings for not more than four families;

(c) Other activities associated with residences used exclusively as dwellings for not more than four families, including, but not limited to barbecues, house painting, maintenance, and groundskeeping;

(d) Portable sources, except modifications of portable sources that have permits under OAR 340 division 216 or 218; and

(e) Categorically insignificant activities as defined in OAR 340-200-0020 unless they are subject to NESHAP or NSPS requirements. This exemption applies to all categorically insignificant activities whether or not they are located at major or non-major sources.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.055
Stats. Implemented: ORS 468A.025, 468A.035 & 468A.055
Hist.: DEQ 15, f. 6-12-70, ef. 9-1-70; DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0025; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0810; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-210-0210; DEQ 12-2008, f. & cert. ef. 9-17-08

340-210-0215

Requirement

(1) New Sources. No person is allowed to construct, install, or establish a new source that will cause an increase in any regulated pollutant emissions without first notifying DEQ in writing.

(2) Modifications to existing sources. No person is allowed to make a physical change or change in operation of an existing source that will cause an increase, on an hourly basis at full production, in any regulated pollutant emissions without first notifying DEQ in writing.

(3) Air Pollution Control Devices. No person is allowed to construct or modify any air pollution control device without first notifying DEQ in writing.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.055
Stats. Implemented: ORS 468A.025, 468A.035 & 468A.055

Hist.: DEQ 15, f. 6-12-70, ef. 9-1-70; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0020; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0800; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-210-0200

340-210-0225

Types of Construction/Modification Changes

For the purpose of OAR 340-210-0200 through 340-210-0250, changes that involve new construction or modifications of sources or air pollution control devices are divided into the following Types:

(1) Type 1 changes include construction or modification of sources or air pollution control devices where such a change meets the criteria in subsections (a) through (f):

(a) Would not increase emissions from the source above the PSEL by more than the de minimis emission level defined in OAR 340-200-0020 for sources required to have a permit;

(b) Would not increase emissions from the source above the netting basis by more than or equal to the SER;

(c) Would not increase emissions from any new, modified, or replaced device, activity or process, or any combination of devices, activities or processes at the source by more than the de minimis levels defined in OAR 340-200-0020;

(d) Would not be used to establish a federally enforceable limit on the potential to emit; and

(e) Would not require a TACT determination under OAR 340-226-0130 or a MACT determination under OAR 340-244-0200; and

(f) Is not required to obtain a permit under OAR 340 division 216.

(2) Type 2 changes include construction or modification of sources or air pollution control devices where such a change meets the criteria in subsections (a) through (f):

(a) Would not increase emissions from the source above the PSEL by more than the de minimis level defined in OAR 340-200-0020 for sources required to have a permit;

(b) Would not increase emissions from the source above the netting basis by more than or equal to the SER;

(c) Would not increase emissions from any new, modified, or replaced device, activity or process, or any combination of devices, activities or processes at the source by more than or equal to the SER;

(d) Would not be used to establish a federally enforceable limit on the potential to emit;

(e) Would not require a TACT determination under OAR 340-226-0130 or a MACT determination under OAR 340-244-0200; and

(f) Is not required to obtain a permit under OAR 340 division 216.

(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:

(a) Would increase emissions from the source above the PSEL by more than the de minimis emission level 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;

(b) Would increase emissions from any new, modified, or replaced device, activity or process, or any combination of devices, activities or processes at the source by more than the SER but are not subject to OAR 340-222-0041(4);

(c) Would be used to establish a federally enforceable limit on the potential to emit; or

(d) Would require a TACT determination under OAR 340-226-0130 or a MACT determination under 340-244-0200.

(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.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040, 468A.050, ORS 468A.055, 468A.070 & 468A.310
Stats. Implemented: ORS 468A.025, 468A.035, 468A.040, 468A.050, 468A.055, 468A.070 & 468A.310
Hist.: DEQ 15, f. 6-12-70, ef. 9-1-70; DEQ 5-1989, f. 4-24-89, cert. ef. 5-1-89; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0030; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0820; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-210-0220

340-210-0230

Notice to Construct

(1) Any person proposing a Type 1 or 2 change must provide notice to DEQ before constructing or modifying a stationary source or air pollution control device. The notice must be in writing on a form supplied by DEQ and include the following information as applicable:

(a) Name, address, and nature of business;

(b) Name of local person responsible for compliance with these rules;

(c) Name of person authorized to receive requests for data and information;

(d) The type of construction or modification as defined in OAR 340-210-0220;

(e) A description of the constructed or modified source;

(f) A description of the production processes and a related flow chart for the constructed or modified source;

(g) A plot plan showing the location and height of the constructed or modified source. The plot plan must also indicate the nearest residential or commercial property;

(h) Type and quantity of fuels used;

(i) The change in the amount, nature and duration of regulated pollutant emissions;

(j) Plans and specifications for air pollution control devices and facilities and their relationship to the production process, including estimated efficiency of air pollution control devices under present or anticipated operating conditions;

(k) Any information on pollution prevention measures and cross-media impacts the owner or operator wants DEQ to consider in determining applicable control requirements and evaluating compliance methods;

(l) A list of any requirements applicable to the new construction or modification;

(m) Where the operation or maintenance of air pollution control devices and emission reduction processes can be adjusted or varied from the highest reasonable efficiency and effectiveness, information necessary for DEQ to establish operational and maintenance requirements under OAR 340-226-0120(1) and (2); and

(n) Amount and method of refuse disposal; and

(o) Land Use Compatibility Statement signed by a local (city or county) planner either approving or disapproving construction or modification to the source if required by the local planning agency.

(2) Any person proposing a Type 3 or 4 change must submit an application for either a construction ACDP, new permit, or permit modification, whichever is appropriate.

(3) The owner of operator must notify DEQ of any corrections and revisions to the plans and specifications upon becoming aware of the changes.

(4) Where a permit issued in accordance with OAR 340 divisions 216 or 218 includes construction approval for future changes for operational flexibility, the notice requirements in this rule are waived for the approved changes.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040, 468A.050, 468A.055, 468A.070 & 468A.310
Stats. Implemented: ORS 468A.025, 468A.035, 468A.040, 468A.050, 468A.055, 468A.070 & 468A.310
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-210-0240

Construction Approval

(1) Approval to Construct:

(a) For Type 1 changes, the owner or operator may proceed with the construction or modification 10 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 1 change.

(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.

(c) For Type 3 changes, the owner or operator must obtain either a Construction ACDP or a new or modified Standard ACDP in accordance with OAR 340 division 216 before proceeding with the construction or modification.

(d) For Type 4 changes, the owner or operator must obtain a new or modified Standard ACDP before proceeding with the construction or modification. Type 4 changes may also be subject to OAR 340 division 224, New Source Review requirements.

(2) Approval to construct does not relieve the owner of the obligation of complying with applicable requirements.

(3) Notice of Completion. Unless otherwise specified in the construction ACDP or approval, the owner or operator must notify DEQ in writing that the construction or modification has been completed using a form furnished by DEQ. Unless otherwise specified, the notice is due 30 days after completing the construction or modification. The notice of completion must include the following:

(a) The date of completion of construction or modification; and

(b) The date the stationary source, device, activity, process, or air pollution control device was or will be put in operation.

(4) Order Prohibiting Construction or Modification. If at any time, DEQ determines that the proposed construction is not in accordance with applicable statutes, rules, regulations, and orders, DEQ will issue an order prohibiting the construction or modification. The order prohibiting construction or modification will be forwarded to the owner or operator by certified mail.

(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.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040, 468A.050, 468A.055, 468A.070 & 468A.310
Stats. Implemented: ORS 468A. 025, 468A.035, 468A.040, 468A.050, 468A.055, 468A.070 & 468A.310
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-210-0250

Approval to Operate

(1) The approval to construct does not provide approval to operate the constructed or modified stationary 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).

(2) Type 1 and 2 changes:

(a) For sources that are not required to obtain a permit in accordance with OAR 340-216-0020, Type 1 and 2 changes may be operated without further approval subject to the conditions of DEQ's approval to construct provided in accordance with OAR 340-210-0240.

(A) Approval to operate does not relieve the owner of the obligation of complying with applicable requirements that may include but are not limited to the general opacity standards in OAR 340-208-0110 and general particulate matter standards in OAR 340-226-0210 and OAR 340-228-0210.

(B) If required by DEQ as a condition of the approval to construct or at any other time in accordance with OAR 340-212-0120, the owner or operator must conduct testing or monitoring to verify compliance with applicable requirements. All required testing must be performed in accordance with OAR 340-212-0140.

(C) The owner or operator must register the air contaminant source with DEQ if required as a condition of the approval to construct or at any other time in accordance with OAR 340-210-0100.

(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.

(c) For sources currently operating under an ACDP, Type 1 and 2 changes may be operated without further approval unless the ACDP specifically prohibits the operation.

(d) For sources currently operating under an Oregon Title V Operating Permit, Type 1 and 2 changes may only be operated in accordance with OAR 340-218-0190(2).

(3) Type 3 and 4 changes:

(a) For new sources, Type 3 or 4 changes require a standard ACDP before operation of the changes.

(b) For sources currently operating under an ACDP, approval to operate Type 3 or 4 changes will require a new or modified standard ACDP. All ACDP terms and conditions remain in effect until the ACDP is modified.

(c) For sources currently operating under an Oregon Title V Operating Permit, approval to operate Type 3 or 4 changes must be in accordance with OAR 340-218-0190(2).

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040, 468A.050, 468A.055, 468A.070 & 468A.310
Stats. Implemented: ORS 468A. 025, 468A.035, 468A.040, 468A.050, 468A.055, 468A.070 & 468A.310
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2012, f. & cert. ef. 5-17-12

DIVISION 212

STATIONARY SOURCE TESTING AND MONITORING

340-212-0005

Applicability and Jurisdiction

(1) This division applies in all areas of the state.

(2) Subject to the requirements in this division and OAR 340-200-0010(3), LRAPA is designated by the EQC to implement the rules in this division within its area of jurisdiction.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.050, 468A.055, 468A.070, 468A.135 & 468A.310
Stats. Implemented: ORS 468A.035, 468A.050, 468A.055, 468A.070, 468A.135 & 468A.310

340-212-0010

Definitions

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

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 14-1999, f. & cert. ef. 10-14-99

Sampling, Testing and Measurement

340-212-0110

Applicability

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.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.050, 468A.055, 468A.070 & 468A.310
Stats. Implemented: ORS 468A.035, 468A.050, 468A.055, 468A.070 & 468A.310
Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0900

340-212-0120

Program

(1) As part of its coordinated program of air quality control and preventing and abating air pollution, DEQ may:

(a) Require the owner or operator of a stationary source to determine the type, quantity, quality, and duration of the emissions from any air contamination source;

(b) Require full reporting in writing of all test procedures and signed by the person or persons responsible for conducting the tests;

(c) Require continuous monitoring of specified air contaminant emissions or parameters and periodic regular reporting of the results of such monitoring.

(2) DEQ may require an owner or operator of a source to provide emission testing facilities as follows:

(a) Sampling ports, safe sampling platforms, and access to sampling platforms adequate for test methods applicable to such source; and

(b) Utilities for sampling and testing equipment.

(3) Testing must be conducted in accordance with the DEQ Source Sampling Manual, the DEQ Continuous Monitoring Manual, or an applicable EPA Reference Method unless DEQ, if allowed under applicable federal requirements:

(a) Specifies or approves minor changes in methodology in specific cases;

(b) Approves the use of an equivalent or alternative method as defined in division 200;

(c) Waives the testing requirement because the owner or operator has satisfied DEQ that the affected facility is in compliance with applicable requirements; or

(d) Approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.050, 468A.055, 468A.070 & 468A.310
Stats. Implemented: ORS 468A.035, 468A.050, 468A.055, 468A.070 & 468A.310
Hist.: DEQ 15, f. 6-12-70, ef. 9-1-70; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020 0035; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1100; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-212-0130

Stack Heights and Dispersion Techniques

(1) 40 CFR parts 51.100(ff) through 51.100(kk), and 51.118, 51.160 through 51.166, concerning stack heights and dispersion techniques, are adopted and incorporated herein. The federal rule generally prohibits the use of excessive stack height and certain dispersion techniques when calculating compliance with ambient air quality standards. The rule forbids neither the construction and actual use of excessively tall stacks, nor the use of dispersion techniques. It only forbids their use in noted calculations. The rule generally applies as follows. Stacks 65 meters high or greater that were constructed after December 31, 1970, and major modifications made after December 31, 1970 to existing plants with stacks 65 meters high or greater which were constructed before that date are subject to this rule. Certain stacks at federally owned, coal-fired steam electric generating units constructed under a contract awarded before February 8, 1974 are exempt. Any dispersion technique implemented after December 31, 1970 at any plant is subject to this rule. However, if the plant's total allowable emissions of sulfur dioxide are less than 5,000 tons per year, then certain dispersion techniques to increase final exhaust gas plume rise may be used when calculating compliance with ambient air quality standards for sulfur dioxide.

(2) Where found in the federal rule, the following terms apply:

(a) "Reviewing agency" means DEQ, LRAPA, or the EPA, as applicable;

(b) "Authority administering the State Implementation Plan" means DEQ, LRAPA, or EPA;

(c) The "procedures" referred to in 40 CFR 51.164 are the DEQ Major NSR procedures (OAR 340-224-0010 through 340-224-0070 and OAR 340-224-0500 through 340-224-0540 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, OAR 340-224-0010 through 340-224-0038, OAR 340-224-0200 through 340-224-0270 and OAR 340-224-0500 through 340-224-0540, or LRAPA Title 34).

(d) "The state" or "state, or local control agency" as referred to in 40 CFR 51.118, means DEQ or LRAPA;

(e) "Applicable state implementation plan" and "plan" refer to the DEQ or LRAPA programs and rules, as approved by the EPA, or any regulations promulgated by EPA (see 40 CFR part 52, subpart MM).

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.050, 468A.055, 468A.070, 468A.135 & 468A.310
Stats. Implemented: ORS 468A.035, 468A..050, 468A.055, 468A.070, 468A.135 & 468A.310
Hist.: DEQ 11-1986, f. & ef. 5-12-86; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0037; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1110; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-212-0140

Methods

(1) Any sampling, testing, or measurement performed pursuant to this division must conform to methods contained in the DEQ Source Sampling Manual or to recognized applicable standard methods approved in advance by DEQ.

(2) DEQ may approve an equivalent or alternative method as defined in division 200.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020,468A.050, 468A.055, 468A.070 & 468A.310
Stats. Implemented: ORS 468A.035, 468A..050, 468A.055, 468A.070 & 468A.310
Hist.: DEQ 15, f. 6-12-70, ef. 9-11-70; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0040; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1120; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2011(Temp), f. & cert. ef. 6-24-11 thru 12-19-11; Administrative correction, 2-6-12

340-212-0150

Department Testing

Instead of asking for tests and sampling of emissions from the owner or operator of a source, DEQ may conduct such tests alone or in conjunction with the owner or operator. If DEQ conducts the testing or sampling, the agency will provide a copy of the results to the owner or operator.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.050, 468A.055, 468A.070 & 468A.310
Stats. Implemented: ORS 468A.035, 468A..050, 468A.055, 468A.070 & 468A.310
Hist.: DEQ 15, f. 6-12-70, ef. 9-1-70; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0045; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1130; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

Compliance Assurance Monitoring

340-212-0200

Purpose and Applicability

(1) The purpose of OAR 340-212-0200 through 340-212-0280 is to require, as part of the issuance of a permit under Title V of the FCAA, improved or new monitoring at those emissions units where monitoring requirements do not exist or are inadequate to meet the requirements of OAR 340-212-0200 through 340-212-0280. Except for backup utility units that are exempt under subsection (2)(b), the requirements of OAR 340-212-0200 through 340-212-0280 apply to a regulated pollutant-specific emissions unit at a major source that is required to obtain an Oregon Title V Operating Permit if the unit meets all of the following criteria:

(a) The unit is subject to an emission limitation or standard for the applicable regulated pollutant (or a surrogate thereof), other than an emission limitation or standard that is exempt under subsection (2)(a);

(b) The unit uses a control device to achieve compliance with any such emission limitation or standard; and

(c) The unit has potential pre-control device emissions of the applicable regulated pollutant that are equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source. For purposes of this subsection, "potential pre-control device emissions" has the same meaning as "potential to

emit," as defined in 340-200-0020, except that emission reductions achieved by the applicable control device are not taken into account.

(2) Exemptions:

(a) Exempt emission limitations or standards. The requirements of OAR 340-212-0200 through 340-212-0280 do not apply to any of the following emission limitations or standards:

(A) Emission limitations or standards proposed by the Administrator after November 15, 1990 pursuant to section 111 or 112 of the FCAA;

(B) Stratospheric ozone protection requirements under title VI of the FCAA;

(C) Acid Rain Program requirements pursuant to sections 404, 405, 406, 407(a), 407(b), or 410 of the FCAA;

(D) Emission limitations or standards or other applicable requirements that apply solely under an emissions trading program approved or promulgated by the Administrator under the FCAA that allows for trading emissions within a source or between sources;

(E) An emissions cap that meets the requirements specified in 40 CFR 70.4(b)(12), 71.6(a)(13)(iii), or OAR 340 division 222 (Stationary Source Plant Site Emission Limits);

(F) Emission limitations or standards for which an Oregon Title V Operating Permit specifies a continuous compliance determination method, as defined in OAR 340-200-0020. The exemption does not apply if the applicable compliance method includes an assumed control device emission reduction factor that could be affected by the actual operation and maintenance of the control device. For example a certain surface coating line is controlled by an incinerator whose continuous compliance is determined by calculating emissions on the basis of coating records and an assumed control device efficiency factor based on an initial performance test. In this example, OAR 340-212-0200 through 212-0280 apply to the control device and capture system, but not to the remaining elements of the coating line, such as raw material usage.

(b) Exemption for backup utility power emissions units. The requirements of OAR 340-212-0200 through 212-0280 do not apply to a utility unit, as defined in 40 CFR 72.2, that is municipally owned if the owner or operator provides documentation in an Oregon Title V Operating Permit application that:

(A) The utility unit is exempt from all monitoring requirements in 40 CFR part 75, including the appendices thereto;

(B) The utility unit is operated solely for providing electricity during periods of peak electrical demand or emergency situations and will be operated consistent with that purpose throughout the Oregon Title V Operating Permit term. The owner or operator must provide historical operating data and relevant contractual obligations to document that this criterion is satisfied; and

(C) The actual emissions from the utility unit, based on the average annual emissions over the last three calendar years of operation, or such shorter time period that is available for units with fewer than three years of operation, are less than 50 percent of the amount in tons per year required for a source to be classified as a major source and are expected to remain so.

Stat. Auth.: ORS 468.020 & 468A.310
Stats. Implemented: ORS 468A.310

Hist.: DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1200; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-212-0210

Monitoring Design Criteria

(1) General criteria. To provide a reasonable assurance of compliance with emission limitations or standards for the anticipated range of operations at a regulated pollutant-specific emissions unit, monitoring under OAR 340-212-0200 through 340-212-0280 must meet the following general criteria:

(a) The owner or operator must design the monitoring to obtain data for one or more indicators of emission control performance for the control device, any associated capture system and, if necessary to satisfy subsection (1)(b), processes at a regulated pollutant-specific emissions unit. Indicators of performance may include, but are not limited to, direct or predicted emissions, including visible emissions or opacity, process and control device parameters that affect control device and capture system efficiency or emission rates, or recorded findings of inspection and maintenance activities conducted by the owner or operator;

(b) The owner or operator must establish an appropriate range or designated condition for the selected indicator such that operation within the ranges provides a reasonable assurance of ongoing compliance with emission limitations or standards for the anticipated range of operating conditions. Such range or condition must reflect the proper operation and maintenance of the control device and associated capture system, in accordance with applicable design properties, for minimizing emissions over the anticipated range of operating conditions at least to the level required to achieve compliance with the applicable requirements. The reasonable assurance of compliance will be assessed by maintaining performance within the indicator range or designated condition. The ranges must be established in accordance with the design and performance requirements in this rule and documented in accordance with the requirements in OAR 340-212-0220. If necessary to assure that the control device and associated capture system can satisfy this criterion, the owner or operator must monitor appropriate process operational parameters, such as total throughput where necessary to stay within the rated capacity for a control device. In addition, unless specifically stated otherwise by an applicable requirement, the owner or operator must monitor indicators to detect any bypass of the control device or capture system to the atmosphere, if such bypass can occur based on the design of the regulated pollutant-specific emissions unit;

(c) The design of indicator ranges or designated conditions may be:

(A) Based on a single maximum or minimum value if appropriate, e.g., maintaining condenser temperatures a certain number of degrees below the condensation temperature of the applicable compound being processed, or at multiple levels that are relevant to distinctly different operating conditions, e.g., high versus low load levels;

(B) Expressed as a function of process variables, e.g., an indicator range expressed as minimum to maximum pressure drop across a venturi throat in a particulate control scrubber;

(C) Expressed as maintaining the applicable parameter in a particular operational status or designated condition, e.g., position of a damper controlling gas flow to the atmosphere through a by-pass duct;

(D) Established as interdependent between more than one indicator.

(2) Performance criteria. The owner or operator must design the monitoring to meet the following performance criteria:

(a) Specifications that provide for obtaining data that are representative of the emissions or parameters being monitored, such as detector location and installation specifications, if applicable;

(b) For new or modified monitoring equipment, verification procedures to confirm the operational status of the monitoring prior to the date by which the owner or operator must conduct monitoring under OAR 340-212-0200 through 340-212-0280 as specified in OAR 340-212-0250(1). The owner or operator must consider the monitoring equipment manufacturer's requirements or recommendations for installation, calibration, and start-up operation;

(c) Quality assurance and control practices that are adequate to ensure the continuing validity of the data. The owner or operator must consider manufacturer recommendations or requirements applicable to the monitoring in developing appropriate quality assurance and control practices;

(d) Specifications for the frequency of the monitoring, the data collection procedures that will be used (e.g., computerized data acquisition and handling, alarm sensor, or manual log entries based on gauge readings), and, if applicable, the period over which discrete data points will be averaged for the purpose of determining whether an excursion or exceedance has occurred:

(A) At a minimum, the owner or operator must design the period over which data are obtained and, if applicable, averaged consistent with the characteristics and typical variability of the regulated pollutant-specific emissions unit, including the control device and associated capture system. Such intervals must be commensurate with the time period over which a change in control device performance that would require actions by owner or operator to return operations within normal ranges or designated conditions is likely to be observed;

(B) For all regulated pollutant-specific emissions units with the potential to emit, calculated including the effect of control devices, the applicable regulated pollutant in an amount equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source, for each parameter monitored, the owner or operator must collect four or more data values equally spaced over each hour and average the values, as applicable, over the applicable averaging period as determined in accordance with paragraph (2)(d)(A). DEQ may approve a reduced data collection frequency based on information presented by the owner or operator concerning the data collection mechanisms available for a particular parameter for the particular regulated pollutant-specific emissions unit, e.g., integrated raw material or fuel analysis data, noninstrumental measurement of waste feed rate or visible emissions, use of a portable analyzer or an alarm sensor;

(C) For other regulated pollutant-specific emissions units, the frequency of data collection may be less than the frequency specified in paragraph (2)(d)(B), but the monitoring must include some data collection at least once per 24-hour period, e.g., a daily inspection of a carbon adsorber operation in conjunction with a weekly or monthly check of emissions with a portable analyzer.

(3) Evaluation factors. In designing monitoring to meet the requirements in sections (1) and (2), the owner or operator must take into account site-specific factors including the applicability of existing monitoring equipment and procedures, the ability of the monitoring to account for process and control device operational variability, the reliability and latitude built into the control technology, and the level of actual emissions relative to the compliance limitation.

(4) Special criteria for the use of continuous emission, opacity or predictive monitoring systems:

(a) If a continuous emission monitoring system (CEMS), continuous opacity monitoring system (COMS), or predictive emission monitoring system (PEMS) is required by other authority under the FCAA or state or local

law, the owner or operator must use such system to satisfy the requirements of OAR 340-212-0200 through 340-212-0280;

(b) The use of a CEMS, COMS, or PEMS that satisfies any of the following monitoring requirements satisfies the general design criteria in sections (1) and (2). However, a COMS may be subject to the criteria for establishing indicator ranges under section (1):

(A) Section 51.214 and Appendix P of 40 CFR part 51;

(B) Section 60.13 and Appendix B of 40 CFR part 60;

(C) Section 63.8 and any applicable performance specifications required pursuant to the applicable subpart of 40 CFR part 63;

(D) 40 CFR part 75;

(E) Subpart H and Appendix IX of 40 CFR part 266; or

(F) If an applicable requirement does not otherwise require compliance with the requirements listed in paragraphs (4)(b)(A) through (E), comparable requirements and specifications established by DEQ.

(c) The owner or operator must design the monitoring system subject to section (4) to:

(A) Allow for reporting exceedances, or excursions if applicable to a COMS used to assure compliance with a particulate matter standard, consistent with any period for reporting of exceedances in an underlying requirement. If an underlying requirement does not contain a provision for establishing an averaging period for the reporting of exceedances or excursions, the criteria used to develop an averaging period in section (2)(d) applies; and

(B) Provide an indicator range consistent with section (1) for a COMS used to assure compliance with a particulate matter standard. If an opacity standard applies to the regulated pollutant-specific emissions unit, such limit may be used as the appropriate indicator range unless the opacity limit fails to meet the criteria in section (1) after considering the type of control device and other site-specific factors applicable to the regulated pollutant-specific emissions unit.

Stat. Auth.: ORS 468.020 & 468A.310
Stats. Implemented: ORS 468A.310
Hist.: DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1210; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-212-0220

Submittal Requirements

(1) The owner or operator must submit to DEQ monitoring plans that satisfy the design requirements in OAR 340-212-0210. The submission must include the following information:

(a) The indicators to be monitored to satisfy OAR 340-212-0210(1)(a) and (b);

(b) The ranges or designated conditions for such indicators, or the process by which such indicator ranges or designated conditions will be established;

(c) The performance criteria for the monitoring to satisfy OAR 340-212-0210(2); and

(d) If applicable, the indicator ranges and performance criteria for a CEMS, COMS or PEMS pursuant to OAR 340-212-0210(4).

(2) As part of the information submitted, the owner or operator must submit a justification for the proposed elements of the monitoring plans. If the performance specifications proposed to satisfy OAR 340-212-0210(2)(b) or (c) include differences from manufacturer recommendations, the owner or operator must explain the reasons for the differences. The owner or operator also must submit any data supporting the justification and may refer to generally available sources of information used to support the justification, such as generally available air pollution engineering manuals, or EPA or DEQ publications on appropriate monitoring for various types of control devices or capture systems. To justify the appropriateness of the monitoring elements proposed, the owner or operator may rely in part on existing applicable requirements that establish the monitoring for the applicable regulated pollutant-specific emissions unit or a similar unit. If an owner or operator relies on presumptively acceptable monitoring, no further justification for the appropriateness of that monitoring should be necessary other than an explanation of the applicability of such monitoring to the unit in question, unless data or information is brought forward to rebut the assumption. Presumptively acceptable monitoring includes:

(a) Presumptively acceptable or required monitoring approaches, established by DEQ in a rule that constitutes part of the applicable implementation plan required pursuant to title I of the FCAA, that are designed to achieve compliance with OAR 340-212-0200 through 340-212-0280 for particular regulated pollutant-specific emissions units;

(b) Continuous emission, opacity, or predictive emission monitoring systems that satisfy applicable monitoring requirements and performance specifications contained in OAR 340-212-0210(d);

(c) Excepted or alternative monitoring methods allowed or approved pursuant to 40 CFR part 75;

(d) Monitoring included for standards exempt from OAR 340-212-0200 through 340-212-0280 pursuant to OAR 340-212-0200(2)(a)(A) through (F) to the extent such monitoring is applicable to the performance of the control device and associated capture system for the regulated pollutant-specific emissions unit; and

(e) Presumptively acceptable monitoring methods identified in guidance by EPA.

(3)(a) Except as provided in section (4), the owner or operator must submit control device and process and capture system, if applicable, operating parameter data obtained during the conduct of the applicable compliance or performance test conducted under conditions specified by the applicable rule. If the applicable rule does not specify testing conditions or only partially specifies test conditions, the performance test generally must be conducted under conditions representative of maximum emissions potential under anticipated operating conditions at the regulated pollutant-specific emissions unit. Such data may be supplemented by engineering assessments and manufacturer's recommendations to justify the indicator ranges or, if applicable, the procedures for establishing such indicator ranges. Emission testing is not required to be conducted over the entire indicator range or range of potential emissions;

(b) The owner or operator must document that no changes to the regulated pollutant-specific emissions unit, including the control device and capture system, have taken place that could result in a significant change in the

control system performance or the selected ranges or designated conditions for the indicators to be monitored since the performance or compliance tests were conducted.

(4) If existing data from unit-specific compliance or performance testing specified in section (3) are unavailable, the owner or operator:

(a) Must submit a test plan and schedule for obtaining such data in accordance with section (5); or

(b) May submit indicator ranges, or procedures for establishing indicator ranges, that rely on engineering assessments and other data, if the owner or operator demonstrates that factors specific to the type of monitoring, control device, or regulated pollutant-specific emissions unit make compliance or performance testing unnecessary to establish indicator ranges at levels that satisfy the criteria in OAR 340-212-0210(1).

(5) If the monitoring plans submitted by the owner or operator require installation, testing, or other necessary activities before conducting the monitoring for purposes of OAR 340-212-0200 through 340-212-0280, the owner or operator must include an implementation plan and schedule for installing, testing and performing any other appropriate activities before conducting the monitoring. The implementation plan and schedule must provide for conducting the monitoring as expeditiously as practicable after DEQ approves the monitoring plans in the Oregon Title V Operating Permit pursuant to OAR 340-212-0240. In no case may the schedule for completing installation and beginning operation of the monitoring exceed 180 days after approval of the permit.

(6) If a control device is common to more than one regulated pollutant-specific emissions unit, the owner or operator may submit monitoring plans for the control device and identify the regulated pollutant-specific emissions units affected and any process or associated capture device conditions that must be maintained or monitored in accordance with OAR 340-212-0210(1) rather than submit separate monitoring plans for each regulated pollutant-specific emissions unit.

(7) If a single regulated pollutant-specific emissions unit is controlled by more than one control device that is similar in design and operation, the owner or operator may submit monitoring plans that apply to all the control devices and identify the control devices affected and any process or associated capture device conditions that must be maintained or monitored in accordance with OAR 340-212-0210(1) rather than submit a separate description for each control device.

Stat. Auth.: ORS 468.020 & 468A.310
Stats. Implemented: ORS 468A.310
Hist.: DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1220; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-212-0230

Deadlines for Submittals

(1) Large regulated pollutant-specific emissions units. For all regulated pollutant-specific emissions units with the potential to emit the applicable regulated pollutant in an amount equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source, the owner or operator must submit the information required under OAR 340-212-0220 at the following times:

(a) The owner or operator must submit information as part of an application for an initial Oregon Title V Operating Permit if, by that date, the application either:

(A) Has not been filed; or

(B) Has not yet been determined to be complete by DEQ.

(b) The owner or operator must submit information as part of an application for a significant permit revision under OAR 340-218-0080, but only with respect to those regulated pollutant-specific emissions units for which the proposed permit revision applies;

(c) The owner or operator must submit any information not submitted under the deadlines set forth in subsections (1)(a) and (b) as part of the application for the renewal of an Oregon Title V Operating Permit.

(2) Other regulated pollutant-specific emissions units. For all other regulated pollutant-specific emissions units subject to OAR 340-212-0220 through 340-212-0280 and not subject to section (1), the owner or operator must submit the information required under 340-212-0220 as part of an application for a renewal of an Oregon Title V Operating Permit.

(3) A permit reopening to require the submittal of information under this rule is not required by OAR 340-218-0200(1)(a)(A). If, however, an Oregon Title V Operating Permit is reopened for cause by EPA or DEQ pursuant to OAR 340-218-0200(1)(a)(C), (D), or (E), the applicable agency may require the submittal of information under this rule for those regulated pollutant-specific emissions units that are subject to OAR 340-212-0200 through 340-212-0280 and that are affected by the permit reopening.

(4) Until DEQ approves monitoring plans that satisfy the requirements of OAR 340-212-0200 through 340-212-0280, the owner or operator is subject to the requirements of OAR 340-218-0050(3)(a)(C).

Stat. Auth.: ORS 468.020 & 468A.310
Stats. Implemented: ORS 468A.310
Hist.: DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1230; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-212-0240

Approval of Monitoring Plans

(1) Based on an application that includes the information submitted in accordance with OAR 340-212-0230, DEQ will approve the monitoring plans submitted by the owner or operator by confirming that the plans satisfy the requirements in OAR 340-212-0210.

(2) DEQ may condition its approval on the owner or operator collecting additional data on the indicators to be monitored for a regulated pollutant-specific emissions unit, including required compliance or performance testing, to confirm that the monitoring will provide data sufficient to satisfy the requirements of OAR 340-212-0200 through 340-212-0280 and to confirm the appropriateness of an indicator range or designated condition proposed to satisfy OAR 340-212-0210(1)(b) and (c) and consistent with the schedule in OAR 340-212-0220(4).

(3) If DEQ approves the proposed monitoring, DEQ will establish one or more permit terms or conditions that specify the required monitoring in accordance with OAR 340-218-0050(3)(a). At a minimum, the permit will specify:

(a) The approved monitoring approach that includes all of the following:

(A) The indicator to be monitored (such as temperature, pressure drop, emissions, or similar parameter);

(B) The means or device to be used to measure the indicator (such as temperature measurement device, visual observation, or CEMS); and

(C) The performance requirements established to satisfy OAR 340-212-0210(2) or (4), as applicable.

(b) The means by which the owner or operator will define an exceedance or excursion for purposes of responding to and reporting exceedances or excursions under OAR 340-212-0250 and OAR 340-212-0260. The permit will specify the level at which an excursion or exceedance will be deemed to occur, including the appropriate averaging period associated with such exceedance or excursion. For defining an excursion from an indicator range or designated condition, the permit may either include the specific value or condition at which an excursion occurs, or the specific procedures that will be used to establish that value or condition. If the latter, the permit will specify appropriate notice procedures for the owner or operator to notify DEQ upon any establishment or reestablishment of the value;

(c) The obligation to conduct the monitoring and fulfill the other obligations specified in OAR 340-212-0250 through 340-212-0270;

(d) If appropriate, a minimum data availability requirement for valid data collection for each averaging period, and, if appropriate, a minimum data availability requirement for the averaging periods in a reporting period.

(4) If the monitoring proposed by the owner or operator requires installation, testing or final verification of operational status, the Oregon Title V Operating Permit will include an enforceable schedule with appropriate milestones for completing such installation, testing, or final verification consistent with the requirements in OAR 340-212-0220(5).

(5) If DEQ disapproves the proposed monitoring, the following applies:

(a) The draft or final permit will include, at a minimum, monitoring that satisfies the requirements of OAR 340-218-0050(3)(a)(C);

(b) The draft or final permit will include a compliance schedule for the owner or operator to submit monitoring plans that satisfy OAR 340-212-0210 and OAR 340-212-0220. In no case may the owner or operator submit revised monitoring more than 180 days from the date of issuance of the draft or final permit; and

(c) If the owner or operator does not submit the monitoring plans in accordance with the compliance schedule contained in the draft or final permit or if DEQ disapproves the proposed monitoring plans, the owner or operator is not in compliance with OAR 340-212-0200 through 340-212-0280, unless the source owner or operator successfully challenges the disapproval.

Stat. Auth.: ORS 468.020 & 468A.310
Stats. Implemented: ORS 468A.310
Hist.: DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1240; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-212-0250

Operation of Approved Monitoring

(1) Commencement of operation. The owner or operator must conduct the monitoring required under OAR 340-212-0200 through 340-212-0280 upon issuance of an Oregon Title V Operating Permit that includes such monitoring, or by any later date specified in the permit pursuant to OAR 340-212-0240(4).

(2) Proper maintenance. The owner or operator must at all times maintain the monitoring equipment, including but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment.

(3) Continued operation. Except for monitoring malfunctions, associated repairs, and required quality assurance or control activities including, as applicable, calibration checks and required zero and span adjustments, the owner or operator must conduct all monitoring in continuous operation, or must collect data at all required intervals, at all times that the regulated pollutant-specific emissions unit is operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities cannot be used for purposes of OAR 340-212-0200 through 340-212-0280, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The owner or operator must use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.

(4) Response to excursions or exceedances:

(a) Upon detecting an excursion or exceedance, the owner or operator must restore operation of the regulated pollutant-specific emissions unit, including the control device and associated capture system, to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response must include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance, other than those caused by excused startup or shutdown conditions. Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action, such as through response by a computerized distribution control system, or any necessary follow-up actions to return operation to within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable;

(b) Determination of whether the owner or operator has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system, and the process;

(c) Documentation of need for improved monitoring. After DEQ approves the monitoring plans under OAR 340-212-0200 through 340-212-0280, if the owner or operator identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not indicate an excursion or exceedance while providing valid data, or if the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the owner or operator must promptly notify DEQ and, if necessary, submit a proposed modification to the Oregon Title V Operating Permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters.

Stat. Auth.: ORS 468.020 & 468A.310
Stats. Implemented: ORS 468A.310
Hist.: DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1250; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-212-0260

Quality Improvement Plan (QIP) Requirements

(1) Based on the results of a determination made under OAR 340-212-0250(4)(b), the Administrator or DEQ may require the owner or operator to develop and implement a QIP. Consistent with OAR 340-212-0240(3)(c), the Oregon Title V Operating Permit may specify an appropriate threshold, such as an accumulation of exceedances or excursions exceeding 5 percent duration of a regulated pollutant-specific emissions unit's operating time for a reporting period, for requiring the implementation of a QIP. The threshold may be set at a higher or lower percent or may rely on other criteria for purposes of indicating whether a regulated pollutant-specific emissions unit is being maintained and operated in a manner consistent with good air pollution control practices.

(2) Elements of a QIP:

(a) The owner or operator must maintain a written QIP, if required, and have it available for inspection;

(b) The plan initially must include procedures for evaluating the control performance problems and, based on the results of the evaluation procedures, the owner or operator must modify the plan to include procedures for conducting one or more of the following actions, as appropriate:

(A) Improved preventive maintenance practices;

(B) Process operation changes;

(C) Appropriate improvements to control methods;

(D) Other steps appropriate to correct control performance;

(E) More frequent or improved monitoring, only in conjunction with one or more steps under paragraphs (A) through (D) above.

(3) If a QIP is required, the owner or operator must develop and implement a QIP as expeditiously as practicable and notify DEQ if the period for completing the improvements contained in the QIP exceeds 180 days from the date on which the need to implement the QIP was determined.

(4) Following implementation of a QIP, upon any subsequent determination pursuant to OAR 340-212-0250(4)(b) the Administrator or DEQ may require that an owner or operator make reasonable changes to the QIP if the QIP is found to have:

(a) Failed to address the cause of the control device performance problems; or

(b) Failed to provide adequate procedures for correcting control device performance problems as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions.

(5) Implementation of a QIP does not excuse the owner or operator of a source from compliance with any existing emission limitation or standard, or any existing monitoring, testing, reporting or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements under the FCAA.

Stat. Auth.: ORS 468.020 & 468A.310
Stats. Implemented: ORS 468A.310
Hist.: DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1260; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-212-0270

Reporting and Recordkeeping Requirements

(1) General reporting requirements:

(a) On and after the date specified in OAR 340-212-0250(1) by which the owner or operator must conduct monitoring that meets the requirements of OAR 340-212-0200 through 340-212-0280, the owner or operator must submit monitoring reports to DEQ in accordance with OAR 340-218-0050(3)(c);

(b) A report for monitoring under OAR 340-212-0200 through 340-218-0280 must include, at a minimum, the information required under OAR 340-218-0050(3)(c) and the following information, as applicable:

(A) Summary information on the number, duration and cause, including unknown cause, of excursions or exceedances, as applicable, and the corrective actions taken;

(B) Summary information on the number, duration and cause, including unknown cause, for monitor downtime incidents, other than downtime associated with zero and span or other daily calibration checks; and

(C) A description of the actions taken to implement a QIP during the reporting period as specified in OAR 340-212-0260. Upon completion of a QIP, the owner or operator must include in the next summary report documentation that the implementation of the plan has been completed and has reduced the likelihood of similar levels of excursions or exceedances occurring.

(2) General recordkeeping requirements:

(a) The owner or operator must comply with the recordkeeping requirements specified in OAR 340-218-0050(3)(b). The owner or operator must maintain records of monitoring data, performance data, corrective actions taken, any written quality improvement plan required pursuant to OAR 340-212-0260 and any activities undertaken to implement a quality improvement plan, and other supporting information required by OAR 340-212-0200 through 340-212-0280, such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions;

(b) Instead of paper records, the owner or operator may maintain records on alternative media, such as microfilm, computer files, magnetic tape disks, or microfiche, if the use of such alternative media allows for expeditious inspection and review and does not conflict with other applicable recordkeeping requirements.

Stat. Auth.: ORS 468.020 & 468A.310
Stats. Implemented: ORS 468A.310
Hist.: DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1270; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-212-0280

Savings Provisions

Nothing in OAR 340-212-0200 through 340-212-0280:

(1) Excuses the owner or operator of a source from complying with any existing emission limitation or standard, or with any existing monitoring, testing, reporting, or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements under the FCAA. The requirements of OAR 340-212-0200 through 340-212-0280 may not be used to justify the approval of monitoring less stringent than the monitoring required under separate legal authority. Nor are they intended to establish minimum requirements for the purpose of determining the monitoring to be imposed under separate authority under the FCAA, including monitoring in permits issued pursuant to title I of the FCAA.

(2) Restricts or abrogates the authority of the Administrator or DEQ to impose additional or more stringent monitoring, recordkeeping, testing, or reporting requirements on any owner or operator of a source under any provision of the FCAA, including but not limited to sections 114(a)(1) and 504(b), or state law, as applicable;

(3) Restricts or abrogates the authority of the Administrator or DEQ to take any enforcement action under the FCAA for any violation of an applicable requirement or of any person to take action under section 304 of the FCAA.

Stat. Auth.: ORS 468.020 & 468A.310
Stats. Implemented: ORS 468A.310
Hist.: DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1280; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

DIVISION 214

STATIONARY SOURCE REPORTING REQUIREMENTS

340-214-0005

Applicability and Jurisdiction

(1) This division applies in all areas of the state.

(2) Subject to the requirements in this division and OAR 340-200-0010(3), LRAPA is designated by the EQC to implement the rules in this division within its area of jurisdiction.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.050 & 468A.135
Stats. Implemented: ORS 468A.025, 468A.050 & 468A.135

340-214-0010

Definitions

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

(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.

(2) "Small source" means any other stationary source that is not a large source and that operates under a basic, general, simple or standard ACDP.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025 & 468A.050
Hist.: DEQ 14-1999, f. & cert. ef. 10-14-99; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 8-2007, f. & cert. ef. 11-8-07

Reporting

340-214-0100

Applicability

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.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.050
Stats. Implemented: ORS 468A.025 & 468A.050
Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0200

340-214-0110

Request for Information

All stationary sources must provide in a reasonably timely manner any and all information that DEQ reasonably requires for the purpose of regulating stationary sources. Such information may be required on a one-time, periodic, or continuous basis and may include, but is not limited to, information necessary to:

(1) Issue a permit and ascertain compliance or noncompliance with the permit terms and conditions;

(2) Ascertain applicability of any requirement;

(3) Ascertain compliance or noncompliance with any applicable requirement; and

(4) Incorporate monitoring, recordkeeping, reporting, and compliance certification requirements into a permit.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025 & 468A.050
Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0300; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-214-0114

Records; Maintaining and Reporting

(1) When notified by DEQ, any person owning or operating a source within the state must keep and maintain written records of the nature, type, and amounts of emissions from such source and other information DEQ may require in order to determine whether the source is in compliance with applicable emission rules, limitations, or control measures.

(2) The records must be prepared in the form of a report and submitted to DEQ on an annual, semi-annual, or more frequent basis, as requested in writing by DEQ. Submittals must be filed at the end of the first full period after DEQ's notification to such persons owning or operating a stationary air contaminant source of these recordkeeping requirements. Unless otherwise required by rule or permit, semi-annual periods are Jan. 1 to June 30, and July 1 to Dec. 31. A more frequent basis for reporting may be required due to noncompliance or if necessary to protect human health or the environment.

(3) The required reports must be completed on forms approved by DEQ and submitted within 30 days after the end of the reporting period, unless otherwise authorized by permit.

(4) All reports and certifications submitted to DEQ under divisions 200 to 264 must accurately reflect the monitoring, record keeping and other documentation held or performed by the owner or operator.

(5) The owner or operator of any source required to obtain a permit under OAR 340 division 216 or 218 must retain records of all required monitoring data and supporting information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. For the owner or operator of a source permitted under OAR 340 division 216, this requirement takes effect on July 1, 2015.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.050 & 468A.310
Stats. Implemented: ORS 468A.025, 468A.050 & 468A.310
Hist.: DEQ 44(Temp), f. & ef. 5-5-72; DEQ 48, f. 9-20-72, ef. 10-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0046; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1140; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-212-0160

340-214-0130

Information Exempt from Disclosure

(1) Pursuant to the provisions of ORS 192.410 to 192.505, all information submitted to DEQ is subject to inspection upon request by any person unless such information is determined to be exempt from disclosure pursuant to section (2) or (3).

(2) If an owner or operator claims that any writing, as that term is defined in ORS 192.410, is confidential or otherwise exempt from disclosure, in whole or in part, the owner or operator must comply with the following procedures:

(a) The writing must be clearly marked with a request for exemption from disclosure. For a multi-page writing, each page must be so marked.

(b) The owner or operator must state the specific statutory provision under which it claims exemption from disclosure and explain why the writing meets the requirements of that provision.

(c) For writings that contain both exempt and non-exempt material, the proposed exempt material must be clearly distinguishable from the non-exempt material. If possible, the exempt material must be arranged so that it is placed on separate pages from the non-exempt material.

(3) For a writing to be considered exempt from disclosure as a “trade secret,” it must meet all of the following criteria:

(a) The information cannot be patented;

(b) It must be known only to a limited number of individuals within a commercial concern who have made efforts to maintain the secrecy of the information;

(c) It must be information that derives actual or potential economic value from not being disclosed to other persons;

(d) It must give its users the chance to obtain a business advantage over competitors not having the information; and

(e) It must not be emissions data.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 192.430, 468.020 & 468A.050
Stats. Implemented: ORS 192.410 through 192.505, 468.020, 468A.025 & 468A.050
Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0400; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

Emission Statements for VOC and NOx Sources

340-214-0200

Purpose and Applicability

(1) The purpose of these rules is to obtain data on actual emissions of VOCs and NOx from sources in ozone nonattainment areas, in accordance with FCAA requirements, for the purpose of monitoring progress toward attainment of the ozone ambient air quality standards.

(2) OAR 340-214-0200 through 340-214-0220 apply to sources of VOC and NOx in ozone nonattainment areas that have a PSEL equal to or greater than 25 tons per year for either regulated pollutant, or whose actual emissions are equal to or greater than 25 tons per year for either regulated pollutant.

(3) For purposes of establishing consistent emission reporting requirements, owners or operators of VOC and NOx sources already subject to Oregon Title V Operating Permit Fees, OAR 340 division 220, and electing to pay fees based on actual emissions must report emission data to DEQ, utilizing procedures identified in those rules to calculate actual VOC and NOx emissions, to the extent applicable. Owners or operators of other sources must use current and applicable emission factors and actual production data to estimate and report actual emissions.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.050, 468A.070 & 468A.310
Stats. Implemented: ORS 468A.050, 468A.070 & 468A.310
Hist.: DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0450; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1500; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-214-0210

Requirements

(1) Owners or operators of VOC and NOx sources subject to the requirements of OAR 340-214-0200 through 340-214-0220 must submit data annually on the average actual emissions during the ozone season to DEQ. These Emission Statements must contain the following information:

(a) Certification that the information contained in the statement is accurate to the best of the certifying individual's knowledge;

(b) Source identification information: full name, physical location, mailing address of the facility, and permit number; and

(c) Emissions information:

(A) The VOC and NOx actual emissions on an average operating day basis during the preceding year's ozone season, by source category. 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; and

(B) Each emission factor used and the reference source for the emission factor, if applicable, or an explanation of any other method or procedure used to calculate emissions, e.g., material balance, source test, or continuous monitoring.

(2) Owners or operators of sources subject to these rules must keep at the plant site records of the information used to calculate actual emissions pursuant to these rules. These records must contain all applicable operating data, process rate data, control device efficiency information, and other information used to calculate or estimate actual emissions. The information must be available for DEQ's review or submitted upon request. Such records must be kept by the owner or operator for three years after the date of the submittal of the emission statement.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.050, 468A.070 & 468A.310
Stats. Implemented: ORS 468A.050, 468A.070 & 468A.310
Hist.: DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0470; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1510; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-214-0220

Submission of Emission Statement

The owner or operator of any facility meeting the applicability requirements stated in OAR 340-214-0200 must submit annual Emission Statements to DEQ. The Emission Statement for the preceding calendar year is due to DEQ no later than the due date for the annual permit report specified in the source's ACDP or Oregon Title V Operating Permit.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.050, 468A.070 & 468A.310
Stats. Implemented: ORS 468A.050, 468A.070 & 468A.310
Hist.: DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0480; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1520; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

Excess Emissions and Emergency Provision

340-214-0300

Purpose and Applicability

Emissions of air contaminants in excess of applicable standards or permit conditions are unauthorized and subject to enforcement action. OAR 340-214-0300 through 340-214-0360 apply to any source that emits air contaminants in excess of any applicable air quality rule or permit condition, including but not limited to excess emissions resulting from the breakdown of air pollution control devices or operating equipment, process upset, startup, shutdown, or scheduled maintenance. Sources that do not emit air contaminants in excess of any applicable air quality rule or permit condition are not subject to the recordkeeping and reporting requirements in OAR 340-214-0300 through 340-214-0360. Emissions in excess of applicable standards are not excess emissions if the standard is in an NSPS or NESHAP and the NSPS or NESHAP exempts startups, shutdowns and malfunctions as defined in the applicable NSPS or NESHAP. The purpose of these rules is to:

(1) Require that, where applicable, the owner or operator immediately report all excess emissions to DEQ;

(2) Require the owner or operator to submit information and data regarding conditions that resulted or could result in excess emissions;

(3) Identify criteria for DEQ to use in determining whether it will take enforcement action against an owner or operator for an excess emission; and

(4) Provide owners and operators of sources with Oregon Title V Operating Permits an affirmative defense to a penalty action when noncompliance with technology-based emission limits is due to an emergency, as provided in OAR 340-214-0360.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.050 & 468A.310
Stats. Implemented: ORS 468A.050 & 468A.310
Hist.: DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 42-1990, f. 12-13-90, cert. ef. 1-2-91, Renumbered from 340-021-0065; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0350; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1400; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 8-2007, f. & cert. ef. 11-8-07

340-214-0310

Planned Startup and Shutdown

(1) This rule applies to any source where startup or shutdown of a production process or system may result in excess emissions, and

(a) That is a major source; or

(b) That is in a non-attainment or maintenance area for the regulated pollutant which may constitute excess emissions; or

(c) From which DEQ requires the application in section (2).

(2) The owner or operator must obtain prior DEQ authorization of startup and shutdown procedures. The owner or operator must submit to DEQ 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 startup or shutdown event to which the procedures apply. The application must:

(a) Explain why the excess emissions during startup and shutdown cannot be avoided;

(b) Identify the specific production process or system that will cause the excess emissions;

(c) Identify the nature of the air contaminants likely to be emitted and estimate the amount and duration of the excess emissions; and

(d) Identify specific procedures to be followed that will minimize excess emissions at all times during startup and shutdown.

(3) DEQ will approve the procedures if it determines that they are consistent with good pollution control practices, will minimize emissions during such period to the extent practicable, and that no adverse health impact on the public will occur. The owner or operator must record all excess emissions in the excess emissions log, as required in OAR 340-214-0340(3). Approval of the procedures does not shield the owner or operator from an enforcement action, but DEQ will consider whether the procedures were followed in determining whether an enforcement action is appropriate.

(4) Once DEQ approves startup and shutdown procedures, the owner or operator does not have to notify DEQ of a planned startup or shutdown event unless it results in excess emissions.

(5) When notice is required by section (4), it must be made in accordance with OAR 340-214-0330(1)(a).

(6) DEQ may revoke or require modifications to previously approved procedures at any time by written notification to the owner or operator.

(7) No startups or shutdowns that may result in excess emissions associated with the approved procedures in section (3) are allowed during any period in which an Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency has been declared, or during an announced yellow or red woodstove curtailment period in areas designated by DEQ as PM2.5 or PM10 nonattainment areas.

(8) The owner or operator is subject to the requirements under All Other Excess Emissions in OAR 340-214-0330 if the owner or operator fails to obtain DEQ approval of start-up and shutdown procedures in accordance with section (2).

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A.025, 468A.040 & 468A.310
Hist.: DEQ 42-1990, f. 12-13-90, cert. ef. 1-2-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0360; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1410; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 8-2007, f. & cert. ef. 11-8-07

340-214-0320

Scheduled Maintenance

(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:

(a) Explain the need for maintenance, including but not limited to:

(A) Why the maintenance activity is necessary;

(B) Why it would be impractical to shut down the source operation during the maintenance activity;

(C) If applicable, why air pollution control devices must be by-passed or operated at reduced efficiency during the maintenance activity; and

(D) Why the excess emissions could not be avoided through better scheduling for maintenance or through better operation and maintenance practices.

(b) Identify the specific production or emission control device or system to be maintained;

(c) Identify the nature of the air contaminants likely to be emitted during the maintenance period and the estimated amount and duration of the excess emissions, including measures such as the use of overtime labor and contract services and equipment, that will be taken to minimize the length of the maintenance period;

(d) Identify specific procedures to be followed that will minimize excess emissions at all times during the scheduled maintenance.

(2) DEQ will approve the procedures if it determines that they are consistent with good pollution control practices, will minimize emissions during such period to the extent practicable, and that no adverse health impact on the public will occur. The owner or operator must record all excess emissions in the excess emissions log, as required in OAR 340-214-0340(3). Approval of the above procedures does not shield the owner or operator from an enforcement action, but DEQ will consider whether the procedures were followed in determining whether an enforcement action is appropriate.

(3) Once DEQ approves the maintenance procedures the owner or operator does not have to notify DEQ of a scheduled maintenance event unless it results in excess emissions.

(4) When required by section (3), notification must be made in accordance with OAR 340-214-0330(1)(a).

(5) DEQ may revoke or require modifications to previously approved procedures at any time by written notification to the owner or operator.

(6) No scheduled maintenance associated with the approved procedures in section (2), that is likely to result in excess emissions, may occur during any period in which an Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency has been declared, or during an announced yellow or red woodstove curtailment period in areas designated by DEQ as PM2.5 or PM10 nonattainment areas.

(7) The owner or operator is subject to the requirements under All Other Excess Emissions in OAR 340-214-0330 if the owner or operator fails to obtain DEQ approval of maintenance procedures in accordance with section (1).

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A.025, 468A.040 & 468A.310
Hist.: DEQ 42-1990, f. 12-13-90, cert. ef. 1-2-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0365; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1420; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 8-2007, f. & cert. ef. 11-8-07

340-214-0330

All Other Excess Emissions

(1) For all other excess emissions not addressed in OAR 340-214-310, 340-214-320, or 340-214-360, the following requirements apply:

(a) The owner or operator of a large source, as defined by OAR 340-214-0010, must immediately notify DEQ of the first onset per calendar day of any excess emissions event, unless otherwise specified by a permit condition.

(b) The owner or operator of a small source, as defined by OAR 340-214-0010, need not immediately notify DEQ of excess emissions events unless otherwise required by a permit condition, written notice by DEQ, or if the excess emission is of a nature that could endanger public health.

(c) Additional reporting and recordkeeping requirements are specified in OAR 340-214-0340.

(2) During any period of excess emissions, DEQ may require that an owner or operator immediately reduce or cease operation of the equipment or facility until the condition causing the excess emissions has been corrected or brought under control. DEQ will consider the following factors:

(a) The potential risk to the public or environment;

(b) Whether shutdown could result in physical damage to the equipment or facility, or cause injury to employees;

(c) Whether any Air Pollution Alert, Warning, Emergency, or yellow or red woodstove curtailment period exists; and

(d) Whether continued excess emissions were avoidable.

(3) If there is an on-going period of excess emissions, the owner or operator must cease operation of the equipment or facility no later than 48 hours after the beginning of the excess emission period, if the condition causing the emissions is not corrected within that time. The owner or operator does not have to cease operation if DEQ approves procedures to minimize excess emissions until the condition causing the excess emissions is corrected or brought under control. DEQ will consider the following before approving the procedures:

(a) Why the condition causing the excess emissions cannot be corrected or brought under control, including equipment availability and difficulty of repair or installation; and

(b) Information as required in OAR 340-214-0310(2)(b), (c), and (d) or 340-214-0320(1)(b), (c), and (d), as appropriate.

(4) DEQ will approve the procedures if it determines that they are consistent with good pollution control practices, will minimize emissions during such period to the extent practicable, and that no adverse health impact on the public will occur. The owner or operator must record all excess emissions in the excess emissions log as required in OAR 340-214-0340(3). At any time during the period of excess emissions DEQ may require the owner or operator to cease operation of the equipment or facility, in accordance with section (2). Approval of these procedures does not shield the owner or operator from an enforcement action, but DEQ will consider whether the procedures were followed in determining whether an enforcement action is appropriate.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A.025, 468A.040 & 468A.310
Hist.: DEQ 42-1990, f. 12-13-90, cert. ef. 1-2-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0370; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 24-1994, f. & cert. ef. 10-28-94; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1430; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 8-2007, f. & cert. ef. 11-8-07

340-214-0340

Reporting Requirements

(1) For any excess emissions event at a source with an Oregon Title V Operating Permit and for any other source as required by permit, the owner or operator must submit a written report of excess emissions for each calendar day of the event. The report must be submitted within 15 days of the date of the event and include the following:

(a) The date and time of the beginning of the excess emissions event and the duration or best estimate of the time until return to normal operation;

(b) The date and time the owner or operator notified DEQ of the event;

(c) The equipment involved;

(d) Whether the event occurred during planned startup, planned shutdown, scheduled maintenance, or as a result of a breakdown, malfunction, or emergency;

(e) Steps taken to mitigate emissions and corrective actions taken, including whether the approved procedures for a planned startup, shutdown, or maintenance activity were followed;

(f) The magnitude and duration of each occurrence of excess emissions during the course of an event and the increase over normal rates or concentrations as determined by continuous monitoring or a best estimate, supported by operating data and calculations;

(g) The final resolution of the cause of the excess emissions; and

(h) Where applicable, evidence supporting any claim that emissions in excess of technology-based limits were due to an emergency pursuant to OAR 340-214-0360.

(2) Based on the severity of event, DEQ may specify a shorter time period for report submittal.

(3) All source owners or operators must keep an excess emissions log of all planned and unplanned excess emissions. The log must include all pertinent information as required in section (1) and be kept by the owner or operator for five calendar years.

(4) At each annual reporting period specified in a permit, or sooner if DEQ requires, the owner or operator must submit:

(a) A copy of the excess emissions log entries for the reporting period; unless previously submitted in accordance with section (1); and

(b) Where applicable, current procedures to minimize emissions during startup, shutdown, or maintenance as outlined in OAR 340-214-0310 and 340-214-0320. The owner or operator must specify in writing whether these procedures are new, modified, or have already been approved by DEQ.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.050 & 468A.310
Stats. Implemented: ORS 468A.025, 468A.050 & 468A.310
Hist.: DEQ 42-1990, f. 12-13-90, cert. ef. 1-2-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0375; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1440; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 8-2007, f. & cert. ef. 11-8-07

340-214-0350

Enforcement Action Criteria

In determining whether to take enforcement action for excess emissions, DEQ considers, based upon information submitted by the owner or operator, the following:

(1) Whether the owner or operator met the notification, recordkeeping and reporting requirements of OAR 340-214-0330 and 340-214-0340;

(2) Whether during the period of the excess emissions event the owner or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other permit requirements;

(3) Whether the owner or operator took the appropriate remedial action;

(4) Whether the event was due to the owner's or operator's negligent or intentional operation. For DEQ to find that an incident of excess emissions was not due to the owner's or operator's negligent or intentional operation, DEQ may ask the owner or operator to demonstrate that all of the following conditions were met:

(a) The process or handling equipment and the air pollution control device were at all times maintained and operated in a manner consistent with good practice for minimizing emissions;

(b) Repairs or corrections were made in an expeditious manner when the owner or operator knew or should have known that emission limits were being or were likely to be exceeded. "Expeditious manner" may include activities such as use of overtime labor or contract labor and equipment that would reduce the amount and duration of excess emissions; and

(c) The event was not one in a recurring pattern of incidents that indicate inadequate design, operation, or maintenance;

(5) Whether the owner or operator was following procedures approved in OAR 340-214-0310 or 340-214-0320 at the time of the excess emissions;

(6) Whether any federal New Source Performance Standard or National Emission Standard for Hazardous Air Pollutants applies and whether the excess emission event caused a violation of the federal standard; and

(7) Whether the excess emissions event was due to an emergency.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025
Stats. Implemented: ORS 468 & 468A.025
Hist.: DEQ 42-1990, f. 12-13-90, cert. ef. 1-2-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0380; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1450; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 8-2007, f. & cert. ef. 11-8-07

340-214-0360

Emergency as an Affirmative Defense for Title V Permitted Sources

(1) An emergency constitutes an affirmative defense to penalty actions due to noncompliance with technology-based emission limits in an Oregon Title V Operating Permit if the owner or operator notifies DEQ immediately of the emergency condition and provides and demonstrates through properly signed, contemporaneous operating logs, excess emission logs, or other relevant evidence that:

(a) An emergency occurred and caused the excess emissions;

(b) The cause of the emergency;

(c) The facility was at the time being properly operated;

(d) During the occurrence of the emergency, the owner or operator took all reasonable steps to minimize levels of excess emissions; and

(e) The notification to DEQ contained a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(2) The person seeking to establish the occurrence of an emergency has the burden of proof by a preponderance of the evidence.

(3) This provision is in addition to any emergency or any other excess emissions provision contained in any applicable requirement.

Stat. Auth.: ORS 468.020 & 468A.310
Stats. Implemented: ORS 468A.310
Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1460; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 8-2007, f. & cert. ef. 11-8-07

DIVISION 216

AIR CONTAMINANT DISCHARGE PERMITS

340-216-0010

Purpose

This division prescribes the requirements and procedures for obtaining Air Contaminant Discharge Permits (ACDPs) pursuant to ORS 468A.040 through 468A.060 and related statutes for sources of air contaminants.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A.025, 468A.040 & 468A.310
Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-86; Renumbered from 340-020-0033.02; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0140; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1700; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-216-0020

Applicability and Jurisdiction

(1) This division applies to all sources listed in OAR 340-216-8010. This division also applies to Oregon Title V Operating Permit program sources when an ACDP is required by OAR 340-218-0020 or 340-224-0010. Sources referred to in OAR 340-216-8010 are subject to fees in OAR 340-216-8020.

(2) Sources in any one of the categories in OAR 340-216-8010 must obtain a permit. If a source meets the requirements of more than one of the source categories and the source is not eligible for a Basic ACDP or a General ACDP that has been authorized by DEQ, then the source must obtain a Simple or Standard ACDP. Source categories are not listed in alphabetical order.

(a) The commercial and industrial sources in OAR 340-216-8010 Part A must obtain a Basic ACDP under OAR 340-216-0056 unless the source chooses to obtain a General, Simple or Standard ACDP. For purposes of Part A, production and emission parameters are based on the latest consecutive 12 month period, or future projected operation, whichever is higher. Emission cutoffs are based on actual emissions.

(b) Sources in any one of the categories in OAR 340-216-8010 Part B must obtain one of the following unless otherwise allowed in Part B:

(A) A General ACDP, if one is available for the source classification and the source qualifies for a General ACDP under OAR 340-216-0060;

(B) A Simple ACDP under OAR 340-216-0064; or

(C) A Standard ACDP under OAR 340-216-0066 if the source fits one of the criteria of Part C or does not qualify for a Simple ACDP.

(c) Sources in any one of the categories in OAR 340-216-8010 Part C must obtain a Standard ACDP under the procedures set forth in OAR 340-216-0066.

(3) No person may construct, install, establish, develop or operate any air contaminant source listed in OAR 340-216-8010 without first obtaining an Air Contaminant Discharge Permit (ACDP) from DEQ or LRAPA and keeping a copy onsite at all times, unless otherwise deferred from the requirement to obtain an ACDP in subsection (1)(b) or DEQ has granted an exemption from the requirement to obtain an ACDP under subsection (1)(e). No person may continue to operate an air contaminant source if the ACDP expires, or is terminated or revoked; except as provided in OAR 340-216-0082.

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

(b) An air contaminant source required to obtain an ACDP or ACDP Attachment pursuant to a NESHAP under OAR division 244 or NSPS under OAR division 238 is not required to submit an application for an ACDP or ACDP Attachment until four months after the effective date of the EQC's adoption of the NESHAP or NSPS, and is not required to obtain an ACDP or ACDP Attachment until six months after the EQC's adoption of the NESHAP or NSPS. In addition, DEQ may defer the requirement to submit an application for, or to obtain an ACDP or ACDP Attachment, or both, for up to an additional twelve months.

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

(d) OAR 340-216-0060(1)(b)(A), 340-216-0062(2)(b)(A), 340-216-0064(4)(a), and 340-216-0066(3)(a), do not relieve a permittee from the responsibility of complying with federal NESHAP or NSPS requirements that apply to the source even if DEQ has not incorporated such requirements into the permit.

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

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

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

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

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

(8) Subject to the requirements in this division and OAR 340-200-0010(3), LRAPA is designated by the EQC to implement the rules in this division within its area of jurisdiction.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040, 468A.155 & 468A.310
Stats. Implemented: ORS 468A.025, 468A.040, 468A.135 through 468A.155 & 468A.310
Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033; DEQ 125, f. & ef. 12-16-76; DEQ 20-1979, f. & ef. 6-29-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 13-1981, f. 5-6-81, ef. 7-1-81; DEQ 11-1983, f. & ef. 5-31-83; DEQ 3-1986, f. & ef. 2-12-86; DEQ 12-1987, f. & ef. 6-15-87; DEQ 27-1991, f. & cert. ef. 11-29-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0155; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1994, f. & cert. ef. 10-4-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1720; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 7-2007, f. & cert. ef. 10-18-07; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 9-2009(Temp), f. 12-24-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; DEQ 12-2010, f. & cert. ef. 10-27-10; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 11-2011, f. & cert. ef. 7-21-11; DEQ 13-2011, f. & cert. ef. 7-21-11; DEQ 14-2011, f. & cert. ef. 7-21-11; DEQ 4-2013, f. & cert. ef. 3-27-13; DEQ 9-2013(Temp), f. & cert. ef. 10-24-13 thru 4-22-14; Administrative correction, 5-21-14; DEQ 9-2014 f. & cert. ef. 6-26-14

340-216-0025

Types of Permits

(1) Construction ACDP:

(a) A Construction ACDP may be used for approval of Type 3 changes specified in OAR 340-210-0225 at a source subject to the ACDP permit requirements in this division.

(b) A Construction ACDP is required for Type 3 changes specified in OAR 340-210-0225 at sources subject to the Oregon Title V Operating Permit requirements.

(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, as determined by DEQ. 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.

(3) Short Term Activity ACDP. A Short Term Activity ACDP is a letter permit that authorizes the activity and includes any conditions placed upon the method or methods of operation of the activity. DEQ may issue a Short Term Activity ACDP for unexpected or emergency activities, operations, or emissions.

(4) Basic ACDP. A Basic ACDP is a permit that authorizes the regulated source to operate in conformance with the rules contained in OAR 340 divisions 200 to 268.

(a) Owners and operators of sources and activities listed in Part A of OAR 340-216-8010 must at a minimum obtain a Basic ACDP.

(b) Any owner or operator of a source required to obtain a Basic ACDP may obtain either a Simple or Standard ACDP.

(5) Simple ACDP.

(a) Owners and operators of sources and activities listed in OAR 340-216-8010 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.

(b) A Simple ACDP is a permit that contains:

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

(B) Generic PSELs for all regulated pollutants emitted at more than the de minimis emission level according to OAR 340 division 222;

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

(D) A permit duration not to exceed 5 years.

(6) Standard ACDP:

(a) Applicability.

(A) The owner or operator of a source listed in Part C of OAR 340-216-8010 must obtain a Standard ACDP.

(B) The owner or operator of a source listed in Part B of OAR 340-216-8010 that does not qualify for a General ACDP or Simple ACDP must obtain a Standard ACDP.

(C) The owner or operator of a source not required to obtain a Standard ACDP may obtain a Standard ACDP.

(b) A Standard ACDP is a permit that contains:

(A) All applicable requirements, including general ACDP conditions for incorporating generally applicable requirements;

(B) Source specific PSELs or Generic PSEL levels, whichever are applicable, as specified in OAR 340 division 222;

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

(D) A permit duration not to exceed 5 years.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A.025, 468A.040 & 468A.310
Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033; DEQ 125, f. & ef. 12-16-76; DEQ 20-1979, f. & ef. 6-29-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 13-1981, f. 5-6-81, ef. 7-1-81; DEQ 11-1983, f. & ef. 5-31-83; DEQ 3-1986, f. & ef. 2-12-86; DEQ 12-1987, f. & ef. 6-15-87; DEQ 27-1991, f. & cert. ef. 11-29-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0155; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1994, f. & cert. ef. 10-4-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1720; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 9-2014 f. & cert. ef. 6-26-14

340-216-0030

Definitions

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

(1) “Basic technical modification” includes, but is not limited to changing source test dates if the equipment is not being operated, and similar changes.

(2) “Complex technical modification” includes, but is 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.

(3) “Moderate technical modification” includes, but is 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.

(4) “Non-technical modification” means name changes, change of ownership, correction of typographical errors and similar administrative changes.

(5) “Simple technical modification” includes, but is not limited to modifying a compliance method to use different emission factors or process parameters, changing reporting dates or frequency, and similar changes.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025, 468A.040 & 468A.310
Hist.: DEQ 14-1999, f. & cert. ef. 10-14-99; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-216-0040

Application Requirements

(1) New Permits.

(a) Except for Short Term Activity ACDPs, any person required to obtain a new ACDP must provide the following general information, as applicable, using forms provided by DEQ in addition to any other information required for a specific permit type:

(A) Identifying information, including the name of the company, the mailing address, the facility address, and the nature of business, Standard Industrial Classification (SIC) code;

(B) The name and phone number of a local person responsible for compliance with the permit;

(C) The name of a person authorized to receive requests for data and information;

(D) A description of the production processes and related flow chart;

(E) A plot plan showing the location and height of air contaminant sources. The plot plan must also indicate the nearest residential or commercial property;

(F) The type and quantity of fuels used;

(G) An estimate of the amount and type of each air contaminant emitted by the source in terms of hourly, daily, or monthly and yearly rates, showing calculation procedures;

(H) Any information on pollution prevention measures and cross-media impacts the applicant wants DEQ to consider in determining applicable control requirements and evaluating compliance methods;

(I) Estimated efficiency of air pollution control devices under present or anticipated operating conditions;

(J) Where the operation or maintenance of air pollution control devices and emission reduction processes can be adjusted or varied from the highest reasonable efficiency and effectiveness, information necessary for DEQ to establish operational and maintenance requirements in OAR 340-226-0120(1) and (2);

(K) A Land Use Compatibility Statement signed by a local, city or county, planner either approving or disapproving construction or modification of the source, if required by the local planning agency;

(L) Any information required by OAR 340 divisions 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; and

(M) Any other information requested by DEQ.

(b) Applications for new permits must 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, permit applications subject to NSR, to allow DEQ adequate time to process the application and issue a permit before it is needed.

(2) Renewal Permits. Except for Short Term Activity ACDPs, any person required to renew an existing permit must submit the information identified in section (1) using forms provided by DEQ, unless there are no significant changes to the permit. If there are significant changes, the applicant must provide the information identified in section (1) only for those changes.

(a) Where there are no significant changes to the permit, the applicant may use a streamlined permit renewal application process by providing the following information:

(A) Identifying information, including the name of the company, the mailing address, the facility address, and the nature of business, Standard Industrial Classification (SIC) code, using a form provided by DEQ; and

(B) A marked up copy of the previous permit indicating minor changes along with an explanation for each requested change.

(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.

(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.

(3) Permit Modifications. For Simple and Standard ACDP modifications, the applicant must provide the information in section (1) relevant to the requested changes to the permit and a list of any new requirements applicable to those changes. When preparing an application, the applicant should also consider the timelines provided in subsection (2)(b), as well as OAR 340-224-0030, permit applications subject to NSR, to allow DEQ adequate time to process the application and issue a permit before it is needed.

(4) Any owner or operator who fails to submit any relevant facts or who has submitted incorrect information in a permit application must, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information.

(5) The application must be completed in full and signed by the applicant or the applicant's legally authorized representative.

(6) Two copies of the application are required, unless otherwise requested by DEQ. At least one of the copies must be a paper copy, but the others may be in any other format, including electronic copies, upon approval by DEQ.

(7) A copy of permit applications subject to Major NSR under OAR 340 division 224, including all supplemental and supporting information, must also be submitted directly to the EPA.

(8) The name of the applicant must be the legal name of the facility or the owner's agent or the lessee responsible for the operation and maintenance of the facility. The legal name must be registered with the Secretary of State Corporations Division.

(9) All applications must include the appropriate fees as specified in OAR 340-216-8020.

(10) Applications that are obviously incomplete, unsigned, improperly signed, or lacking the required exhibits or fees will be rejected by DEQ and returned to the applicant for completion.

(11) Within 15 days after receiving the application, DEQ will preliminarily review the application to determine the adequacy of the information submitted:

(a) If DEQ determines that additional information is needed, DEQ will promptly ask the applicant for the needed information. The application will not be considered complete for processing until the requested information is received. The application will be considered withdrawn if the applicant fails to submit the requested information within 90 days of the request;

(b) If, in the opinion of DEQ, additional measures are necessary to gather facts regarding the application, DEQ will notify the applicant that such measures will be instituted along with the timetable and procedures to be followed. The application will not be considered complete for processing until the necessary additional fact-finding measures are completed. When the information in the application is deemed adequate for processing, DEQ will so notify the applicant.

(12) If at any time while processing the application, DEQ determines that additional information is needed, DEQ will promptly ask the applicant for the needed information. The application will not be considered complete for processing until the requested information is received. The application will be considered withdrawn if the applicant fails to submit the requested information within 90 days of the request.

(13) If, upon review of an application, DEQ determines that a permit is not required, DEQ will so notify the applicant in writing. Such notification is a final action by DEQ on the application.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.310 & 468A.315
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 42, f. 4-5-72, ef. 4-15-72; DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033; DEQ 20-1979, f. & ef. 6-29-79; DEQ 13-1988, f. & cert. ef. 6-17-88; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0175; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1770; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-014-0020 & 340-014-0030; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 9-2014 f. & cert. ef. 6-26-14

340-216-0052

Construction ACDP

(1) Purpose. A Construction ACDP is a permit for approval of Type 3 construction or modification changes as specified in OAR 340-210-0225 and 340-210-0240. The Construction ACDP includes requirements for the construction or modification of stationary sources or air pollution control devices and does not by itself provide authorization to operate the new construction or modification. A new or modified Standard ACDP or Oregon Title V Operating Permit is required before operation of the new construction or modification. A Construction ACDP may be used for the following situations:

(a) For complex construction or modification projects that require an extended period of time to construct, the Construction ACDP may provide construction approval faster than issuance of a Standard ACDP or modified Standard ACDP because the operating requirements would not need to be included in the permit.

(b) For Oregon Title V Operating Permit sources, the Construction ACDP may include the requirements of OAR 340-218-0050 and follow the external review procedures in OAR 340-218-0210 and 340-218-0230 so that the requirements may later be incorporated into the Oregon Title V Operating Permit by an administrative amendment. If the applicant elects to incorporate the Construction ACDP by administrative amendment, all of the application submittal, permit content, and permit issuance requirements of OAR 340 division 218 must be met for the Construction ACDP.

(2) Application requirements. Any person requesting a Construction ACDP must:

(a) Submit an application according to OAR 340-216-0040 and provide the information specified in OAR 340-216-0040(1) as it relates to the proposed new construction or modification; and

(b) Provide a list of any applicable requirements related to the new construction or modification.

(3) Fees. Applicants for a Construction ACDP must pay the fees in OAR 340-216-8020.

(4) Permit content. A Construction ACDP must include at least the following:

(a) A requirement that construction must commence within 18 months after the permit is issued if required by OAR 340-224-0030(4);

(b) A requirement to construct according to approved plans;

(c) A requirement to comply with all applicable requirements;

(d) Emission limits for affected stationary sources;

(e) Performance standards for affected stationary sources and air pollution control devices;

(f) Performance test requirements;

(g) Monitoring requirements, if specialized equipment is required (e.g., continuous monitoring systems);

(h) Notification and reporting requirements (construction status reports, startup dates, source test plans, CEMS performance specification testing plans, etc.);

(i) General ACDP conditions for incorporating generally applicable requirements;

(j) A requirement to modify the operating permit before commencing operation of the new construction or modification;

(k) A permit expiration date of no more than 5 years; and

(l) Oregon Title V Permit requirements as specified in OAR 340-218-0050, if the applicant requests the external review procedures in OAR 340-218-0210 and 340-218-0230.

(5) Permit issuance procedures:

(a) A Construction ACDP requires that DEQ provide public notice according to OAR 340 division 209 as a Category III permit action.

(b) For sources subject to the Oregon Title V Operating Permit program, the applicant may ask for the external review procedures in OAR 340-218-0210 and 340-218-0230 in addition to the requirements of OAR 340 division 209 to allow the Construction ACDP to be incorporated into the Oregon Title V Operating Permit at a later date by an administrative amendment provided the requirements of subsection (1)(b) are met.

(c) Issuance of a modified Construction ACDP requires the following public notice, as applicable:

(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

(B) Public notice as a Category II permit action under OAR 340 division 209 for moderate and complex technical modifications.

(6) Construction ACDPs may not be renewed.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.055, 468A.310 & 468A.315
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 9-2014 f. & cert. ef. 6-26-14

340-216-0054

Short Term Activity ACDPs

(1) Application requirements. Any person requesting a Short Term Activity ACDP must apply in writing, fully describing the unexpected or emergency activity requiring an ACDP and the proposed activities, operations, and emissions. The application must include the fees specified in section (2).

(2) Fees. Applicants for a Short Term Activity ACDP must pay the fees in OAR 340-216-8020.

(3) Permit content:

(a) A Short Term Activity ACDP must include conditions that ensure adequate protection of property and preservation of public health, welfare, and resources.

(b) A Short Term Activity ACDP may not include a PSEL for any air contaminants discharged as a result of the permitted activity.

(c) A Short Term Activity ACDP will automatically terminate 60 days from the date of issuance and may not be renewed.

(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.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.310 & 468A.315
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 42, f. 4-5-72, ef. 4-15-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-014-0050; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 9-2014 f. & cert. ef. 6-26-14

340-216-0056

Basic ACDPs

(1) Application requirements. Any person requesting a Basic ACDP must submit an application according to OAR 340-216-0040 and provide the information specified in OAR 340-216-0040(1).

(2) Fees. Applicants for a new Basic ACDP must pay the fees in OAR 340-216-8020.

(3) Permit content:

(a) A Basic ACDP will contain only the most significant and relevant rules applicable to the source;

(b) A Basic ACDP may not contain a PSEL;

(c) A Basic ACDP will require that a simplified annual report be submitted to DEQ; and

(d) A Basic ACDP may be issued for a period not to exceed ten years.

(4) Permit issuance public notice procedures. A Basic ACDP requires public notice as a Category I permit action according to OAR 340 division 209.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.310 & 468A.315
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 9-2014 f. & cert. ef. 6-26-14

340-216-0060

General Air Contaminant Discharge Permits

(1) Applicability.

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

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

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

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

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

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

(A) All relevant requirements for the operations covered by the General ACDP, excluding any federal requirements not adopted by the EQC;

(B) Generic PSELs for all regulated pollutants emitted at more than the de minimis emission level according to OAR 340 division 222;

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

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

(c) Permit issuance public notice procedures: A new General ACDP requires public notice as a Category III permit action according to OAR 340 division 209. A reissued General ACDP or a modification to a General ACDP requires public notice as a Category II permit action according to OAR 340 division 209.

(d) DEQ will retain all General ACDPs on file and make them available for public review at DEQ's headquarters.

(2) Source assignment:

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

(b) Fees. Applicants must pay the fees in OAR 340-216-8020. The fee class for each General ACDP is Fee Class One unless otherwise specified as follows:

(A) Hard chrome platers — Fee Class Three;

(B) Decorative chrome platers — Fee Class Two;

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

(D) Perchloroethylene dry cleaners — Fee Class Six;

(E) Asphalt plants — Fee Class Three;

(F) Rock crushers — Fee Class Two;

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

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

(I) Boilers — Fee Class Two;

(J) Crematories — Fee Class One;

(K) Grain elevators — Fee Class One;

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

(M) Seed cleaning — Fee Class One;

(N) Coffee roasters — Fee Class One;

(O) Bulk gasoline plants — Fee Class One;

(P) Electric power generators — Fee Class Two;

(Q) Clay ceramics — Fee Class One;

(R) Hospital sterilizers — Fee Class Four;

(S) Secondary nonferrous metals — Fee Class One;

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

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

(V) Wood preserving — Fee Class Four;

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

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

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

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

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

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

(Z) Plating and polishing — Fee Class One;

(AA) Surface coating operations — Fee Class One;

(BB) Paint stripping — Fee Class One;

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

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

(EE) Emergency generators and firewater pumps, if a permit is required – Fee Class Two.

(c) Source assignment procedures:

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

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

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

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

(E) A source requesting to be assigned to a General ACDP Attachment, according to 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.

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

(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 within 60 days 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, or if the source fails to submit an application for a Simple or Standard ACDP, DEQ will rescind the source's assignment to the General ACDP.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.310 & 468A.315
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 14-1998, f. & cert. ef. 9-14-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1725; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 10-2001, f. & cert. ef. 8-30-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 4-2013, f. & cert. ef. 3-27-13; DEQ 9-2014 f. & cert. ef. 6-26-14

340-216-0062

General ACDP Attachments

(1) Purpose. This rule allows a source to be assigned to one General ACDP and one or more General ACDP Attachments, as long as the General ACDP and General ACDP Attachment contain all requirements applicable to the source. This would allow a source to avoid having to obtain a more costly Simple or Standard ACDP if there are no General ACDPs that contain all requirements applicable to the source.

(2) Applicability.

(a) DEQ may issue a General ACDP Attachment under the following circumstances:

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

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

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

(D) The regulated pollutants emitted are of the same type for all covered operations. If a General ACDP and a General ACDP Attachment cannot address all activities at a source, the owner or operator of the source must apply for a Simple or Standard ACDP according to this division.

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

(A) All relevant requirements for the operations covered by the General ACDP Attachment, excluding any federal requirements not adopted by the EQC;

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

(C) An attachment expiration date not to exceed 10 years from the date of issuance.

(c) Attachment issuance public notice procedures: A General ACDP Attachment requires public notice as a Category II permit action according to OAR 340 division 209.

(d) DEQ will retain all General ACDP Attachments on file and make them available for public review at DEQ's headquarters.

(3) Source assignment:

(a) Application requirements. Any person requesting to be assigned to a General ACDP Attachment must submit a written application for each requested General ACDP Attachment that specifies the requested General ACDP Attachment and shows that the source qualifies for the requested General ACDP Attachment.

(b) Fees. Applicants must pay the fees in OAR 340-216-8020 for each assigned General ACDP Attachment. The fee class for each General ACDP Attachment is Fee Class Five.

(c) Assignment procedures:

(A) Assignment to a General ACDP Attachment is a Category I permit action and is subject to the Category I public notice requirements under OAR 340 division 209.

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

(C) Assignment to a General ACDP Attachment terminates when the General ACDP Attachment expires or is modified, terminated or revoked.

(D) A source may not be assigned to a General ACDP Attachment for a source category in a higher annual fee class than the General ACDP to which the source is currently assigned. Instead a source must be reassigned to the General ACDP for the source category in the higher annual fee class according to 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.

(d) If all activities at a source cannot be addressed by a General ACDP and General ACDP Attachments, the owner or operator of the source must apply for a Simple or Standard ACDP according to this division.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.310 & 468A.315
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 4-2013, f. & cert. ef. 3-27-13; DEQ 9-2013(Temp), f. & cert. ef. 10-24-13 thru 4-22-14; Administrative correction, 5-21-14; DEQ 9-2014 f. & cert. ef. 6-26-14

340-216-0064

Simple ACDPs

(1) Application Requirements. Any person requesting a new, modified, or renewed Simple ACDP must submit an application according to OAR 340-216-0040.

(2) Fees. Applicants for a new or modified Simple ACDP must pay the fees in OAR 340-216-8020. 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:

(a) Low Fee — A source may qualify for the low fee if:

(A) The source is, or will be, permitted under only one of the following categories in OAR 340-216-8010 Part B:

(i) Category 7. Asphalt felt and coatings;

(ii) Category 13. Boilers and other fuel burning equipment (can be combined with category 27. Electric power generation);

(iii) Category 27. Electric power generation;

(iv) Category 33. Galvanizing & pipe coating;

(v) Category 39. Gray iron and steel foundries, malleable iron foundries, steel investment foundries, steel foundries 100 or more tons/yr. metal charged (not elsewhere identified);

(vi) Category 40. Gypsum products;

(vii) Category 45. Liquid storage tanks subject to OAR 340 division 232;

(viii) Category 56. Non-ferrous metal foundries 100 or more tons/year of metal charged;

(ix) Category 57. Organic or inorganic industrial chemical manufacturing;

(x) Category 62. Perchloroethylene dry cleaning;

(xi) Category 73. Secondary smelting and/or refining of ferrous and non-ferrous metals; or

(xii) Category 85. All other sources not listed in OAR 340-216-8010 (can be combined with category 27. Electric Power Generation); and

(B) The actual emissions from the calendar year immediately preceding the invoice date are less than five 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

(C) The source is not creating a nuisance under OAR 340-208-0310 or 340-208-0450.

(b) High Fee — Any source required to have a Simple ACDP (OAR 340-216-8010 Part B) that does not qualify for the low fee under subsection (2)(a) will be assessed the high fee.

(c) If DEQ determines that a source was invoiced for the low annual fee but does not meet the low fee criteria outlined above, the source will be required to pay the difference between the low and high fees, plus applicable late fees in OAR 340-216-8020 Part 4. Late fees start upon issuance of the initial invoice. In this case, DEQ will issue a new invoice specifying applicable fees.

(3) Permit Content. Each Simple ACDP must include the following:

(a) All relevant applicable requirements for source operation, including general ACDP conditions for incorporating generally applicable requirements, but excluding any federal requirements not adopted by the EQC;

(b) Generic PSELs for all regulated pollutants emitted at more than the de minimis emission level according to OAR 340 division 222;

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

(d) A permit duration not to exceed 5 years.

(4) Permit issuance public notice procedures:

(a) Issuance of a new or renewed Simple ACDP requires public notice as a Category II permit according to OAR 340 division 209.

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

(A) Public notice as a Category I permit action for non-technical and basic and simple technical modifications according to OAR 340 division 209; or

(B) Public notice as a Category II permit action for moderate and complex technical modifications according to OAR 340 division 209.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.310 & 468A.315
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 4-2013, f. & cert. ef. 3-27-13(Temp), f. & cert. ef. 10-24-13 thru 4-22-14; Administrative correction, 5-21-14; DEQ 9-2014 f. & cert. ef. 6-26-14

340-216-0066

Standard ACDPs

(1) Application requirements. Any person requesting a new, modified, or renewed Standard ACDP must submit an application according to OAR 340-216-0040 and include the following additional information as applicable:

(a) New or modified Standard ACDPs that are not subject to Major NSR, but have emissions increases above the significant emissions rate are subject to the requirements of State NSR. 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.

(b) For new or modified Standard ACDPs that are subject to Major NSR, , the application must include the following information as applicable:

(A) A detailed description of the air pollution control devices and emission reductions processes that are planned for the major source or major modification, and any other information necessary to determine that BACT or LAER technology, whichever is applicable, would be applied;

(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

(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.

(2) Fees. Applicants for a Standard ACDP must pay the fees in OAR 340-216-8020.

(3) Permit content. Each Standard ACDP must include the following:

(a) All applicable requirements, including general ACDP conditions for incorporating generally applicable requirements, but excluding any federal requirements not adopted by the EQC;

(b) Source specific PSELs or Generic PSEL levels, whichever are applicable, under OAR 340 division 222;

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

(d) A permit duration not to exceed 5 years.

(4) Permit issuance procedures.

(a) Issuance of a new or renewed Standard ACDP requires public notice under OAR 340 division 209 as follows:

(A) Public notice as a Category III permit action for permit actions that will increase allowed emissions but that are not Major NSR or Type A State NSR permit actions under OAR 340 division 224, or as a Category II permit action if the permit will not increase allowed emissions.

(B) Public notice as a Category IV permit action for permit actions that are Major NSR or Type A State NSR permit actions under OAR 340 division 224.

(b) Issuance of a modified Standard ACDP requires public notice under OAR 340 division 209 as follows:

(A) Public notice as a Category I permit action for non-technical modifications and basic and simple technical modifications according to OAR 340 division 209.

(B) Public notice as a Category II permit action 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

(C) Public notice as a Category IV permit action for major modifications subject to NSR under OAR 340 division 224.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.310 & 468A.315
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 4-2013, f. & cert. ef. 3-27-13; DEQ 9-2014 f. & cert. ef. 6-26-14

340-216-0068

Simple and Standard ACDP Attachments

(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.

(2) ACDP Attachment issuance procedures:

(a) An ACDP Attachment requires public notice as a Category II permit action under OAR 340 division 209, except that ACDP Attachments to Simple or Standard ACDPs require notice as Category I permit actions.

(b) DEQ may issue an ACDP Attachment when there are multiple sources that are subject to the new requirements.

(c) Attachment content. Each ACDP Attachment must include the following:

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

(B) An attachment expiration date not to exceed 5 years from the date of issuance.

(3) Assignment to ACDP Attachment:

(a) A source is not a permittee under the ACDP Attachment until DEQ assigns the ACDP Attachment to the source.

(b) The ACDP Attachment is removed from the Simple or Standards ACDP when the requirements of the ACDP Attachment are incorporated into the source's Simple or Standard ACDP at the time of renewal or of a modification.

(c) If an EPA or DEQ action causes a source to be subject to the requirements in an ACDP Attachment, assignment to the ACDP Attachment is a DEQ initiated modification to the Simple or Standard ACDP and the permittee is not required to submit an application or pay fees for the permit action. In such case, DEQ would notify the permittee of the proposed permitting action and the permittee may object to the permit action if the permittee demonstrates that the source is not subject to the requirements of the ACDP Attachment.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A
Hist.: DEQ 4-2013, f. & cert. ef. 3-27-13

340-216-0070

Permitting a Source with Multiple Activities or Processes at a Single Adjacent or Contiguous Site

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 340-216-8010 may obtain a Standard ACDP, even if not otherwise required to obtain a Standard ACDP under this division.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033, DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0160; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1730; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 9-2014 f. & cert. ef. 6-26-14

340-216-0082

Termination or Revocation of an ACDP

(1) Expiration.

(a) A source may not be operated after the expiration date of a permit, unless any of the following occur prior to the expiration date of the permit:

(A) A timely and complete application for renewal has been submitted; or

(B) Another type of permit, ACDP or Oregon Title V Operating Permit, has been issued authorizing operation of the source.

(b) If a timely and complete renewal application has been submitted, the existing permit will remain in effect until final action has been taken on the renewal application to issue or deny a permit.

(c) For a source operating under an ACDP or Oregon Title V Operating Permit, a requirement established in an earlier ACDP remains in effect notwithstanding expiration of the ACDP, unless the provision expires by its terms or unless the provision is modified or terminated according to the procedures used to establish the requirement initially.

(2) Automatic Termination. A permit is automatically terminated upon:

(a) Issuance of a renewal or new ACDP for the same activity or operation;

(b) Written request of the permittee, if DEQ determines that a permit is no longer required;

(c) Failure to submit a timely application for permit renewal. Termination is effective on the permit expiration date; or

(d) Failure to pay annual fees within 90 days of invoice by DEQ, unless prior arrangements for payment have been approved in writing by DEQ.

(3) Reinstatement of Terminated Permit: A permit automatically terminated under any of subsections (2)(b) through (2)(d) may only be reinstated by the permittee by applying for a new permit. The permittee must also pay the applicable new source permit application fees in this division, unless the owner or operator submits the renewal application within three months of the permit expiration date.

(4) Revocation:

(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.

(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.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.310 & 468A.315
Stats. Implemented: ORS 183.468 & 468A
Hist.: DEQ 42, f. 4-5-72, ef. 4-15-72; DEQ 125, f. & ef. 12-16-76; DEQ 21-1990, f. & cert. ef. 7-6-90; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-014-0015 & 340-014-0045; DEQ 8-2007, f. & cert. ef. 11-8-07

340-216-0084

Department Initiated Modification

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 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.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 183 & 468A
Hist.: DEQ 42, f. 4-5-72, ef. 4-15-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-014-0040

340-216-0090

Sources Subject to ACDPs and Fees

All air contaminant discharge sources listed in OAR 340-216-8010 must obtain a permit from DEQ and are subject to fees in OAR 340-216-8020.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468.065, 468A.040, 468A.310 & 468A.315
Stats. Implemented: ORS 468.065, 468A.040, 468A.310 & 468A.315
Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033.12; DEQ 125, f. & ef. 12-16-76; DEQ 20-1979, f. & ef. 6-29-79; DEQ 11-1983, f. & ef. 5-31-83; DEQ 6-1986, f. & ef. 3-26-86; DEQ 12-1987, f. & ef. 6-15-87; DEQ 17-1990, f. & cert. ef. 5-25-90; DEQ 27-1991, f. & cert. ef. 11-29-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0165; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 21-1994, f. & cert. ef. 10-14-94; DEQ 22-1994. f. & cert. ef. 10-14-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 18-1997, f. 8-27-97, cert. ef. 10-1-97; DEQ 7-1998, f. & cert. ef. 5-5-98; DEQ 12-1998, f. & cert. ef. 6-30-98; DEQ 14-1998, f. & cert. ef. 9-14-98; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1750; DEQ 8-2000, f. & cert. ef. 6-6-00; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 9-2014 f. & cert. ef. 6-26-14

340-216-0094

Temporary Closure

(1) A permittees that temporarily suspends activities for which an ACDP is required may apply for a fee reduction due to temporary closure. However, the anticipated period of closure must exceed six months and must not be due to regular maintenance or seasonal limitations.

(2) DEQ will prorate annual fees for temporary closure 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.

(3) A source who has received Department approval for payment of the temporary closure fee must obtain authorization from DEQ prior to resuming permitted activities. An owner or operator of the source must submit written notification, together with the prorated annual fee for the remaining months of the year, to DEQ at least thirty (30) days before startup and specify in the notification the earliest anticipated startup date.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468.065, 468A.040, 468A.310 & 468A.315
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-216-8010

Table 1 — Activities and Sources

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

NOTE: See history of these tables under OAR 340-216-0020

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

Stat. Auth.: ORS 468.020, 468A.025, 468A.040, 468A.310
Stats. Implemented: ORS 468A
Hist.: DEQ 9-2014, f. & cert. ef. 6-26-14

340-216-8020

Table 2 — Air Contaminant Discharge Permits

Sources referred to in Table 1 of OAR 340-216-8010 are subject to air contaminant discharge permit fees in Table 2.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

NOTE: See history of this table under OAR 340-216-0020.

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

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A
Hist.: DEQ 9-2014, f. & cert. ef. 6-26-14

DIVISION 218

OREGON TITLE V OPERATING PERMITS

340-218-0010

Policy and Purpose

These rules establish a program to implement Title V of the FCAA for the State of Oregon as part of the overall industrial source control program:

(1) All sources subject to this division shall have an Oregon Title V Operating Permit that assures compliance by the source with all applicable requirements in effect as of the date of permit issuance.

(2) The requirements of the Oregon Title V Operating Permit program, including provisions regarding schedules for submission and approval or disapproval of permit applications, shall apply to the permitting of affected sources under the national acid rain program, except as provided herein.

(3) All sources subject to this division are exempt from the following:

(a) Registration as required by ORS 468A.050 and OAR 340-210-0100 through 340-210-0120; and

(b) Air Contaminant Discharge Permits, OAR 340 division 216, unless required by 340-216-0020(2) or (4), or 340-224-0010(1).

(A) Oregon Title V Operating Permits do not replace requirements in an Air Contaminant Discharge Permit issued to the source even if the ACDP has expired. For a source operating under a Title V Permit, requirements established in an earlier ACDP remain in effect notwithstanding expiration of the ACDP or the Title V permit, unless a provision expires by its terms or unless a provision is modified or terminated following the procedures used to establish the requirement initially.

(B) Source specific requirements, including, but not limited to TACT, RACT, BACT, and LAER requirements, established in an ACDP must be incorporated into the Oregon Title V Operating Permit and any revisions to those requirements must follow the procedures used to establish the requirements initially.

(4) Subject to the requirements in this division and OAR 340-200-0010(3), LRAPA is designated by the EQC to implement the rules in this division within its area of jurisdiction.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040, 468A.155 & 468A.310
Stats. Implemented: ORS 468A
Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2100; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 8-2007, f. & cert. ef. 11-8-07

340-218-0020

Applicability

(1) Except as provided in section (4), this division applies to the following sources:

(a) Any major source;

(b) Any source, including an area source, subject to a standard, limitation, or other requirement under section 111 of the FCAA;

(c) Any source, including an area source, subject to a standard or other requirement under section 112 of the FCAA, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under section 112(r) of the FCAA;

(d) Any affected source under Title IV; and

(e) Any source in a source category designated by the EQC pursuant to this rule.

(2) The owner or operator of a source with an Oregon Title V Operating Permit whose potential to emit later falls below the emission level that causes it to be a major source, and which is not otherwise required to have an Oregon Title V Operating Permit, may submit a request for revocation of the Oregon Title V Operating Permit. Granting of the request for revocation does not relieve the source from compliance with all applicable requirements or ACDP requirements.

(3) Synthetic minor sources.

(a) A source which would otherwise be a major source subject to this division may choose to become a synthetic minor source by limiting its emissions below the emission level that causes it to be a major source through limits contained in an ACDP issued by DEQ under 340 division 216.

(b) The reporting and monitoring requirements of the emission limiting conditions contained in the ACDPs of synthetic minor sources issued by DEQ under OAR 340-216 must meet the requirements of OAR 340-212-0010 through 340-212-0150 and division 214.

(c) Synthetic minor sources who request to increase their potential to emit above the major source emission rate thresholds will become subject to this division and must submit a permit application under OAR 340-218-0040 and obtain an Oregon Title V Operating Permit before increasing emissions above the major source emission rate thresholds.

(d) Synthetic minor sources that exceed the limitations on potential to emit are in violation of OAR 340-218-0020(1)(a).

(4) Source category exemptions.

(a) All sources listed in 340-218-0020(1) that are not major sources, affected sources, or solid waste incineration units required to obtain a permit pursuant to section 129(e) of the FCAA are not required to obtain a Title V permit, except non-major sources subject to a standard under section 111 or section 112 of the FCAA promulgated after July 21, 1992 are required to obtain a Title V permit unless specifically exempted from the requirement to obtain a Title V permit in section 111 or 112 standards.

(b) The following source categories are exempted from the obligation to obtain an Oregon Title V Operating Permit:

(A) All sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR part 60, subpart AAA -- Standards of Performance for New Residential Wood Heaters; and

(B) All sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR part 61, subpart M -- National Emission Standard for Hazardous Air Pollutants for Asbestos, section 61.145, Standard for Demolition and Renovation.

(c) Any source listed in OAR 340-218-0020(1) exempt from the requirement to obtain a permit under this rule may opt to apply for an Oregon Title V Operating Permit.

(5) Emissions units and Oregon Title V Operating Permit program sources. DEQ will include in the permit all applicable requirements for all relevant emissions units in the Oregon Title V Operating Permit source, including any equipment used to support the major industrial group at the site.

(6) Fugitive emissions. Fugitive emissions from an Oregon Title V Operating Permit program source must be included in the permit application and the permit in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source.

(7) Insignificant activity emissions. All emissions from insignificant activities, including categorically insignificant activities and aggregate insignificant emissions, must be included in the determination of the applicability of any requirement.

(8) Oregon Title V Operating Permit program sources that are required to obtain an ACDP, OAR 340 division 216, or a Notice of Approval, OAR 340-210-0205 through 340-210-0250, because of a Title I modification, must operate in compliance with the Oregon Title V Operating Permit until the Oregon Title V Operating Permit is revised to incorporate the ACDP or the Notice of Approval for the Title I modification.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A
Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 24-1994, f. & ef. 10-28-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 24-1995, f. & cert. ef. 10-11-95; DEQ 1-1997, f. & cert. ef. 1-21-97; DEQ 14-1998, f. & cert. ef. 9-14-98; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2110; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 8-2007, f. & cert. ef. 11-8-07

340-218-0030

Definitions

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

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A
Hist.: DEQ 14-1999, f. & cert. ef. 10-14-99

340-218-0040

Permit Applications

(1) Duty to apply. For each Oregon Title V Operating Permit program source, the owner or operator must submit a timely and complete permit application using this rule:

(a) Timely application:

(A) A timely application for a source that is in operation as of the effective date of the Oregon Title V Operating Permit program is one that is submitted 12 months after the effective date of the Oregon Title V Operating Permit program in Oregon or on or before such earlier date as DEQ may establish. If an earlier date is established, DEQ will provide at least six (6) months for the owner or operator to prepare an application. A timely application for a source that is not in operation or that is not subject to the Oregon Title V Operating Permit program as of the effective date of the Oregon Title V Operating Permit program is one that is submitted within 12 months after the source becomes subject to the Oregon Title V Operating Permit program.

(B) Any Oregon Title V Operating Permit program source required to have obtained a permit prior to construction under the ACDP program, OAR 340 division 216; New Source Review program, OAR 340 division 224; or the Notice of Construction and Approval of Plans rules, 340-210-0205 through 340-210-0250, must file a complete application to obtain the Oregon Title V Operating Permit or permit revision within 12 months after commencing operation. Commencing operation will be considered initial startup. Where an existing Oregon Title V Operating Permit would prohibit such construction or change in operation, the owner or operator must obtain a permit revision before commencing operation;

(C) Any Oregon Title V Operating Permit program source owner or operator must follow the appropriate procedures under this division prior to commencement of operation of a source permitted under the Notice of Construction and Approval of Plans rules, OAR 340-210-0205 through 340-0210-0250;

(D) For purposes of permit renewal, a timely application is one that is submitted at least 12 months prior to the date of permit expiration, or such other longer time as may be approved by DEQ that ensures that the term of the permit will not expire before the permit is renewed. If more than 12 months is required to process a permit renewal application, DEQ will provide no less than six (6) months for the owner or operator to prepare an application. In no event will this time be greater than 18 months;

(E) Applications for initial phase II acid rain permits must be submitted to DEQ by January 1, 1996 for sulfur dioxide, and by January 1, 1998 for nitrogen oxides;

(F) Applications for Compliance Extensions for Early Reductions of HAP must be submitted before proposal of an applicable emissions standard issued under section 112(d) of the FCAA and must comply with OAR 340-244-0100.

(b) Complete application:

(A) To be deemed complete, an application must provide all information required pursuant to section (3), except applications for permit renewal only need to include information that has changed since issuance of the last permit and applications for permit revision only need to include information related to proposed changes. The application must include three (3) copies of all required forms and exhibits in hard copy and one (1) copy in electronic format as specified by DEQ. Information required under section (3) must be sufficient to evaluate the subject source and its application and to determine all applicable requirements. A responsible official must certify the submitted information under section (5);

(B) Applications which are obviously incomplete, unsigned, or which do not contain the required exhibits, clearly identified, will not be accepted by DEQ for filing and will be returned to the applicant for completion;

(C) If DEQ determines that additional information is necessary before making a completeness determination, it may request such information in writing and set a reasonable deadline for a response. The application will not be considered complete for processing until the adequate information has been received. When the information in the application is deemed adequate, the applicant will be notified that the application is complete for processing;

(D) Unless DEQ determines that an application is not complete within 60 days of receipt of the application, such application will be deemed to be complete, except as otherwise provided in OAR 340-218-0120(1)(e). If, while processing an application that has been determined or deemed to be complete, DEQ determines that additional information is necessary to evaluate or take final action on that application, it may request such information in writing and set a reasonable deadline for a response. If the additional information is not provided by the deadline specified, the application will be determined to be incomplete, and the application shield will cease to apply;

(E) Applications determined or deemed to be complete will be submitted by DEQ to the EPA as required by OAR 340-218-0230(1)(a);

(F) The source's ability to operate without a permit, as set forth in 340-218-0120(2), will be in effect from the date the application is determined or deemed to be complete until the final permit is issued, provided that the applicant submits any requested additional information by the deadline specified by DEQ.

(2) Duty to supplement or correct application. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application must, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant must provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft permit.

(3) Standard application form and required information. Applications must be submitted on forms and in electronic formats specified by DEQ. Information as described below for each emissions unit at an Oregon Title V Operating Permit program source must be included in the application. An application may not omit information needed to determine the applicability of, or to impose, any applicable requirement, including those requirements that apply to categorically insignificant activities, or to evaluate the fee amount required. The application must include the elements specified below:

(a) Identifying information, including company name and address, plant name and address if different from the company's name, owner's name and agent, and telephone number and names of plant site manager/contact;

(b) A description of the source's processes and products by Standard Industrial Classification Code including any associated with each alternative operating scenario identified by the owner or operator and related flow chart;

(c) The following emissions-related information for all requested alternative operating scenarios identified by the owner or operator:

(A) All emissions of regulated pollutants for which the source is major, all emissions of regulated pollutants and all emissions of regulated pollutants listed in OAR 340-244-0040. A permit application must describe all emissions of regulated pollutants emitted from any emissions unit, except where such units are exempted under section(3). DEQ may require additional information related to the emissions of regulated pollutants sufficient to verify which requirements are applicable to the source, and other information necessary to collect any permit fees owed;

(B) Identification and description of all points of emissions described in paragraph (3)(c)(A) in sufficient detail to establish the basis for fees and applicability of requirements of the FCAA and state rules;

(C) Emissions rates in tons per year and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method and to establish PSELs for all regulated pollutants except as restricted by OAR 340-222-0035 and 340-222-0060:

(i) If a short term PSEL is required, an applicant may request that a period longer than daily be used for the short term PSEL provided that the requested period is consistent with the means for demonstrating compliance with any other applicable requirement and the PSEL requirement, and:

(I) The requested period is no longer than the shortest period of the Ambient Air Quality Standards for the regulated pollutant or daily for VOC and NOx; or

(II) The applicant demonstrates that the requested period, if longer than the shortest period of the Ambient Air Quality Standards for the regulated pollutant, is the shortest period compatible with source operations but no longer than monthly.

(ii) The requirements of the applicable rules must be satisfied for any requested increase in PSELs, establishment of baseline emissions rates, requested emission reduction credit banking, or other PSEL changes.

(D) Additional information as determined to be necessary to establish any alternative emission limit under OAR 340-226-0400, if the permit applicant requests one;

(E) The application must include a list of all categorically insignificant activities and an estimate of all emissions of regulated pollutants from those activities which are designated insignificant because of aggregate insignificant emissions. Owners or operators that use more than 100,000 pounds per year of a mixture that contains not greater than 1% by weight of any chemical or compound regulated under divisions 200 through 268 of this chapter, and not greater than 0.1% by weight of any carcinogen listed in the U.S. Department of Health and Human Service's Annual Report on Carcinogens must contact the supplier and manufacturer of the mixture to try and obtain information other than Material Safety Data Sheets in order to quantify emissions;

(F) The following information to the extent it is needed to determine or regulate emissions: fuels, fuel sulfur content, fuel use, raw materials, production rates, and operating schedules;

(G) Any information on pollution prevention measures and cross-media impacts the owner or operator wants DEQ to consider in determining applicable control requirements and evaluating compliance methods; and

(H) Where the operation or maintenance of air pollution control devices and emission reduction processes can be adjusted or varied from the highest reasonable efficiency and effectiveness, information necessary for DEQ to establish operational and maintenance requirements under OAR 340-226-0120(1) and (2);

(I) Identification and description of air pollution control devices, including estimated efficiency of the control devices, and compliance monitoring devices or activities;

(J) Limitations on source operation affecting emissions or any work practice standards, where applicable, for all regulated pollutants at the Oregon Title V Operating Permit program source;

(K) Other information required by any applicable requirement, including information related to stack height limitations developed pursuant to OAR 340-212-0130;

(L) Calculations on which the information in items (A) through (K) is based.

(d) A plot plan showing the location of all emissions units identified by Universal Transverse Mercator or "UTM" as provided on United States Geological Survey maps and the nearest residential or commercial property;

(e) The following air pollution control requirements:

(A) Citation and description of all applicable requirements; and

(B) Description of or reference to any applicable test method for determining compliance with each applicable requirement.

(f) The following monitoring, recordkeeping, and reporting requirements:

(A) All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including OAR 340-212-0200 through 340-212-0280;

(B) Proposed periodic monitoring to determine compliance where an applicable requirement does not require periodic testing or monitoring;

(C) The proposed use, maintenance, and installation of monitoring equipment or methods, as necessary;

(D) Documentation of the applicability of the proposed monitoring protocol, such as test data and engineering calculations;

(E) Proposed consolidation of reporting requirements, where possible;

(F) A proposed schedule of submittal of all reports; and

(G) Other similar information as determined by DEQ to be necessary to protect human health or the environment or to determine compliance with applicable requirements.

(g) Other specific information that may be necessary to implement and enforce other applicable requirements of the FCAA or state rules or of this division or to determine the applicability of such requirements;

(h) An explanation of any proposed exemptions from otherwise applicable requirements.

(i) A copy of any existing permit attached as part of the permit application. Owners or operators may request that DEQ make a determination that an existing permit term or condition is no longer applicable by supplying adequate information to support such a request. The existing permit term or condition will remain in effect unless or until DEQ determines that the term or condition is no longer applicable by permit modification.

(j) Additional information as determined to be necessary by DEQ to define permit terms and conditions implementing off-permit changes for permit renewals;

(k) Additional information as determined to be necessary by DEQ to define permit terms and conditions implementing section 502(b)(10) changes for permit renewals;

(l) Additional information as determined to be necessary by DEQ to define permit terms and conditions implementing emissions trading under the PSEL including but not limited to proposed replicable procedures

and permit terms that ensure the emissions trades are quantifiable and enforceable if the applicant requests such trading;

(m) Additional information as determined to be necessary by DEQ to define permit terms and conditions implementing emissions trading, to the extent that the applicable requirements provide for trading without a case-by-case approval of each emissions trade if the applicant requests such trading;

(n) A compliance plan that contains all the following:

(A) A description of the compliance status of the source with respect to all applicable requirements.

(B) A description as follows:

(i) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.

(ii) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis.

(iii) For requirements for which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements.

(C) A compliance schedule as follows:

(i) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements;

(ii) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis. A generic statement that the source will meet in a timely manner applicable requirements that become effective during the permit term will satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement;

(iii) A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance. Such a schedule will include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the source will be in noncompliance at the time of permit issuance and interim measures to be taken by the source to minimize the amount of excess emissions during the scheduled period. This compliance schedule must resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance must be supplemental to, and must not sanction noncompliance with, the applicable requirements on which it is based.

(D) A schedule for submission of certified progress reports no less frequently than every 6 months for sources required to have a schedule of compliance to remedy a violation.

(E) The compliance plan content requirements specified in this section will apply and be included in the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under Title IV of the FCAA with regard to the schedule and method the source will use to achieve compliance with the acid rain emissions limitations.

(o) Requirements for compliance certification, including the following:

(A) A certification of compliance with all applicable requirements by a responsible official consistent with section (5) and section 114(a)(3) of the FCAA;

(B) A statement of methods used for determining compliance, including a description of monitoring, recordkeeping, and reporting requirements and test methods;

(C) A schedule for submission of compliance certifications during the permit term, to be submitted no less frequently than annually, or more frequently if specified by the underlying applicable requirement or by DEQ; and

(D) A statement indicating the source's compliance status with any applicable compliance assurance monitoring and compliance certification requirements of the FCAA or state rules.

(p) A Land Use Compatibility Statement (LUCS), if applicable, to assure that the type of land use and activities in conjunction with that use have been reviewed and approved by local government before a permit is processed and issued.

(q) The use of nationally standardized forms for acid rain portions of permit applications and compliance plans, as required by regulations promulgated under Title IV of the FCAA.

(r) For purposes of permit renewal, the owner or operator must submit all information as required in section (3). The owner or operator may identify information in its previous permit or permit application for emissions units that should remain unchanged and for which no changes in applicable requirements have occurred and provide copies of the previous permit or permit application for those emissions units.

(4) Quantifying Emissions:

(a) When quantifying emissions for purposes of a permit application, modification, or renewal an owner or operator must use the most representative data available or required in a permit condition. DEQ will consider the following data collection methods as acceptable for determining air emissions:

(A) Continuous emissions monitoring system data obtained using the DEQ Continuous Monitoring Manual;

(B) Source testing data obtained using the DEQ Source Sampling Manual except where material balance calculations are more accurate and more indicative of an emission unit's continuous operation than limited source test results (e.g. a volatile organic compound coating operation);

(C) Material balance calculations;

(D) Emission factors subject to Department review and approval; and

(E) Other methods and calculations subject to Department review and approval.

(b) When continuous monitoring or source test data has previously been submitted to and approved by DEQ for a particular emissions unit, that information must be used for quantifying emissions. Material balance calculations may be used as the basis for quantifying emissions when continuous monitoring or source test data exists if it can be demonstrated that the results of material balance calculations are more indicative of actual emissions under normal continuous operating conditions. Emission factors or other methods may be used for calculating emissions when continuous monitoring data, source test data, or material balance data exists if the owner or operator can demonstrate that the existing data is not representative of actual operating conditions.

When an owner or operator uses emission factors or other methods as the basis of calculating emissions, a brief justification for the validity of the emission factor or method must be submitted with the calculations. DEQ will review the validity of the emission factor or method during the permit application review period. When an owner or operator collects emissions data that is more representative of actual operating conditions, either as required under a specific permit condition or for any other requirement imposed by DEQ, the owner or operator must use that data for calculating emissions when applying for a permit modification or renewal. Nothing in this provision requires owners or operators to conduct monitoring or testing solely for the purpose of quantifying emissions for permit applications, modifications, or renewals.

(5) Any application form, report, or compliance certification submitted pursuant to this division must contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this division must state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040, 468A.050 468A.310
Stats. Implemented: ORS 468A
Hist.: DEQ 13-1993, f. & ef. 9-24-93; DEQ 19-1993, f. & ef. 11-4-93; DEQ 24-1994, f. & ef. 10-28-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2120; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 8-2007, f. & cert. ef. 11-8-07

340-218-0050

Standard Permit Requirements

Each permit issued under this division must include the following elements:

(1) Emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of permit issuance:

(a) The permit must specify and reference the origin of and authority for each term or condition, and identify any difference in form as compared to the applicable requirement upon which the term or condition is based;

(b) For sources regulated under the national acid rain program, the permit must state that, where an applicable requirement of the FCAA or state rules is more stringent than an applicable requirement of regulations promulgated under Title IV of the FCAA, both provisions must be incorporated into the permit and will be enforceable by the EPA;

(c) For any alternative emission limit established using OAR 340-226-0400, the permit must contain an equivalency determination and provisions to ensure that any resulting emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.

(2) Permit duration. DEQ will issue permits for a fixed term of 5 years in the case of affected sources, and for a term not to exceed 5 years in the case of all other sources.

(3) Monitoring and related recordkeeping and reporting requirements:

(a) Each permit must contain the following requirements with respect to monitoring:

(A) A monitoring protocol to provide accurate and reliable data that:

(i) Is representative of actual source operation;

(ii) Is consistent with the averaging time in the permit emission limits;

(iii) Is consistent with monitoring requirements of other applicable requirements; and

(iv) Can be used for compliance certification and enforcement.

(B) All emissions monitoring and analysis procedures or test methods required under applicable monitoring and testing requirements, including OAR 340-212-0200 through 340-212-0280 and any other procedures and methods that may be promulgated pursuant to sections 504(b) or 114(a)(3) of the FCAA. If more than one monitoring or testing requirement applies, the permit may specify a streamlined set of monitoring or testing provisions provided the specified monitoring or testing is adequate to assure compliance at least to the same extent as the monitoring or testing applicable requirements that are not included in the permit as a result of such streamlining;

(C) Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as reported pursuant to OAR 340-218-0050(3)(c). Such monitoring requirements must assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Continuous monitoring and source testing must be conducted using the DEQ Continuous Monitoring Manual and the Source Sampling Manual, respectively. Other monitoring must be conducted using DEQ approved procedures. The monitoring requirements may include but are not limited to any combination of the following:

(i) Continuous emissions monitoring systems (CEMS);

(ii) Continuous opacity monitoring systems (COMS);

(iii) Continuous parameter monitoring systems (CPMS);

(iv) Continuous flow rate monitoring systems (CFRMS);

(v) Source testing;

(vi) Material balance;

(vii) Engineering calculations;

(viii) Recordkeeping; or

(ix) Fuel analysis; and

(D) As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods;

(E) A condition that prohibits any person from knowingly rendering inaccurate any required monitoring device or method;

(F) Methods used in OAR 340 division 220 to determine actual emissions for fee purposes must also be used for compliance determination and can be no less rigorous than the requirements of OAR 340-218-0080. The compliance monitoring protocol must include the method used to determine the amount of actual emissions;

(G) Monitoring requirements must commence on the date of permit issuance unless otherwise specified in the permit.

(b) With respect to recordkeeping, the permit must incorporate all applicable recordkeeping requirements and require, where applicable, the following:

(A) Records of required monitoring information that include the following:

(i) The date, place as defined in the permit, and time of sampling or measurements;

(ii) The date analyses were performed;

(iii) The company or entity that performed the analyses;

(iv) The analytical techniques or methods used;

(v) The results of such analyses;

(vi) The operating conditions as existing at the time of sampling or measurement; and

(vii) The records of quality assurance for continuous monitoring systems (including but not limited to quality control activities, audits, calibrations drifts).

(B) Retention of records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit;

(C) Recordkeeping requirements must commence on the date of permit issuance unless otherwise specified in the permit.

(c) With respect to reporting, the permit must incorporate all applicable reporting requirements and require the following:

(A) Submittal of three (3) copies of reports of any required monitoring at least every 6 months, completed on forms approved by DEQ. Unless otherwise approved in writing by DEQ, six month periods are January 1 to June 30, and July 1 to December 31. The reports required by this rule must be submitted within 30 days after the end of each reporting period, unless otherwise approved in writing by DEQ. One copy of the report must be submitted to the EPA, and two copies to DEQ's regional office identified in the permit. All instances of deviations from permit requirements must be clearly identified in such reports:

(i) The semi-annual report will be due on July 30, unless otherwise approved in writing by DEQ, and must include the semi-annual compliance certification, OAR 340-218-0080;

(ii) The annual report will be due on February 15, unless otherwise approved in writing by DEQ, but may not be due later than March 15, and must consist of the annual reporting requirements as specified in the permit; the

emission fee report; the emission statement, if applicable, OAR 340-214-0220; the annual certification that the risk management plan is being properly implemented, OAR 340-218-0050; and the semi-annual compliance certification, OAR 340-218-0080.

(B) Prompt reporting of deviations from permit requirements that do not cause excess emissions, including those attributable to upset conditions, as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. "Prompt" means within fifteen (15) days of the deviation. Deviations that cause excess emissions, as specified in OAR 340-214-0300 through 340-214-0360 must be reported under 340-214-0340;

(C) Submittal of any required source test report within 30 days after the source test unless otherwise approved in writing by DEQ or specified in a permit;

(D) All required reports must be certified by a responsible official consistent with OAR 340-218-0040(5);

(E) Reporting requirements must commence on the date of permit issuance unless otherwise specified in the permit.

(d) DEQ may incorporate more rigorous monitoring, recordkeeping, or reporting methods than required by applicable requirements in an Oregon Title V Operating Permit if they are contained in the permit application, are determined by DEQ to be necessary to determine compliance with applicable requirements, or are needed to protect human health or the environment.

(4) A permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under Title IV of the FCAA or the regulations promulgated there under:

(a) No permit revision will be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that such increases do not require a permit revision under any other applicable requirement;

(b) No limit may be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement;

(c) Any such allowance must be accounted for according to the procedures established in regulations promulgated under Title IV of the FCAA.

(5) A severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portions of the permit.

(6) Provisions stating the following:

(a) The permittee must comply with all conditions of the Oregon Title V Operating Permit, including keeping a copy of the permit onsite at the source. Any permit condition noncompliance constitutes a violation of the FCAA and state rules and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application;

(b) The need to halt or reduce activity will not be a defense. It will not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit;

(c) The permit may be modified, revoked, reopened and reissued, or terminated for cause as determined by DEQ. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition;

(d) The permit does not convey any property rights of any sort, or any exclusive privilege;

(e) The permittee must furnish to DEQ, within a reasonable time, any information that DEQ may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee must also furnish to DEQ copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the EPA along with a claim of confidentiality.

(7) A provision to ensure that an Oregon Title V Operating Permit program source pays fees to DEQ consistent with the fee schedule in OAR 340 division 220.

(8) Terms and conditions for reasonably anticipated alternative operating scenarios identified by the owner or operator in its application as approved by DEQ. Such terms and conditions:

(a) Must require the owner or operator, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the scenario under which it is operating;

(b) Must extend the permit shield described in OAR 340-218-0110 to all terms and conditions under each such alternative operating scenario; and

(c) Must ensure that the terms and conditions of each such alternative operating scenario meet all applicable requirements and the requirements of this division.

(9) Terms and conditions, if the permit applicant requests them, for the trading of emissions increases and decreases in the permitted facility solely for the purpose of complying with the PSELs. Such terms and conditions:

(a) Must include all terms required under OAR 340-218-0050 and 340-218-0080 to determine compliance;

(b) Must extend the permit shield described in OAR 340-218-0110 to all terms and conditions that allow such increases and decreases in emissions;

(c) Must ensure that the trades are quantifiable and enforceable;

(d) Must ensure that the trades are not Title I modifications;

(e) Must require a minimum 7-day advance, written notification to DEQ and the EPA of the trade that must be attached to DEQ's and the source's copy of the permit. The written notification must state when the change will occur and must describe the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit; and

(f) Must meet all applicable requirements and requirements of this division.

(10) Terms and conditions, if the permit applicant requests them, for the trading of emissions increases and decreases in the permitted facility, to the extent that the applicable requirements provide for trading such increases and decreases without a case-by-case approval of each emission trade. Such terms and conditions:

(a) Must include all terms required under OAR 340-218-0050 and 340-218-0080 to determine compliance;

(b) Must extend the permit shield described in OAR 340-218-0110 to all terms and conditions that allow such increases and decreases in emissions; and

(c) Must meet all applicable requirements and requirements of this division.

(11) Terms and conditions allowing for off-permit changes, OAR 340-218-0140(2).

(12) Terms and conditions allowing for section 502(b)(10) changes, OAR 340-218-0140(3).

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.050, 468A.310 & 468A.315
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 13-1993, f. & ef. 9-24-93; DEQ 24-1994, f. & ef. 10-28-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2130; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 10-2008, f. & cert. ef. 8-25-08

340-218-0060

State-Enforceable Requirements

DEQ will specifically designate as not being federally enforceable any terms and conditions included in the permit that are not required under the FCAA or under any of its applicable requirements. Terms and conditions so designated are subject to the requirements of OAR 340-218-0040 through 340-218-0220, other than those contained in 340-218-0070. All terms and conditions in an Oregon Title V Operating Permit are enforceable by DEQ.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & ORS 468A.310
Stats. Implemented: ORS 468A
Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2140; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-218-0070

Federally Enforceable Requirements

DEQ will specifically designate as being federally enforceable under the FCAA any terms and conditions included in the permit that are required under the FCAA or under any of its applicable requirements. Federally enforceable conditions are subject to enforcement actions by the EPA and citizens.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A
Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2150; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-218-0080

Compliance Requirements

All Oregon Title V Operating Permits must contain the following elements with respect to compliance:

(1) Consistent with OAR 340-218-0050(3), compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit.

(2) A requirement that any document (including but not limited to reports) required by an Oregon Title V Operating Permit must contain a certification by a responsible official or the designated representation for the acid rain portion of the permit that meets the requirements of OAR 340-218-0040(5).

(3) Inspection and entry requirements that require that, upon presentation of credentials and other documents as may be required by law, the permittee must allow DEQ or an authorized representative to perform the following:

(a) Enter upon the permittee's premises where an Oregon Title V Operating Permit program source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(c) Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control devices), practices, or operations regulated or required under the permit; and

(d) As authorized by the FCAA or state rules, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(4) A schedule of compliance consistent with OAR 340-218-0040(3)(n)(c).

(5) Progress reports consistent with an applicable schedule of compliance and OAR 340-218-0040(3)(n)(c) to be submitted at least semi-annually, or at a more frequent period if specified in the applicable requirement or by DEQ. Such progress reports must contain the following:

(a) Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and

(b) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

(6) Requirements for compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices. Permits must include each of the following:

(a) The frequency (not less than annually or such more frequent periods as specified in the applicable requirement or by DEQ) of submissions of compliance certifications;

(b) Under OAR 340-218-0050(3), a means for monitoring the compliance of the source with its emissions limitations, standards, and work practices;

(c) A requirement that the compliance certification include all of the following (provided that the identification of applicable information may cross-reference the permit or previous reports, as applicable):

(A) The identification of each term or condition of the permit that is the basis of the certification;

(B) The identification of the method or other means used by the owner or operator for determining the compliance status with each term and condition during the certification period. Such methods and other means must include, at a minimum, the methods and means required under OAR 340-218-0050(3). If necessary, the owner or operator also must identify any other material information that must be included in the certification to comply with section 113(c)(2) of the FCAA, which prohibits knowingly making a false certification or omitting material information;

(C) The status of compliance with the terms and conditions of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification must be based on the method or means designated in paragraph (6)(c)(B). The certification must identify each deviation and take it into account in the compliance certification. The certification must also identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under OAR 340-200-0020 and 40 CFR part 64 occurred; and

(D) Such other facts as DEQ may require to determine the compliance status of the source.

(d) A requirement that all compliance certifications be submitted to the EPA as well as to DEQ; and

(e) Notwithstanding any other provision contained in any applicable requirement, the owner or operator may use monitoring as required under OAR 340-218-0050(3) and incorporated into the permit, in addition to any specified compliance methods, for the purpose of submitting compliance certifications.

(7) Annual certification that the risk management plan is being properly implemented, OAR 340-244-0230.

(8) Such other provisions as DEQ may require in order to protect human health or the environment.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040, 468A.050 & 468A.310
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2160; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 2-2005, f. & cert. ef. 2-10-05

340-218-0090

General Permits

(1) DEQ may, after notice and opportunity for public participation provided under OAR 340-218-0210, issue general permits covering numerous similar sources in specific source categories as defined in section (2). General permits must comply with all requirements applicable to other Oregon Title V Operating Permits.

(2) The owner or operator of an existing major HAP source which meets all of the following criteria may apply to be covered under the terms and conditions of a general permit:

(a) The source is a major source under section 112 of the FCAA only;

(b) No emissions standard for existing sources, promulgated pursuant to section 112(d) of the FCAA or adopted under OAR 340-244-0200 through 340-244-0220, applies to the source; and

(c) DEQ does not consider the source to be a problem source based on its complaint record and compliance history.

(3) Notwithstanding the shield provisions of OAR 340-218-0110, the source will be subject to enforcement action for operation without an Oregon Title V Operating Permit if the source is later determined not to qualify for the conditions and terms of the general permit. General permits will not be authorized for affected sources under the national acid rain program unless provided in regulations promulgated under Title IV of the FCAA.

(4)(a) Oregon Title V Operating Permit program sources that would qualify for a general permit must apply to DEQ for coverage under the terms of the general permit or must apply for an Oregon Title V Operating Permit consistent with OAR 340-218-0040.

(b) DEQ may, in the general permit, provide for applications which deviate from the requirements of OAR 340-218-0040, provided that such applications meet the requirements of Title V of the FCAA and include all information necessary to determine qualification for, and compliance with, the general permit.

(c) Without repeating the public participation procedures required under OAR 340-218-0210, DEQ may grant an owner's or operator's request for authorization to operate under a general permit if the source meets the applicability criteria for the general permit, but such a grant will not be a final permit action for purposes of judicial review.

(5) When an emissions limitation applicable to a general permit source is promulgated by the EPA pursuant to 112(d), or adopted by the state pursuant to OAR 340-244-0200 through OAR 340-244-0220, the source must:

(a) Immediately comply with the provisions of the applicable emissions standard; and

(b)(A) Within 12 months of standard promulgation, apply for an operating permit, pursuant to OAR 340-218-0040, if three (3) or more years are remaining on the general permit term; or

(B) Apply for an operating permit at least 12 months prior to permit expiration, pursuant to OAR 340-218-0040, if less than three (3) years remain on the general permit term.

Stat. Auth.: ORS 468.020, ORS 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A
Hist.: DEQ 13-1993, f. & ef. 9-24-93; DEQ 24-1994, f. & ef. 10-28-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2170; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-218-0100

Temporary Sources

DEQ may issue a single permit authorizing emissions from similar operations by the same source owner or operator at multiple temporary locations. The operation must be temporary and involve at least one change of location during the term of the permit. An affected source may not be permitted as a temporary source. Permits for temporary sources must include the following:

(1) Conditions that will assure compliance with all applicable requirements at all authorized locations;

(2) Requirements that the owner or operator notify DEQ at least ten days in advance of each change in location;

(3) Conditions that assure compliance with land use compatibility; and

(4) Conditions that assure compliance with all other provisions of this division.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A
Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2180; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-218-0110

Permit Shield

(1) Except as provided in this division, DEQ must expressly include in an Oregon Title V Operating Permit a provision stating that compliance with the conditions of the permit will be deemed compliance with any applicable requirements as of the date of permit issuance, provided that:

(a) Such applicable requirements are included and are specifically identified in the permit; or

(b) DEQ, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the permit includes the determination or a concise summary thereof.

(2) An Oregon Title V Operating Permit that does not expressly state that a permit shield exists will be presumed not to provide such a shield.

(3) Changes made to a permit using OAR 340-218-0150(1)(h) and OAR 340-218-0180 will be shielded.

(4) Nothing in this rule or in any Oregon Title V Operating Permit may alter or affect the following:

(a) The provisions of ORS 468.115 (enforcement in cases of emergency) and ORS 468.035;

(b) The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;

(c) The applicable requirements of the national acid rain program, consistent with section 408(a) of the FCAA; or

(d) The ability of DEQ to obtain information from a source pursuant to ORS 468.095 (investigatory authority, access to records).

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A
Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2190; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-218-0120

Permit Issuance

(1) Action on application:

(a) A permit, permit modification, or permit renewal may be issued only if all of the following conditions have been met:

(A) DEQ has received a complete application for a permit, permit modification, or permit renewal, except that a complete application need not be received before issuance of a general permit under OAR 340-218-0090;

(B) Except for modifications qualifying for minor permit modification procedures under OAR 340-218-0170, DEQ has complied with the requirements for public participation under OAR 340-218-0210;

(C) DEQ has complied with the requirements for notifying and responding to affected States under OAR 340-218-0230(2);

(D) The conditions of the permit provide for compliance with all applicable requirements and the requirements of this division; and

(E) The EPA has received a copy of the proposed permit and any notices required under OAR 340-218-0230(1) and (2), and has not objected to issuance of the permit under OAR 340-218-0230(3) within the time period specified therein or such earlier time as agreed to with DEQ if no changes were made to the draft permit.

(b) When a multiple-source permit includes air contaminant sources subject to the jurisdiction of DEQ and LRAPA, DEQ may require that it will be the permit issuing agency. In such cases, DEQ and LRAPA will otherwise maintain and exercise all other aspects of their respective jurisdictions over the permittee;

(c) Denial of a Permit. If DEQ proposes to deny issuance of a permit, permit renewal, permit modification, or permit amendment, it must notify the applicant by registered or certified mail of the intent to deny and the reasons for denial. The denial will become effective 60 days from the date of mailing of such notice unless within that time the applicant requests a hearing. Such a request for hearing must be made in writing to the Director and must state the grounds for the request. Any hearing held will be conducted pursuant to the applicable provisions of ORS Chapter 183;

(d) DEQ or LRAPA is the permitting authority for purposes of the 18 month requirement contained in 42 USC ¦ 7661b(c) and this subsection. Except as provided under the initial transition plan or under regulations promulgated under Title IV of the FCAA or under this division for the permitting of affected sources under the national acid rain program, DEQ will take final action on each permit application (including a request for permit modification or renewal) within 18 months after receiving a complete application. In the case of any complete permit application containing an early reductions demonstration pursuant to OAR 340-244-0100, DEQ will take final action within 9 months of receipt;

(e) DEQ will promptly provide notice to the applicant of whether the application is complete. Unless DEQ requests additional information or otherwise notifies the applicant of incompleteness within 60 days of receipt of an application, the application will be deemed complete. For modifications processed through minor permit modification procedures, OAR 340-218-0170(2), DEQ will not require a completeness determination;

(f) DEQ will provide a review report that sets forth the legal and factual basis for the draft permit conditions (including references to the applicable statutory or regulatory provisions). DEQ will send this report to the EPA and to any other person who requests it;

(g) The submittal of a complete application will not affect the requirement that any source have a Notice of Approval under OAR 340-210-0205 through 340-0210-0250 or a preconstruction permit under OAR 340 division 216 or 340 division 224;

(h) Failure of DEQ to take final action on a complete application or failure of DEQ to take final action on an EPA objection to a proposed permit within the appropriate time will be considered to be a final order for purposes of ORS Chapter 183;

(i) If the final permit action being challenged is DEQ's failure to take final action, a petition for judicial review may be filed any time before DEQ denies the permit or issues the final permit.

(2) Requirement for a permit:

(a) Except as provided in OAR 340-218-0120(2)(b), 340-218-0140(3), and 340-218-0170(2)(d), no Oregon Title V Operating Permit program source may operate after the time that it is required to submit a timely and complete application after the effective date of the program, except in compliance with a permit issued under an Oregon Title V Operating Permit program;

(b) If an Oregon Title V Operating Permit program source submits a timely and complete application for permit issuance (including for renewal), the source's failure to have an Oregon Title V Operating Permit is not a violation of this division until DEQ takes final action on the permit application, except as noted in this rule. This protection will cease to apply if, subsequent to the completeness determination made pursuant to OAR 340-218-0120(1)(e), and as required by OAR 340-218-0040(1)(b), the applicant fails to submit by the deadline specified in writing by DEQ any additional information identified as being needed to process the application. If the final permit action being challenged is DEQ's failure to take final action, a petition for judicial review may be filed any time before DEQ denies the permit or issues the final permit.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040, 468A.155 & 468A.310
Stats. Implemented: ORS 183 & 468A
Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 24-1994, f. & ef. 10-28-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2200; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 8-2007, f. & cert. ef. 11-8-07

340-218-0140

Operational Flexibility

Operational flexibility provisions allow owners or operators to make certain changes at their facility without a permit modification. The following sections describe the provisions and the procedures owners or operators must follow to utilize operational flexibility:

(1) Alternative Operating Scenarios. Owners or operators may identify as many reasonably anticipated alternative operating scenarios in the permit application as possible and request the approval of DEQ for incorporation of the scenarios in the permit:

(a) Alternative operating scenarios mean the different conditions, including equipment configurations or process parameters, under which a source can operate that:

(A) Require different terms and conditions in the permit to determine compliance; or

(B) Trigger different applicable requirements.

(b) Alternative operating scenarios must be identified in the permit application, approved by DEQ; and listed in the permit;

(c) Changes between approved alternative operating scenarios listed in the permit can be made at any time. Owners or operators must contemporaneously record in a log at the permitted facility any change from one alternative operating scenario to another.

(d) Owners or operators are not required to submit the record of changes of alternative operating scenarios on a periodic basis but must make the record available or submit the record upon the request of DEQ.

(e) The permit shield extends to all alternative operating scenarios listed in the permit.

(2) Off-permit Changes. Changes that qualify as off-permit do not require Department approval:

(a) Off-permit changes mean changes to a source that:

(A) Are not addressed or prohibited by the permit;

(B) Are not Title I modifications;

(C) Are not subject to any requirements under Title IV of the FCAA;

(D) Meet all applicable requirements;

(E) Do not violate any existing permit term or condition; and

(F) May result in emissions of regulated pollutants subject to an applicable requirement, but not otherwise regulated under the permit or may result in insignificant changes as defined in OAR 340-200-0020.

(b) Off-permit changes can be made at any time. Owners or operators must contemporaneously submit written notice to DEQ and the EPA, except for changes that qualify as insignificant under OAR 340-200-0020. The written notice must contain:

(A) A description of the change;

(B) The date on which the change will occur;

(C) Any change in emissions within the PSELs;

(D) Regulated pollutants emitted;

(E) Any applicable requirement that would apply as a result of the change;

(F) Verification that the change is not addressed or prohibited by the permit;

(G) Verification that the change is not a Title I modification, such as an explanation that the change does not meet any of the Title I modification criteria;

(H) Verification that the change is not subject to any requirements under Title IV of the FCAA; and

(I) Verification that the change does not violate any existing permit term or condition.

(c) The permittee must keep a record describing off-permit changes made at the facility that result in emissions of a regulated pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those off-permit changes.

(d) Written notifications of off-permit changes must be attached to DEQ's and the source's copy of the permit.

(e) Terms and conditions that result from off-permit changes will be incorporated into the permit upon permit renewal, if applicable.

(f) The permit shield of OAR 340-218-0110 will not extend to off-permit changes.

(3) Section 502(b)(10) Changes. Changes that qualify as section 502(b)(10) changes do not require permit revision.

(a) Section 502(b)(10) changes mean changes that contravene an express permit term. Such changes do not include:

(A) Changes that would violate applicable requirements (including but not limited to increases in PSELs);

(B) Changes that contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements; and

(C) Changes that are Title I modifications.

(b) Section 502(b)(10) changes can be made at any time. Owners or operators must submit a minimum 7-day advance, written notification to DEQ and the EPA. The written notice must contain:

(A) A description of the change;

(B) The date on which the change will occur;

(C) Any change in emissions within the PSELs;

(D) Any permit term or condition that is no longer applicable as a result of the change;

(E) Any new terms or conditions applicable to the change;

(F) Verification that the change does not cause or contribute to a violation of any applicable requirements, such as an explanation that the permit term or condition that is being contravened is not based on an applicable requirement;

(G) Verification that the change does not cause or contribute to an exceedance of the PSELs, such as calculations of emissions resulting from the change in relation to the PSEL; and

(H) Verification that the change is not a Title I modification, such as an explanation that the change does not meet any of the Title I modification criteria.

(c) Written notifications of section 502(b)(10) changes must be attached to DEQ's and the source's copy of the permit.

(d) Terms and conditions that result from section 502(b)(10) changes will be incorporated into the permit upon permit renewal, if applicable.

(e) The permit shield does not extend to section 502(b)(10) changes.

(4) DEQ may initiate enforcement if a change under operational flexibility has been initiated and does not meet the applicable operational flexibility criteria.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A
Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 24-1994, f. & cert. ef. 10-28-94; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2220; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-218-0150

Administrative Permit Amendments

(1) An "administrative permit amendment" is a permit revision that:

(a) Corrects typographical errors;

(b) Identifies a change in the name, address, or phone number of the responsible official identified in the permit, or provides a similar minor administrative change at the source;

(c) Allows for a change in the name of the permittee;

(d) Allows for a change in ownership or operational control of a source where DEQ determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to DEQ;

(e) Requires more frequent monitoring or reporting by the permittee;

(f) Allows for a change in the date for reporting or source testing requirements for a source or emissions unit that is temporarily shutdown or would otherwise have to be operated solely for the purposes of conducting the source test, except when required by a compliance schedule;

(g) Relaxes monitoring, reporting or recordkeeping due to a permanent source shutdown for only the emissions unit being shutdown; or

(h) Incorporates into the Oregon Title V Operating Permit the requirements from preconstruction review permits authorized under OAR 340 division 224 or OAR 340-210-0205 through 340-210-0250, provided that the procedural requirements followed in the preconstruction review are substantially equivalent to the requirements of OAR 340-218-0120 through 340-218-0210 and OAR 340-218-0230 that would be applicable to the change if it were subject to review as a permit modification, compliance requirements are substantially equivalent to those contained in OAR 340-218-0050 through 340-218-0110, and no changes in the construction or operation of the facility that would require a permit modification under OAR 340-218-0160 through 340-218-0180 have taken place.

(2) Administrative permit amendments for purposes of the national acid rain portion of the permit will be governed by regulations promulgated under Title IV of the FCAA.

(3) Administrative permit amendment procedures. An administrative permit amendment will be made by DEQ consistent with the following:

(a) The owner or operator must promptly submit an application for an administrative permit amendment upon becoming aware of the need for one on forms provided by DEQ along with a copy of the draft amendment;

(b) DEQ will take no more than 60 days from receipt of a request for an administrative permit amendment to take final action on such request, and may incorporate such changes without providing notice to the public or affected States provided that it designates any such permit revisions as having been made pursuant to this rule;

(c) DEQ will issue the administrative permit amendment in the form of a permit addendum for only those conditions that will change;

(d) DEQ will submit a copy of the permit addendum to the EPA;

(e) The source may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request;

(f) If the source fails to comply with its draft permit terms and conditions upon submittal of the application and until DEQ takes final action, the existing permit terms and conditions it seeks to modify may be enforced against it.

(4) DEQ must, upon taking final action granting a request for an administrative permit amendment, allow coverage by the permit shield in OAR 340-218-0110 only for administrative permit amendments made pursuant to OAR 340-218-0150(1)(h) which meet the relevant requirements of OAR 340-218-0050 through 340-218-0240 for significant permit modifications.

(5) If it becomes necessary for DEQ to initiate an administrative amendment to the permit, DEQ will notify the permittee of the intended action by certified or registered mail. The action will become effective 20 days after the date of mailing unless within that time the permittee makes a written request for a hearing. The request must state the grounds for the hearing. Any hearing held will be conducted pursuant to the applicable provisions of ORS 183.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A
Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 24-1994, f. & ef. 10-28-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2230; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 8-2007, f. & cert. ef. 11-8-07

340-218-0160

Permit Modification

A permit modification is any revision to an Oregon Title V Operating Permit that cannot be accomplished under DEQ's provisions for administrative permit amendments under OAR 340-218-0150. A permit modification for purposes of the acid rain portion of the permit will be governed by regulations promulgated under Title IV of the FCAA.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A
Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2240; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-218-0170

Minor Permit Modifications

(1) Criteria:

(a) Minor permit modification procedures may be used only for those permit modifications that:

(A) Do not violate any applicable requirement;

(B) Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;

(C) Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;

(D) Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:

(i) A federally enforceable emissions cap assumed to avoid classification as a Title I modification; and

(ii) An alternative emissions limit approved pursuant to OAR 340-244-0100 through 340-244-0180.

(E) Do not increase emissions over the PSEL;

(F) Are not Title I modifications; and

(G) Are not required by OAR 340-218-0180 to be processed as a significant modification.

(b) Notwithstanding subsection (1)(a), minor permit modification procedures may be used for permit modifications involving the use of emissions trading and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in the Oregon SIP or in applicable requirements promulgated by the EPA.

(2) Minor permit modification procedures. A minor permit modification will be made by DEQ consistent with the following:

(a) Application. An application requesting the use of minor permit modification procedures must meet the requirements of OAR 340-218-0040(3), must be submitted on forms and electronic formats provided by DEQ, and must include the following additional information:

(A) A description of the change, the change in emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

(B) The source's suggested draft permit;

(C) Certification by a responsible official, consistent with OAR 340-218-0040(5), that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and

(D) Completed forms for DEQ to use to notify the EPA and affected states as required under OAR 340-218-0230.

(b) EPA and affected state notification. Within five working days of receipt of a complete minor permit modification application, DEQ will meet its obligation under OAR 340-218-0230(1)(a) and (2)(a) to notify the EPA and affected states of the requested permit modification. DEQ promptly will send any notice required under OAR 340-218-0230(2)(b) to the EPA;

(c) Timetable for issuance. DEQ will not issue a final permit modification until after the EPA's 45-day review period or until the EPA has notified DEQ that the EPA will not object to issuance of the permit modification, whichever is first, although DEQ can approve the permit modification prior to that time. Within 90 days of DEQ's receipt of an application under minor permit modification procedures or 15 days after the end of the EPA's 45-day review period under OAR 340-218-0230(3), whichever is later, DEQ will:

(A) Issue the permit modification as proposed for only those conditions that will change;

(B) Deny the permit modification application;

(C) Determine that the requested modification does not meet the minor permit modification criteria and must be reviewed under the significant modification procedures; or

(D) Revise the draft permit modification and transmit to the EPA the new proposed permit modifications as required by OAR 340-218-0230(1).

(d) Source's ability to make change. The source may make the change proposed in its minor permit modification application immediately after it files an application. After the source makes the change, and until the permitting authority takes any of the actions specified in paragraphs (2)(c)(A) through (C), the source must comply with both the applicable requirements governing the change and the draft permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its draft permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it;

(e) DEQ may initiate enforcement if the modification has been initiated and does not meet the minor permit modification criteria;

(f) Permit shield. The permit shield under OAR 340-218-0110 does not extend to minor permit modifications.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A
Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2250; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-218-0180

Significant Permit Modifications

Significant Permit Modifications

(1) Criteria. Significant modification procedures must be used for applications requesting permit modifications that do not qualify as minor permit modifications or as administrative amendments. Significant modifications must include:

(a) Increases in PSELs except those increases subject to OAR 340-210-0205 through 340-210-0250; or OAR 340 division 224;

(b) Every significant change in existing monitoring permit terms or conditions;

(c) Every relaxation of reporting or recordkeeping permit terms or conditions;

(d) Incorporation into the Oregon Title V Operating Permit the requirements from pre-construction review permits authorized under OAR 340 division 224 unless the incorporation qualifies as an administrative amendment;

(e) Incorporation into the Oregon Title V Operating Permit the requirements from preconstruction review permits authorized under OAR 340-210-205 through 340-210-0250 unless otherwise specified in OAR 340-218-0190(2); and

(f) Nothing herein may be construed to preclude the permittee from making changes consistent with this division that would render existing permit compliance terms and conditions irrelevant.

(2) Significant permit modifications will be subject to all requirements of this division, including those for applications, public participation, review by affected States, and review by the EPA, as they apply to permit issuance and permit renewal.

(3) Major modifications, as defined in OAR 340-200-0020, require an ACDP under OAR 340 division 224.

(4) Constructed and reconstructed major hazardous air pollutant sources are subject to OAR 340 210-0205 through 340-210-0250 and OAR 340-244-0200.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A
Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2260; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 8-2007, f. & cert. ef. 11-8-07

340-218-0190

Construction/Operation Modifications

(1) Notice of Approval. The owner or operator of a major stationary source must obtain approval from DEQ prior to construction or modification of any stationary source or air pollution control devices using OAR 340-210-0205 through 340-210-0250.

(2) Incorporation into an Oregon Title V Operating Permit:

(a) Where an Oregon Title V Operating Permit would allow incorporation of such construction or modification as an off-permit change (OAR 340-218-0140(2)) or a FCAA section 502(b)(10) change (OAR 340-218-0140(3)):

(A) The owner or operator of the stationary source or air pollution control device listed in section (1) must submit to DEQ the applicable notice; and

(B) DEQ will incorporate the construction or modification at permit renewal, if applicable.

(b) Where an Oregon Title V Operating Permit would allow incorporation of such construction or modification as an administrative amendment (OAR 340-218-0150), the owner or operator of the stationary source or air pollution control device listed in section (1) may:

(A) Submit the permit application information required under OAR 340-218-0150(3) with the information required under OAR 340-210-0225(2) upon becoming aware of the need for an administrative amendment; and

(B) Request that the external review procedures required under OAR 340-218-0210 and 340-218-0230 be used in addition to the public notice procedures of OAR 340 division 209 for Category III permit actions to allow for subsequent incorporation of the construction permit as an administrative amendment.

(c) Where an Oregon Title V Operating Permit would require incorporation of such construction or modification as a minor permit modification (OAR 340-218-0170) or a significant permit modification (OAR 340-218-0180), the owner or operator of the stationary source or air pollution control device listed in section (1) must submit the permit application information required under OAR 340-218-0040(3) within one year of initial startup of the construction or modification, except as prohibited in paragraph(2)(d).

(d) Where an existing Oregon Title V Operating Permit would prohibit such construction or change in operation, the owner or operator must obtain a permit revision before commencing operation.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A
Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 24-1994, f. & ef. 10-28-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2270; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 8-2007, f. & cert. ef. 11-8-07

340-218-0200

Reopenings

(1) Reopening for cause:

(a) Each issued permit must include provisions specifying the conditions under which the permit will be reopened prior to the expiration of the permit. A permit will be reopened and revised under any of the following circumstances:

(A) Additional applicable requirements under the FCAA or state rules become applicable to a major Oregon Title V Operating Permit program source with a remaining permit term of 3 or more years. Such a reopening will be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to OAR 340-218-0130;

(B) Additional requirements (including excess emissions requirements) become applicable to an affected source under the national acid rain program. Upon approval by the EPA, excess emissions offset plans will be deemed to be incorporated into the permit;

(C) DEQ or the EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;

(D) DEQ or the EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;

(E) DEQ determines that the permit must be revised or revoked to assure compliance with the ambient air quality standards.

(b) Proceedings to reopen and issue a permit must follow the same procedures as apply to initial permit issuance and affect only those parts of the permit for which cause to reopen exists. Such reopening will be made as expeditiously as practicable;

(c) Reopenings under subsection (1)(a) may not be initiated before a notice of such intent is provided to the source by DEQ at least 30 days in advance of the date that the permit is to be reopened, except that DEQ may provide a shorter time period in the case of an emergency.

(2) Reopening for cause by the EPA:

(a) DEQ will, within 90 days after receipt of a notification from the EPA of reopening for cause, forward to the EPA a proposed determination of termination, modification, or revocation and reissuance, as appropriate. The EPA may extend this 90-day period for an additional 90 days if the EPA finds that a new or revised permit application is necessary or that the permittee must submit additional information;

(b) DEQ will have 90 days from receipt of an EPA objection to resolve any objection that the EPA makes and to terminate, modify, or revoke and reissue the permit in accordance with the EPA's objection or determine not to reissue the permit in accordance with the EPA's objection;

(c) DEQ will provide at least 30 days' notice to the permittee in writing of the reasons for any such action and provide an opportunity for a hearing;

(d) Proceedings to terminate, revoke, or modify and reissue a permit initiated by the EPA must follow the same procedures as apply to initial permit issuance and affect only those parts of the permit for which cause to reopen exists. Such reopening will be made as expeditiously as practicable by DEQ.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A
Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2280; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-218-0210

Public Participation

(1) Except for modifications qualifying for minor permit modification procedures and administrative amendments, all permit proceedings, including initial permit issuance, significant modifications, Notice of Construction and Approval of Plans when there is an increase of emissions above the PSEL, and renewals, must provide adequate procedures for public notice including offering an opportunity for public comment and a hearing on the draft permit using the procedures in OAR 340 division 209 for Category III permit actions.

(2) Any person who submitted written or oral comments during the public participation process described in OAR 340 division 209 will be an adversely affected or aggrieved person for purposes of ORS 183.484.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 183 & ORS 468A
Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2290; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-218-0220

Contested Permits

(1) A final permit issued by DEQ will become effective upon the date it was signed by the Air Quality Division Administrator or his or her designated representative, unless the applicant requests a hearing before the EQC or its authorized representative. A final permit issued by LRAPA will become effective upon the date it was signed by the LRAPA Director or his or her designated representative, unless the applicant requests a hearing before LRAPA's Board of Directors.

(2) The request for hearing must be in writing within 20 days of the date of mailing of the notification of issuance of the permit. The applicant must specify which permit conditions are being challenged and why, including each alleged factual or legal objection.

(3)(a) Permit conditions that are not contested, including any conditions that are severable from those contested, will remain in effect upon the date the permit was signed by the Air Quality Division Administrator or the LRAPA Director;

(b) Upon such request for review, the effect of the contested conditions, as well as any conditions that are not severable from those contested, will be stayed only upon a showing that, during the pendency of the appeal, compliance with the contested conditions would require substantial expenditures or losses that would not be incurred if the applicant prevails on the merits of the review; and also that there exists a reasonable likelihood of success on the merits. DEQ may require that the contested conditions not be stayed if it finds that substantial

endangerment of public health or welfare would result from the staying of the conditions. DEQ must deny or grant the stay within 30 days.

(4) If an applicant requests a hearing pursuant to this section, then any adversely affected or aggrieved person, as those terms have been construed under ORS Chapter 183, may petition the EQC to be allowed to intervene in the contested case hearing to challenge any permit condition. This petition must be in writing and must be filed with the EQC at least 21 days before the date set for hearing. The petition must specify which permit conditions are being challenged and the reasons for those challenges, including each alleged factual or legal objection.

(5) Any hearing held under this section will be conducted pursuant to the applicable provisions of ORS Chapter 183 and OAR 340 division 11.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040, 468A.155 & 468A.310
Stats. Implemented: ORS 183 & 468A
Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2300; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-218-0230

Permit Review by the EPA and Affected States

(1) Transmission of information to the EPA:

(a) DEQ will provide to the EPA a copy of each permit application (including any application for permit modification), each proposed permit except when a draft permit has been submitted and the EPA determines that the submittal of the draft permit is adequate, and each final Oregon Title V Operating Permit;

(b) The requirements of OAR 340-218-0230(1)(a) and (2)(a) may be waived for any category of sources (including any class, type, or size within such category) other than major sources if allowed by the EPA;

(c) DEQ will keep for 5 years such records and submit to the EPA such information as the EPA may reasonably require to ascertain whether DEQ program complies with the requirements of the FCAA or state rules or of this division.

(2) Review by affected states:

(a) DEQ will give notice of each draft permit to any affected State on or before the time that DEQ provides this notice to the public under OAR 340-218-0210, except to the extent that OAR 340-218-0170 requires the timing of the notice to be different;

(b) DEQ, as part of the submittal of the proposed permit to the EPA (or as soon as possible after the submittal for minor permit modification procedures allowed under OAR 340-218-0170), will notify the EPA and any affected State in writing of any omission by DEQ of any recommendations for the proposed permit that the affected State submitted during the public or affected State review period. The notice will include DEQ's reasons for not accepting any such recommendation. DEQ is not required to accept recommendations that are not based on applicable requirements or the requirements of this division.

(3) EPA objection:

(a) No permit for which an application must be transmitted to the EPA under section (1) may be issued as drafted if the EPA objects to its issuance in writing within 45 days of receipt of the proposed permit and all necessary supporting information or such earlier time as agreed to by the EPA;

(b) DEQ will, within 90 days after the date of an objection under subsection (3)(a), revise and submit a proposed permit in response to the objection, or determine not to issue the permit;

(c) If DEQ determines not to issue the permit, notice of the determination will be provided to the source by certified or registered mail.

(4) Public petitions to the EPA:

(a) If the EPA does not object in writing under section (3), any person may petition the EPA within 60 days after the expiration of the EPA's 45-day review period to make such objection. Any such petition must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in OAR 340-218-0210, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period;

(b) If the EPA objects to the permit as a result of a petition filed under this section, DEQ may not issue the permit until the EPA's objection has been resolved, except that a petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45-day review period and prior to an EPA objection;

(c) If DEQ has issued a permit prior to receipt of an EPA objection under OAR 340-218-0230, the EPA will modify, terminate, or revoke such permit, and must do so consistent with the procedures in 340-218-0200(2)(b) except in unusual circumstances, and DEQ may thereafter issue only a revised permit that satisfies the EPA's objection. In any case, the source will not be in violation of the requirement to have submitted a timely and complete application.

(5) Prohibition on default issuance. DEQ may not issue an Oregon Title V Operating Permit (including a permit renewal or modification) until affected States and the EPA have had an opportunity to review the proposed permit as required under this rule.

Stat. Auth.: ORS 468.020 & 468A.310
Stats. Implemented: ORS 468A.310
Hist.: DEQ 13-1993, f. & ef. 9-24-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2310; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-218-0240

Enforcement

(1) Whenever it appears to DEQ that any activity in violation of a permit that results in air pollution or air contamination is presenting an imminent and substantial endangerment to the public health, DEQ may enter a cease and desist order pursuant to ORS 468.115 or seek injunction relief pursuant to 468.100.

(2)(a) Whenever DEQ has good cause to believe that any person is engaged in or about to engage in acts or practices that constitute a violation of any part of the stationary source air permitting rules or any provision of a permit issued pursuant to these rules, DEQ may seek injunctive relief in court to enforce compliance thereto or to restrain further violations;

(b) The proceedings authorized by subsection (a) may be instituted without the necessity of prior agency revocation of the permit or during a permit revocation proceeding if one has been commenced.

(3) In addition to the enforcement authorities contained in sections (1) and (2) and any other penalty provided by law, any person who violates any of the following will incur a civil penalty as authorized under ORS 468.140 and established pursuant to OAR 340 division 12:

(a) Any applicable requirement;

(b) Any permit condition;

(c) Any fee or filing requirements;

(d) Any duty to allow or carry out inspection, entry or monitoring activities; or

(e) Any rules or orders issued by DEQ.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2320; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

DIVISION 220

OREGON TITLE V OPERATING PERMIT FEES

340-220-0010

Purpose, Scope, Applicability and Jurisdiction

(1) The purpose of this division is to provide owners and operators of Oregon Title V Operating Permit program sources and DEQ with the criteria and procedures to determine emissions and fees based on air emissions and specific activities.

(2) This division applies to Oregon Title V Operating Permit program sources as defined in OAR 340-200-0020.

(3) The owner or operator may elect to pay emission fees for each regulated pollutant on either actual emissions or permitted emissions.

(4) Sources subject to the Oregon Title V Operating Permit program defined in OAR 340-200-0020, are subject to both an annual base fee established under 340-220-0030 and an emission fee calculated pursuant to 340-220-0040.

(5) Sources subject to the Oregon Title V Operating Permit program may also be subject to user fees (OAR 340-220-0050 and 340-216-0090).

(6) DEQ will credit owners and operators of new Oregon Title V Operating Permit program sources for the unused portion of paid Annual Fees. The credit will begin from the date DEQ receives the Title V permit application.

(7) Subject to the requirements in this division and OAR 340-200-0010(3), LRAPA is designated by the EQC to implement the rules in this division within its area of jurisdiction.

Stat. Auth.: ORS 468.020, 468.065, 468A.310 & 468A.315
Stats. Implemented: ORS 468.065 & 468A.315
Hist.: DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 7-1996, f. & cert. ef. 5-31-96; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2560; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08

340-220-0020

Definitions

The definitions in OAR 340-200-0020, 340-204-0010 and this rule apply to this division. If the same term is defined in this rule and OAR 340-200-0020 or 340-204-0010, the definition in this rule applies to this division. Particulates. For purposes of this division, particulates mean PM10; or if a source's permit specifies particulate matter (PM) and not PM10, then PM; or if a source's permit specifies PM2.5 and neither PM10 nor PM, then PM2.5.

Stat. Auth.: ORS 468.020, 468.065, 468A.310 & 468A.315
Stats. Implemented: ORS 468.065 & 468A.315
Hist.: DEQ 14-1999, f. & cert. ef. 10-14-99; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08

340-220-0060

Regulated Pollutants Subject to Emission Fees

(1) DEQ will assess emission fees on emissions of regulated pollutants up to and including 7,000 tons per year of all regulated pollutants for each source each calendar year thereafter.

(2) The owner or operator must pay emission fees for all regulated pollutants emitted from the source, except as limited in section (1).

Stat. Auth.: ORS 468.020, 468.065, 468A.310 & 468A.315
Stats. Implemented: ORS 468.065 & 468A.315
Hist.: DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2610; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08; DEQ 10-2014, f. & cert. ef. 9-4-14

340-220-0070

Exclusions

(1) DEQ will not assess emission fees on newly permitted major sources that have not begun initial operation.

(2) DEQ will not assess emission fees on carbon monoxide. However, sources that emit or are permitted to emit 100 tons or more per year of carbon monoxide are subject to the emission fees on all other regulated pollutants pursuant to OAR 340-220-0010.

(3) DEQ will not assess emission fees on any device or activity that did not operate at any time during the calendar year.

(4) If an owner or operator of an Oregon Title V Operating Permit program source operates a device or activity for less than 5% of the permitted operating schedule, the owner or operator may elect to report emissions based on a proration of the permitted emissions for the actual operating time.

(5) DEQ will not assess emission fees on emissions categorized as credits or unassigned emissions within an Oregon Title V Operating Permit.

(6) DEQ will not assess emission fees on categorically insignificant emissions as defined in OAR 340-200-0020.

Stat. Auth.: ORS 468.020, 468.065, 468A.310 & 468A.315
Stats. Implemented: ORS 468.065 & 468A.315
Hist.: DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 24-1994, f. & ef. 10-28-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2620; DEQ 6-2001, f. 6-18-01,

cert. ef. 7-1-01; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08

340-220-0080

References

Reference documents used in this division include the DEQ Source Sampling Manual and the DEQ Continuous Monitoring Manual.

Stat. Auth.: ORS 468.020, 468.065 & 468A.315
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 13-1994, f. & ef. 5-19-94; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2630

340-220-0090

Election for Each Regulated Pollutant

(1) The owner or operator must elect to pay emission fees on either actual emissions, permitted emissions, or a combination of both for the previous calendar year for each regulated pollutant and notify DEQ using OAR 340-220-0110.

(2) If an owner or operator fails to notify DEQ of the election for a regulated pollutant, DEQ will assess emission fees based on permitted emissions.

(3) If the permit or review report does not identify permitted emissions for a regulated pollutant, DEQ will develop representative permitted emissions.

(4) An owner or operator may elect to pay emission fees on the aggregate limit for insignificant emissions that are not categorically insignificant activity emissions.

Stat. Auth.: ORS 468.020, 468.065 & 468A.310
Stats. Implemented: ORS 468.065 & 468A.315
Hist.: DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 12-1995, f. & cert. ef. 5-23-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2640; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08

340-220-0100

Emission Reporting

(1) Using a form developed by DEQ the owner or operator must report the following emissions:

(a) Particulates;

(b) Sulfur Dioxide as SO2;

(c) Oxides of Nitrogen (NOx) as Nitrogen Dioxide (NO2);

(d) Volatile Organic Compounds as:

(A) VOC for material balance emission reporting; or

(B) Propane (C3H8), unless otherwise specified by permit, OAR 340, or a method approved by DEQ, for emissions verified by source testing.

(2) The owner or operator must report emissions in tons per year and as follows:

(a) Round up to the nearest whole ton for emission values 0.5 and greater; and

(b) Round down to the nearest whole ton for emission values less than 0.5.

(3) The owner or operator electing to pay emission fees on actual emissions for a regulated pollutant must submit documentation necessary to support the actual emissions using OAR 340-220-0120.

(4) The owner or operator electing to pay on actual emissions must report total emissions, including those emissions in excess of 4,000 tons for each regulated pollutant and in excess of 7,000 tons for all regulated pollutants.

(5) The owner or operator electing to pay on permitted emissions for a regulated pollutant must identify such an election on the form developed by DEQ.

(6) If more than one permit is in effect for a calendar year for an Oregon Title V Operating Permit program source, the owner or operator electing to pay on permitted emissions must pay on the most current permitted or actual emissions.

Stat. Auth.: ORS 468.020, 468.065, 468A.050, 468A.070, 468A.310 & 468A.315
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 13-1993, f. & ef. 9-24-93; DEQ 20-1993(T), f. & ef. 11-4-93; DEQ 13-1994, f. & ef. 5-19-94; DEQ 24-1994, f. & ef. 10-28-94; DEQ 12-1995, f. & cert. ef. 5-23-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2650; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08

340-220-0110

Emission Reporting and Fee Procedures

(1) The owner or operator must submit the required form, including the election to pay on permitted or actual emissions for each regulated pollutant, to DEQ with the annual permit report using annual reporting procedures.

(2) The owner or operator may request that information, other than emission information, submitted pursuant to this division be exempt from disclosure under OAR 340-214-0130.

(3) Records developed using these rules are subject to inspection and entry requirements in OAR 340-218-0080. The owner or operator must retain records for at least five years under 340-218-0050(3)(b)(B).

(4) DEQ may accept the information submitted or request additional information from the owner or operator. The owner or operator must submit additional actual emission information requested by DEQ within 30 days of

the date of the request. DEQ may approve a request for additional time, up to 30 days, to submit the requested information.

(5) If DEQ determines the actual emission information submitted for any regulated pollutant does not meet the criteria in this division, DEQ will assess the emission fee on the permitted emission for that regulated pollutant.

(6) The owner or operator must submit emission fees payable to DEQ by the later of:

(a) August 1 for emission fees from the previous calendar year; or

(b) Thirty days after DEQ mails the fee invoice.

(7) DEQ acceptance of emission fees does not indicate approval of data collection methods, calculation methods, or information reported on Emission Reporting Forms. If DEQ determines initial emission fee assessments were inaccurate or inconsistent with this division, DEQ may assess or refund emission fees up to two years after emission fees are received by DEQ.

(8) DEQ will not revise a PSEL solely due to an emission fee payment.

(9) Owners or operators operating sources pursuant to OAR 340 division 218 must submit the emission reporting information with the annual permit report.

Stat. Auth.: ORS 468.020, 468.065, 468A.050, 468A.310 & 468A.315
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2660; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08

340-220-0120

Actual Emissions

(1) Actual emissions include, but are not limited to, routine process emissions, fugitive emissions, and excess emissions from maintenance, startups and shutdowns, equipment malfunction, and other activities, but do not include categorically insignificant activities and secondary emissions.

(2) Actual emissions must be directly measured with a continuous monitoring system or calculated using a material balance or verified emission factor determined under division 220 in combination with the source's actual operating hours, production rates, or types of materials processed, stored, or combusted during the specified time period.

(3) An owner or operator electing to pay on actual emissions must obtain emission data and determine regulated pollutant emissions using one of the following methods:

(a) Continuous monitoring systems used in OAR 340-220-0130;

(b) Verified emission factors developed for a particular source or a combination of sources venting to a common stack using OAR 340-220-0170;

(c) Material balances determined using OAR 340-220-0140, 340-220-0150, or 340-220-0160; or

(d) Verified emission factors for source categories developed using OAR 340-220-0170(11).

Stat. Auth.: ORS 468.020, 468.065, 468A.070, 468A.310 & 468A.315
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 12-1995, f. & cert. ef. 5-23-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2670; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08

340-220-0130

Determining Emissions from Continuous Monitoring Systems

(1) The owner or operator must use data collected under Oregon Title V Operating Permit conditions, applicable rules in OAR 340, or the DEQ Continuous Monitoring Manual.

(2) If the owner or operator has continuous monitoring data from less than 90% of the plant operating time, the emissions during the period when the continuous monitoring system was not operating must be determined from the 90th percentile of the continuous monitoring data.

Stat. Auth.: ORS 468.020, 468.065, 468A.070, 468A.310 & 468A.315
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 13-1993, f. & ef. 9-24-93; DEQ 20-1993(T), f. & ef. 11-4-93; DEQ 13-1994, f. & ef. 5-19-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2680; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-220-0140

Determining Emissions Using Material Balance

The owner or operator may elect to use material balance to determine actual emissions:

(1) If the amount of material added to a process, less the amount consumed and recovered in a process, can be documented using DEQ approved permit conditions and this division.

(2) The owner or operator may only apply material balance calculations to VOC or sulfur dioxide emissions using OAR 340-220-0150 and 340-220-0160 respectively.

Stat. Auth.: ORS 468.020, 468.065, 468A.070, 468A.310 & 468A.315
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2690; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-220-0150

Determining VOC Emissions Using Material Balance

The owner or operator may determine the amount of VOC emissions for emissions of a regulated pollutant by using material balance. The owner or operator using material balance to calculate VOC emissions must determine the amount of VOC added to the process, the amount of VOC consumed in the process, and the amount of VOC recovered in the process, if any, by testing using 40 CFR part 60 Appendix A EPA Method 18, 24, 25, a material balance method, or an equivalent plant specific method specified in the Oregon Title V Operating Permit using the following equation: [Equation not included. See ED. NOTE.]

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

Stat. Auth.: ORS 468.020, 468.065, 468A.070, 468A.310 & 468A.315
Stats Implemented: ORS 468 & 468A
Hist.: DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 2-1996, f. & cert. ef. 1-29-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2700; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08

340-220-0160

Determining Sulfur Dioxide Emissions Using Material Balance

(1) The owner or operator may determine sulfur dioxide emissions for Oregon Title V Operating Permit program sources by measuring the sulfur content of fuels and assuming that all of the sulfur in the fuel is oxidized to sulfur dioxide.

(2) The owner or operator must ensure that ASTM methods were used to measure the sulfur content in fuel for each quantity of fuel burned.

(3) The owner or operator must determine sulfur dioxide emissions for each quantity of fuel burned, determining quantity by a method that is reliable for the source, by performing the following calculation: [Equation not included. See ED. NOTE.]

(4) For coal-fired steam generating units, owners or operators of major sources must use the following equation to account for sulfur retention: [Equation not included. See ED. NOTE.]

(5) Total sulfur dioxide emissions for the year must be the sum of each quantity burned, calculated using section (3) and reported in units of tons per year.

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

Stat. Auth.: ORS 468.020, 468.065, 468A.070, 468A.310 & 468A.315
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 2-1996, f. & cert. ef. 1-29-96; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2710; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-220-0170

Verified Emission Factors

(1) The owner or operator must verify emission factors before using them to determine emissions of regulated pollutants. To verify emission factors, the owner or operator must perform either source testing using the DEQ Source Sampling Manual or use other methods approved by DEQ for source tests. Source tests must be conducted using testing procedures on file at DEQ and DEQ approved pretest plan which must be submitted at least 15 days before the testing. All test data and results must be submitted for review to DEQ within 30 days after testing, unless DEQ approves otherwise or a different time period is specified in a permit.

NOTE: DEQ recommends that the owner or operator notify DEQ and obtain pre-approval of the emission factor source testing program before or as part of the first source test notification.

(2) The owner or operator must conduct or have conducted at least three compliance source tests. Each test must consist of at least three individual test runs for a total of at least nine test runs.

(3) The owner or operator must monitor and record applicable process and control device operating data.

(4) The owner or operator must perform a source test either:

(a) In each of three quarters of the year with no two successive source tests performed any closer than 30 days apart; or

(b) At equal intervals over the operating period if the owner or operator demonstrates and DEQ agrees that the device or activity operates or has operated for part of the year; or

(c) At any time during the year if the owner or operator demonstrates, and DEQ agrees, that the process is or was not subject to seasonal variations.

(5) The owner or operator must conduct the source tests to test the entire range of operating levels. At least one test must be conducted at minimum operating conditions, at normal or average operating levels, and at anticipated maximum operating levels. If the process rate is constant, all tests must be conducted at that rate. The owner or operator must submit documentation to DEQ demonstrating a constant process rate.

(6) The owner or operator must determine an emission factor for each source test by dividing each test run, in pounds of emission per hour, by the applicable process rate during the source test run. At least nine emission factors must be plotted against the respective process rates and a regression analysis performed to determine the best fit equation and the correlation coefficient. If the correlation coefficient is less than 0.50, which indicates that there is a relatively weak relationship between emissions and process rates, the arithmetic average and standard deviation of at least nine emission factors must be determined.

(7) The owner or operator must determine the Emissions Estimate Adjustment Factor (EEAF) as follows:

(a) If the correlation coefficient (R2) of the regression analysis is greater than 0.50, the EEAF will be 1+(1-R2).

(b) If the correlation coefficient (R2) is less than 0.50, the EEAF will be: [Equation not included. See ED. NOTE.]

(8) The owner or operator must determine actual emissions for emission fee purposes using one of the following methods:

(a) If the regression analysis correlation coefficient is less than 0.50, the actual emissions is the average emission factor determined from at least nine test runs multiplied by the EEAF multiplied by the total production for the entire year; or [Equation not included. See ED. NOTE.]

(b) If the regression analysis correlation coefficient is greater than 0.50, perform the following calculations :

(A) Determine the average emission factor (EF) for each production rate category (maximum = EFmax, normal = EFnorm, and minimum = EFmin);

(B) Determine the total annual production and operating hours, production time (PTtot), for the calendar year;

(C) Determine the total hours operating within the maximum production rate category (PTmax). The maximum production rate category is any operation rate greater than the average of at least three maximum operating rates during the source testing plus the average of at least three normal operating rates during the source testing divided by 2;

(D) Determine the total hours while operating within the normal production rate category (PTnorm). The normal production rate category is defined as any operating rate less than the average of at least three maximum operating rates during the source testing plus the average of at least three normal operating rates during the source testing divided by 2 and any operating rate greater than the average of at least three minimum operating rates during the source testing plus the average of at least three normal operating rates during the source testing divided by 2;

(E) Determine the total hours while operating within the minimum production rate category (PTmin). The minimum production rate category is defined as any operating rate less than the average of at least three minimum operating rates during the source testing plus the average of at least three normal operating rates during the source testing divided by 2;

(F) Actual emissions equals EEAF x ((PTmax/PTtot) x EFmax + (PTnorm/PTtot) x EFnorm + (PTmin/PTtot) x EFmin.)

(9) The owner or operator must determine emissions during startup and shutdown, and for emissions greater than normal, during conditions that are not accounted for in the procedure otherwise used to document actual emissions. The owner or operator must apply OAR 340-220-0170(9)(a) or 340-220-0170(9)(b), (c) and (d) in developing emission factors. The owner or operator must apply the emission factor obtained to the total time the device or activity operated under these conditions.

(a) All emissions during startup and shutdown, and emissions greater than normal are assumed equivalent to operation without an air pollution control device, unless the owner or operator accurately demonstrates otherwise under OAR 340-220-0170(9)(b), (9)(c), (9)(d), and (9)(e), and approved by DEQ. The emission factor plus the EEAF must be adjusted by the air pollution control device collection efficiency as follows: [Equation not included. See ED. NOTE.]

(b) During process startups a DEQ approved source test may be performed to determine an average startup factor. The average of at least three tests runs plus the standard deviation will be used to determine actual emissions during startups.

(c) During process shutdowns a DEQ approved source test may be performed to determine an emission factor for shutdowns. The average of at least three test runs plus the standard deviation will be used to determine actual emissions during shutdowns.

(d) During routine maintenance activity the owner or operator may:

(A) Perform routine maintenance activity during source testing for verified emission factors; or

(B) Determine emissions using section (a).

(e) The emission factor need not be adjusted if the owner or operator demonstrates to DEQ that the regulated pollutant emissions do not increase during startup and shutdown, and for conditions that are not accounted for in the procedure otherwise used to document actual emissions (e.g. NOx emissions during an ESP failure).

(10) A verified emission factor developed pursuant to this division and approved by DEQ cannot be used if a process change occurs that would affect the accuracy of the verified emission factor.

(11) The owner or operator may elect to use verified emission factors for source categories if DEQ determines the following criteria are met:

(a) The verified emission factor for a source category must be based on verified emission factors from at least three individual sources within the source category;

(b) Verified emission factors from sources within a source category must be developed using this rule;

(c) The verified emission factors from the sources must not differ from the mean by more than twenty percent; and

(d) The source category verified emission factor must be the mean of the source verified emission factors plus the average of the source emission estimate adjustment factors.

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

Stat. Auth.: ORS 468.020, 468.065, 468A.070, 468A.310 & 468A.315
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 24-1994, f. & cert. ef. 10-28-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2720; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08

340-220-0180

Late and Underpayment of Fees

(1) Notwithstanding any enforcement action, the owner or operator will be subject to a late payment fee of:

(a) Two hundred dollars for payments postmarked more than seven or less than 30 days late; and

(b) Four hundred dollars for payments postmarked on or after 30 days late.

(2) Notwithstanding any enforcement action, DEQ may assess an additional fee of the greater of $400 or 20 percent of the amount underpaid for substantial underpayment.

Stat. Auth.: ORS 468.020, 468.065, 468A.310 & 468A.315
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2730; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-220-0190

Failure to Pay Fees

Any owner or operator that fails to pay fees imposed by DEQ under this division must pay a penalty of 50 percent of the fee amount, plus interest on the fee amount computed using Section 6621(a)(2) of the Internal Revenue Code of 1986 (as amended).

Stat. Auth.: ORS 468.020, 468.065, 468A.310 & 468A.315
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2740; DEQ 8-2000, f. & cert. ef. 6-6-00; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

DIVISION 222

STATIONARY SOURCE PLANT SITE EMISSION LIMITS

340-222-0010

Policy

The EQC recognizes the need to establish a more definitive method for regulating increases and decreases in air emissions of permit holders. However, except as needed to protect ambient air quality standards, PSD increments and visibility, the EQC does not intend to: limit the use of existing production capacity of any air quality permittee; cause any undue hardship or expense to any permittee who wishes to use existing unused productive capacity; or create inequity within any class of permittees subject to specific industrial standards that are based on emissions related to production.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A
Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0300; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1000; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-222-0020

Applicability and Jurisdiction

(1) Plant Site Emission Limits (PSELs) will be included in all Air Contaminant Discharge Permits (ACDP) and Oregon Title V Operating Permits, except as provided in section (3), as a means of managing airshed capacity by regulating increases and decreases in air emissions. Except as provided in OAR 340-222-0035(5) and 340-222-0060, all ACDP and Title V sources are subject to PSELs for all regulated pollutants listed in the definition of SER in OAR 340-200-0020. DEQ will incorporate PSELs into permits when issuing a new permit or renewing or modifying an existing permit.

(2) The emissions limits established by PSELs provide the basis for:

(a) Assuring reasonable further progress toward attaining compliance with ambient air quality standards;

(b) Assuring compliance with ambient air quality standards and PSD increments;

(c) Administering offset and banking programs; and

(d) Establishing the baseline for tracking the consumption of PSD increments.

(3) PSELs are not required for:

(a) Regulated pollutants that will be emitted at less than the de minimis emission level listed in OAR 340-200-0020 from the entire source;

(b) Short Term Activity and Basic ACDPs;

(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 listed in OAR 340 division 246; except that PSELs are required for pollutants identified in this subsection that are also listed in the definition of SER, OAR 340-200-0020.

(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.

(5) Subject to the requirements in this division and OAR 340-200-0010(3), LRAPA is designated by the EQC to implement the rules in this division within its area of jurisdiction.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A
Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0301; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 14-1998, f. & cert. ef. 9-14-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1010; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 4-2008(Temp). f. 3-4-08, cert. ef. 3-6-08 thru 9-1-08; DEQ 11-2008, f. & cert. ef. 8-29-08

340-222-0030

Definitions

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

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A
Hist.: DEQ 14-1999, f. & cert. ef. 10-14-99

Criteria for Establishing Plant Site Emission Limits

340-222-0035

General Requirements for Establishing All PSELs

(1) 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).

(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 OAR 340-218-0200, Reopenings, if:

(a) DEQ determines errors were made in calculating the PSELs or more accurate and reliable data is available for calculating PSELs; or

(b) More stringent control is required by a rule adopted by the EQC.

(3) PSEL reductions required by rule, order or permit condition will be effective on the compliance date of the rule, order, or permit condition.

(4) Annual PSELs apply on a rolling 12 consecutive month basis and limit the source's potential to emit.

(5) PSELs do not include emissions from categorically insignificant activities. Emissions from categorically insignificant activities must be considered when determining Major NSR or Type A State NSR applicability under OAR 340 division 224.

(6) PSELs must include aggregate insignificant emissions, if applicable.

NOTE: This rule was moved verbatim from OAR 340-222-0043 and 340-222-0070 and amended on 04-16-15. Previous rule history for OAR 340-222-0043: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01. Previous rule history for OAR 340-222-0070: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 2-1996, f. & cert. ef. 1-29-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1060; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-222-0040

Generic Annual PSEL

(1) Sources with capacity less than the SER will receive a generic PSEL unless they have a netting basis and request a source specific PSEL under OAR 340-222-0041.

(2) A generic PSEL may be used for any regulated pollutant that will be emitted at less than the SER.

(3) The netting basis for a source with a generic PSEL is zero for that regulated pollutant.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A
Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0310; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1020; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-222-0041
Source Specific Annual PSEL

(1) For sources with potential to emit less than the SER that request a source specific PSEL, the source specific PSEL will be set equal to the generic PSEL level.

(2) For sources with potential to emit greater than or equal to the SER, the source specific PSEL will be set equal to the source's potential to emit, netting basis or a level requested by the applicant, whichever is less, except as provided in section (3) or (4).

(3) 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.

(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).

(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.

(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).

(4) If an applicant wants an annual PSEL at a rate greater than the netting basis, the applicant must, consistent with OAR 340-222-0035:

(a) Demonstrate that the requested increase over the netting basis is less than the SER; or

(b) For increases equal to or greater than the SER over the netting basis, demonstrate that the applicable Major NSR or State NSR requirements in OAR 340 division 224 have been satisfied, except that an increase in the PSEL for GHGs is subject to the requirements of NSR specified in OAR 340-224-0010(1)(c) only if the criteria in OAR 340-224-0010(1)(c) are met.

(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.

(6) For sources that meet the criteria in subsections (a), (b) and (c), the requirements of OAR 340-222-0041(4) do not immediately apply, but any future increase in the PSEL greater than or equal to the de minimis level for any reason is subject to OAR 340-222-0041(4).

(a) A PSEL is established or revised to include emissions from activities that both existed at a source and were defined as categorically insignificant activities prior to April 16, 2015;

(b) The PSEL exceeds the netting basis by more than or equal to the SER solely as a result of a revision described in subsection (a); and

(c) The source would not have been subject to Major NSR or Type A State NSR under the applicable requirements of division 224 prior to April 16, 2015 if categorically insignificant activities had been considered.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 11-2002, f. & cert. ef. 10-8-02

340-222-0042

Short Term PSEL

(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.

(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.

(b) 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.

(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).

(2) If a permittee 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 permittee 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.

(a) Obtain offsets in accordance with the offset provisions for the designated area as specified in OAR 340-224-0510 through 340-224-0530, as applicable; or

(b) Obtain an allocation from an available growth allowance in accordance with the applicable maintenance plan.

(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.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

340-222-0046

Netting Basis

(1) A netting basis will only be established for those regulated pollutants that could subject a source to NSR under OAR 340 division 224.

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

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

(2) A source's netting basis is established as specified in subsection (a), (b), or (c) and will be adjusted according to section (3):

(a) For all regulated pollutants except for PM2.5, a source's initial netting basis is equal to the baseline emission rate.

(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. DEQ may increase the initial PM2.5 netting basis by not more than 5 tons to ensure that the PM2.5 PSEL does not exceed the PM2.5 netting basis by more than the PM2.5 SER.

(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).

(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.

(i) Correction of a PM10 netting basis will not by itself trigger OAR 340-222-0041(4) for PM2.5.

(ii) Correction of a PM10 netting basis could result in further requirements for PM10 in accordance with all applicable regulations.

(c) A source's netting basis is zero for:

(A) Any regulated pollutant emitted from a source that first obtained permits to construct and operate after the applicable baseline period for that regulated pollutant, and has not undergone NSR for that regulated pollutant, except as provided in subsection (2)(b) for PM2.5;

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

(C) Any source permitted as portable.

(3) A source's netting basis will be adjusted as follows:

(a) The netting basis will be reduced by any emission reductions required under a rule, order, or permit condition issued by the EQC or DEQ and required by the SIP or used to avoid any state (e.g., NSR) or federal requirements (e.g., NSPS, NESHAP), as of the effective date of the rule, order or permit condition;

(A) Netting basis reductions are effective on the effective date of the rule, order or permit condition that requires the reductions;

(B) Netting basis reductions may only apply to sources that are 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;

(C) Netting basis reductions will include reductions for 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 that are eligible to be placed in unassigned emissions but the permit that would place them in unassigned emissions has not been issued.

(D) Netting basis reductions will not affect emission reduction credits established under division 268.

(E) Netting basis 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 netting basis 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.

(F) The netting basis reductions will not include emission reductions achieved under OAR 340-226-0110, 340-226-0120, or OAR 340 division 244;

(b) The netting basis will be reduced by any unassigned emissions that are reduced under OAR 340-222-0055(3)(a);

(c) The netting basis will be reduced by the amount of emission reduction credits transferred off site in accordance with OAR 340 division 268;

(d) The netting basis will be reduced when actual emissions are reduced according to OAR 340-222-0051(3);

(e) The netting basis will be increased by any of the following:

(A) For sources that obtained a permit on or after April 16, 2015, any emission increases approved through Major NSR or Type A State NSR action under OAR 340 division 224;

(B) For sources that obtained a permit prior to April 16, 2015, any emission increases approved through the NSR regulations in OAR 340 division 224 in effect at the time; or

(C) 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 requirements if the netting basis had been increased following the rules in effect at the time.

(f) The netting basis will be increased by any emissions from activities previously classified as categorically insignificant prior to April 16, 2015, provided the activities existed during the baseline period or at the time of the last NSR permitting action that changed the netting basis under subsection (e).

(4) In order to maintain the netting basis, permittees must maintain either a Standard ACDP or an Oregon Title V Operating Permit. A request 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 under subsection (3)(e).

(5) If a source relocates to a different site that DEQ determines is within or affects the same airshed, and the time between operation at the old and new sites is less than six months, the source may retain the netting basis from the old site.

(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.

(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).

NOTE: This rule was moved verbatim from OAR 340-200-0020(76) and amended on 04-16-15. Previous rule history for OAR 340-200-0020: [DEQ 15-1978, f. & ef. 10-13-78; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033.04; DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; DEQ 18-1984, f. & ef. 10-16-84; DEQ 8-1988, f. & cert. ef. 5-19-88 (and corrected 5-31-88); DEQ 14-1989, f. & cert. ef. 6-26-89; DEQ 42-1990, f. 12-13-90, cert. ef. 1-2-91; DEQ 2-1992, f. & cert. ef. 1-30-92; DEQ 7-1992, f. & cert. ef. 3-30-92; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0145, 340-020-0225, 340-020-0305, 340-020-0355, 340-020-0460 & 340-020-0520; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 21-1994, f. & cert. ef. 10-14-94; DEQ 24-1994, f. & cert. ef. 10-28-94; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 12-1995, f. & cert. ef. 5-23-95; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 9-1997, f. & cert. ef. 5-9-97; DEQ 14-1998, f. & cert. ef. 9-14-98; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 6-1999, f. & cert. ef. 5-21-99]; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0205, 340-028-0110; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 10-2008, f. & cert. ef. 8-25-08; DEQ 5-2010, f. & cert. ef. 5-21-10; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; Administrative correction 3-29-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 7-2011(Temp), f. & cert. ef. 6-24-11 thru 12-19-11; Administrative correction, 2-6-12; DEQ 1-2012, f. & cert. ef. 5-17-12; DEQ 4-2013, f. & cert. ef. 3-27-13; DEQ 11-2013, f. & cert. ef. 11-7-13

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A

340-222-0048

Baseline Period and Baseline Emission Rate

(1) The baseline period used to calculate the baseline emission rate is either:

(a) For any regulated pollutant other than greenhouse gases and PM2.5, 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.

(b) For greenhouse gases, any consecutive 12 calendar month period during the calendar years 2000 through 2010.

(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 the pollutant's designation as a regulated pollutant if a baseline period has not been defined for the regulated pollutant.

(2) A baseline emission rate will be established only for those regulated pollutants subject to OAR 340 division 224.

(3) A baseline emission rate will not be established for PM2.5.

(4) The baseline emission rate for greenhouse gases, on a CO2e basis, will be established with the first permitting action issued after July 1, 2011, provided the permitting action involved a public notice period that began after July 1, 2011.

(5) 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 regulated pollutant during the baseline period.

(6) The baseline emission rate will be recalculated only under the following circumstances:

(a) For greenhouse gases, if actual emissions are reset in accordance with OAR 340-222-0051(3);

(b) If a material mistake or an inaccurate statement was made in establishing the production basis for the baseline emission rate;

(c) If a more accurate or reliable emission factor is available; or

(d) If emissions units that were previously not included in baseline emission rate must be included as a result of rule changes.

(7) The baseline emission rate is not affected if emission reductions are required by rule, order, or permit condition.

NOTE: This rule was moved verbatim from OAR 340-200-0020(13) and (14) and amended on 04-16-15. Previous rule history for OAR 340-200-0020: [DEQ 15-1978, f. & ef. 10-13-78; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033.04; DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; DEQ 18-1984, f. & ef. 10-16-84; DEQ 8-1988, f. & cert. ef. 5-19-88 (and corrected 5-31-88); DEQ 14-1989, f. & cert. ef. 6-26-89; DEQ 42-1990, f. 12-13-90, cert. ef. 1-2-91; DEQ 2-1992, f. & cert. ef. 1-30-92; DEQ 7-1992, f. & cert. ef. 3-30-92; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0145, 340-020-0225, 340-020-0305, 340-020-0355, 340-020-0460 & 340-020-0520; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 21-1994, f. & cert. ef. 10-14-94; DEQ 24-1994, f. & cert. ef. 10-28-94; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 12-1995, f. & cert. ef. 5-23-95; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 9-1997, f. & cert. ef. 5-9-97; DEQ 14-1998, f. & cert. ef. 9-14-98; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 6-1999, f. & cert. ef. 5-21-99]; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0205, 340-028-0110; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 10-2008, f. & cert. ef. 8-25-08; DEQ 5-2010, f. & cert. ef. 5-21-10; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; Administrative correction 3-29-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 7-2011(Temp), f. & cert. ef. 6-24-11 thru 12-19-11; Administrative correction, 2-6-12; DEQ 1-2012, f. & cert. ef. 5-17-12; DEQ 4-2013, f. & cert. ef. 3-27-13; DEQ 11-2013, f. & cert. ef. 11-7-13

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A

340-222-0051

Actual Emissions

(1) A source's actual emissions as of the baseline period are the sum total of the actual emissions from each part of the source for each regulated pollutant. The actual emissions as of the baseline period will be determined to be:

(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;

(b) The source specific mass emissions limit included in a source's permit that was effective on Sep. 8, 1981 if such emissions are within 10% of the actual emissions calculated under subsection (a); or

(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).

(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

(B) Any source or part of a source that will emit greenhouse gases that had not begun normal operations prior to Jan. 1, 2010, but was approved to construct and operate prior to Jan. 1, 2011 in accordance with OAR 340 division 210 or 216.

(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.

(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 NSR 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:

(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:

(A) The owner or operator must select a consecutive 12-month period and the same 12-month period must be used for all affected regulated pollutants and all affected devices or emissions units; and

(B) The owner or operator must determine the actual emissions during that 12-month period for each device or emissions unit that was subject to Major NSR or Type A State NSR action under OAR 340 division 224, or for which the baseline emission rate is equal to the potential to emit.

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

(c) Any emission reductions achieved due to enforceable permit conditions based on OAR 340-226-0110 and 340-226-0120 are not included in the reset calculation required in subsection (a).

(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 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.

NOTE: This rule was moved verbatim from OAR 340-200-0020(3) and amended on 04-16-15. Previous rule history for OAR 340-200-0020: [DEQ 15-1978, f. & ef. 10-13-78; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033.04; DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; DEQ 18-1984, f. & ef. 10-16-84; DEQ 8-1988, f. & cert. ef. 5-19-88 (and corrected 5-31-88); DEQ 14-1989, f. & cert. ef. 6-26-89; DEQ 42-1990, f. 12-13-90, cert. ef. 1-2-91; DEQ 2-1992, f. & cert. ef. 1-30-92; DEQ 7-1992, f. & cert. ef. 3-30-92; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0145, 340-020-0225, 340-020-0305, 340-020-0355, 340-020-0460 & 340-020-0520; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 21-1994, f. & cert. ef. 10-14-94; DEQ 24-1994, f. & cert. ef. 10-28-94; DEQ 10-1995, f.

& cert. ef. 5-1-95; DEQ 12-1995, f. & cert. ef. 5-23-95; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 9-1997, f. & cert. ef. 5-9-97; DEQ 14-1998, f. & cert. ef. 9-14-98; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 6-1999, f. & cert. ef. 5-21-99]; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0205, 340-028-0110; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 10-2008, f. & cert. ef. 8-25-08; DEQ 5-2010, f. & cert. ef. 5-21-10; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; Administrative correction 3-29-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 7-2011(Temp), f. & cert. ef. 6-24-11 thru 12-19-11; Administrative correction, 2-6-12; DEQ 1-2012, f. & cert. ef. 5-17-12; DEQ 4-2013, f. & cert. ef. 3-27-13; DEQ 11-2013, f. & cert. ef. 11-7-13

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A

340-222-0055

Unassigned Emissions

(1) Purpose. The purpose of unassigned emissions is to track and manage the difference in the quantity of emissions between the netting basis and what the source could emit based on the facility's current physical and operational design.

(2) Establishing unassigned emissions.

(a) Unassigned emissions equal the netting basis minus the source's current PTE, minus any banked emission reduction credits. Unassigned emissions are zero if this result is negative.

(b) Unused capacity created after the effective date of this rule due to reduced potential to emit that is not banked or expired emission reduction credits (OAR 340-268-0030), increase unassigned emissions on a ton for ton basis.

(3) Maximum unassigned emissions.

(a) Except as provided in paragraph (c), unassigned emissions will be reduced to not more than the SER (OAR 340-200-0020) on July 1, 2007 and at each permit renewal following that date.

(b) The netting basis is reduced by the amount that unassigned emissions are reduced.

(c) In an AQMA where the EPA requires an attainment demonstration based on dispersion modeling, unassigned emissions are not subject to reduction under this rule.

(4) Using unassigned emissions.

(a) An existing source may use unassigned emissions for internal netting to allow an emission increase in accordance with the permit.

(b) A source may not bank unassigned emissions or transfer them to another source.

(c) A source may not use 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)(C), for netting in any future permit actions.

(5) Upon renewal, modification or other reopening of a permit after July 1, 2002 the unassigned emissions will be established with an expiration date of July 1, 2007 for all unassigned emissions in excess of the SER. Each time the permit is renewed after July 1, 2007 the unassigned emissions will be established again and reduced upon the following permit renewal to no more than the SER for each regulated pollutant.

NOTE: This rule was moved verbatim from OAR 340-222-0045 and amended on 04-16-15. Previous rule history for OAR 340-222-0045: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

340-222-0060

Plant Site Emission Limits for Sources of Hazardous Air Pollutants

(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.

(2) PSELs will be set only for individual or combined HAPs and will not list HAPs by name. The PSEL will be set on a rolling 12 month basis and will be either:

(a) The generic PSEL if the permittee proposes a limit less than that level; or

(b) The level the permittee establishes necessary for the source if greater than the generic PSEL.

(3) The alternative emissions controls (bubble) provisions of OAR 340-226-0400 do not apply to emissions of HAPs.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A
Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1050; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-222-0080

Plant Site Emission Limit Compliance

(1) The permittee must monitor regulated pollutant emissions or other parameters that are sufficient to produce the records necessary for demonstrating compliance with the PSEL.

(2) The frequency of the monitoring and associated averaging periods must be as short as possible and consistent with that used in the compliance method.

(3)(a) For annual PSELs, the permittee must monitor appropriate parameters and maintain all records necessary for demonstrating compliance with the annual PSEL at least monthly and be able to determine emissions on a rolling 12 consecutive month basis.

(b) For short term PSELs, the permittee must monitor appropriate parameters and maintain all records necessary for demonstrating compliance with any short term PSEL at least as frequently as the short term PSEL averaging period.

(4) The applicant must specify in the permit application the method that will be used to determine compliance with the PSEL. DEQ will review the method and approve or modify, as necessary, to assure compliance with the PSEL. DEQ will include PSEL compliance monitoring methods in all permits that contain PSELs. Depending on source operations, one or more of the following methods may be acceptable:

(a) Continuous emissions monitors;

(b) Material balance calculations;

(c) Emissions calculations using approved emission factors and process information;

(d) Alternative production or process limits; and

(e) Other methods approved by DEQ.

(5) When annual reports are required, the permittee must include the emissions total for each consecutive 12 month period during the calendar year, unless otherwise specified by a permit condition.

(6) Regardless of the PSEL compliance requirements specified in a permit, actual emissions may be calculated in accordance with OAR 340-222-0051(4).

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-222-0090

Combining and Splitting Sources and Changing Primary SIC Code

(1) Two or more sources may combine into one source if the criteria in subsection (a) are met. When two or more sources combine into one source under this rule, the combined source is subject to the criteria in subsection (b).

(a) Two or more sources may combine into one source only if all of the following criteria are met:

(A) All individual sources that are being combined must be located within or impact the same airshed; and

(B) The combined source must have the same primary 4-digit SIC code as at least one of the individual sources that are being combined.

(b) The combined source is regulated as one source, subject to the following:

(A) The combined source netting basis is the sum of the individual sources' netting basis, provided that the netting basis of any individual source being combined may only be included in the combined source's netting basis if that individual source has a primary or secondary 2-digit SIC code that is the same as the primary or a secondary 2-digit SIC code of the combined source.

(B) The simple act of combining sources, without an increase over the combined PSEL, does not subject the combined source to Major or State NSR.

(C) If the combined source PSEL, without a requested increase over the existing combined PSEL, exceeds the combined netting basis plus the SER, the source may continue operating at the existing combined source PSEL without becoming subject to NSR until such time that the source requests an increase in the PSEL or the source is modified. If a source requests an increase in the PSEL or the source is modified, DEQ will evaluate whether NSR will be required.

(2) When one source is split into two or more separate sources, or when a source changes its primary activity (primary 2-digit SIC code):

(a) The netting basis and SER may be transferred to one or more resulting source or sources only if:

(A) The primary 2-digit SIC code of the resulting source is the same as one of the primary or secondary 2-digit SIC codes that applied at the original source; or

(B) The resulting source and the original source have different primary 2-digit SIC codes but DEQ determines the activities described by the two different primary 2-digit SIC codes are essentially the same.

(b) The netting basis and the SER for the original source are split amongst the resulting sources as requested by the original permittee.

(c) The amount of the netting basis that is transferred to the resulting source or sources may not exceed the potential to emit of the existing devices or emissions units involved in the split.

(d) The split of netting basis and SER must either:

(A) Be sufficient to avoid NSR for each of the newly created sources; or

(B) The newly created source that becomes subject to NSR must comply with the requirements of OAR 340 division 224 before beginning operation under the new arrangement.

(3) The owner or operator of the source, device or emissions unit must maintain records of physical changes and changes in the method operation occurring since the baseline period or most recent Major NSR or Type A State NSR action under OAR 340 division 224. These records must be included in any future evaluation under OAR 340-224-0025 (major modification).

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

DIVISION 224

NEW SOURCE REVIEW

340-224-0010

Applicability, General Prohibitions, General Requirements and Jurisdiction

(1) Except as provided in subsection (c), the owner or operator of a source undertaking one of the following actions must comply with the applicable Major New Source Review requirements of OAR 340-224-0010 through 340-224-0070 and OAR 340-224-0500 through 340-224-0540 for such actions prior to construction or operation:

(a) In an attainment, unclassified or sustainment area:

(A) Construction of a new federal major source;

(B) Major modification at an existing federal major source; or

(C) Major modification at an existing source that will become a federal major source because emissions of a regulated pollutant are increased to the federal major source level or more.

(b) In a nonattainment, reattainment or maintenance area:

(A) Construction of a new source that will emit 100 tons per year or more of the nonattainment, reattainment or maintenance pollutant;

(B) A major modification for the nonattainment, reattainment or maintenance pollutant, at an existing source that emits 100 tons per year or more of the nonattainment, reattainment or maintenance pollutant; or

(C) A major modification for the nonattainment, reattainment or maintenance pollutant, at an existing source that will increase emissions of the nonattainment, reattainment or maintenance pollutant to 100 tons per year or more.

(c) The owner or operator of a source is subject to Prevention of Significant Deterioration for GHGs under OAR 340-224-0070 if the owner or operator is first subject to OAR 340-224-0070 for a pollutant other than GHGs, and the source meets the criteria in paragraph (A) or (B);

(A) The source is a new source which will emit GHGs at a rate equal to or greater than the SER; or

(B) The source is an existing source which is undertaking a major modification for GHGs.

(2) Except as provided in subsection (c), the owner or operator of a source that is undertaking an action that is not subject to Major NSR under section (1) and is one of the actions identified in subsections (a) or (b) must comply with the applicable State New Source Review requirements of OAR 340-224-0010 through 340-224-0038, OAR 340-224-0245 through 340-224-0270 and OAR 340-224-0500 through 340-224-0540 for such action prior to construction or operation.

(a) In a nonattainment, reattainment or maintenance area:

(A) Construction of a new source that will have emissions of the nonattainment, reattainment or maintenance pollutant equal to or greater than the SER; or

(B) Major modification for the nonattainment, reattainment or maintenance pollutant, at an existing source that will have emissions of the nonattainment, reattainment or maintenance pollutant equal to or greater than the SER over the netting basis.

(b) In any designated area, for actions other than those identified in subsection (a):

(A) Construction of a new source that will have emissions of a regulated pollutant equal to or greater than the SER; or

(B) Increasing emissions of a regulated pollutant to an amount that is equal to or greater than the SER over the netting basis.

(c) GHGs are not subject to State NSR.

(d) Type A and Type B State NSR: State NSR actions are categorized as follows:

(A) Actions under subsection (a), and actions for which the source must comply with OAR 340-224-0245(2), are categorized as Type A State NSR actions; and

(B) Actions under subsection (b) are categorized as Type B State NSR unless the source must comply with OAR 340-224-0245(2).

(3) The owner or operator of a source subject to section (1) or (2) must apply this division based on the type of designated area where the source is located for each regulated pollutant, taking the following into consideration:

(a) The source may be subject to this division for multiple pollutants;

(b) Some pollutants, including but not limited to NOx, may be subject to multiple requirements in this division both as pollutants and as precursors to other pollutants;

(c) Every location in the state carries an area designation for each criteria pollutant and the entire state is treated as an unclassified area for regulated pollutants that are not criteria pollutants; and

(d) Designated areas may overlap.

(4) Where this division requires the owner or operator of a source to conduct analysis under or comply with a rule in OAR 340 division 225, the owner or operator must complete such work in compliance with OAR 340-225-0030 and 340-225-0040.

(5) 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.

(6) An owner or operator of a source that meets the applicability criteria of sections (1) or (2) may not begin actual construction, continue construction or operate the source without complying with the requirements of this division and obtaining an air contaminant discharge permit (ACDP) issued by DEQ authorizing such construction or operation.

(7) Subject to the requirements in this division and OAR 340-200-0010(3), LRAPA is designated by the EQC to implement the rules in this division within its area of jurisdiction.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040, 468A.050, 468A.055, 468A.135 & 468A.155
Stats. Implemented: ORS 468A
Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0220; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1900; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2004, f. & cert. ef. 4-14-04; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; Administrative correction, 3-29-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

340-224-0020

Definitions

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

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020& 468A
Stats. Implemented: ORS 468A
Hist.: DEQ 14-1999, f. & cert. ef. 10-14-99

340-224-0025

Major Modification

(1) Except as provided in sections (3) and (4), "major modification" means a change at a source described in section (2) for any regulated pollutant subject to NSR 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 or Type A State NSR action for that regulated pollutant.

(2)(a) Any physical change or change in the method of operation of a source that results in emissions described in paragraphs (A) and (B):

(A) 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 all physical changes and changes in the method of operation that is equal to or greater than the SER. For purposes of this paragraph, emission increases 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) For purposes of this section:

(A) "The unit's portion of the netting basis" means the portion of the netting basis assigned to or associated with the unit in question, taking into consideration the following, as applicable:

(i) The unit's portion of the netting basis when the netting basis is established under OAR 340-222-0046(2); and

(ii) Any adjustments under OAR 340-222-0046(3) that affect the unit's portion of the netting basis.

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

(C) 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 until the netting basis is reset as specified in OAR 340-222-0046(3)(d) and 340-222-0051(3).

(3) "Major modification" means any change including production increases, at a source that obtained a permit to construct and operate after the applicable baseline period but has not undergone Major NSR or Type A State NSR, that meets the criteria in subsections (a) or (b):

(a) The change would result in a PSEL increase of the de minimis level or more for any regulated pollutant at a federal major source in attainment, unclassified or sustainment areas; or

(b) The change would result in a PSEL increase of the de minimis level or more for the sustainment, nonattainment, reattainment or maintenance pollutant if the source emits such pollutant at the SER or more in a sustainment, nonattainment, reattainment, or maintenance area.

(c) This section does not apply to PM2.5 and greenhouse gases.

(d) 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.

(4) Major modifications for ozone precursors or PM2.5 precursors also constitute major modifications for ozone and PM2.5, respectively.

(5) Except as provided in sections (1), (3), and (4), the following are not major modifications:

(a), Increases in hours of operation or production rates that would cause emission increases above the levels allowed in a permit but would not involve a physical change or change in method of operation of the source.

(b) Routine maintenance, repair, and replacement of components.

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

(d) Use of alternate fuel or raw materials, that were available during, and that the source would have been capable of accommodating in the baseline period.

(6) 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.

NOTE: This rule was moved verbatim from OAR 340-200-0020(71) and amended on 04-16-15. Previous rule history for OAR 340-200-0020: [DEQ 15-1978, f. & ef. 10-13-78; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033.04; DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; DEQ 18-1984, f. & ef. 10-16-84; DEQ 8-1988, f. & cert. ef. 5-19-88 (and corrected 5-31-88); DEQ 14-1989, f. & cert. ef. 6-26-89; DEQ 42-1990, f. 12-13-90, cert. ef. 1-2-91; DEQ 2-1992, f. & cert. ef. 1-30-92; DEQ 7-1992, f. & cert. ef. 3-30-92; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0145, 340-020-0225, 340-020-0305, 340-020-0355, 340-020-0460 & 340-020-0520; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 21-1994, f. & cert. ef. 10-14-94; DEQ 24-1994, f. & cert. ef. 10-28-94; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 12-1995, f. & cert. ef. 5-23-95; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 9-1997, f. & cert. ef. 5-9-97; DEQ 14-1998, f. & cert. ef. 9-14-98; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 6-1999, f. & cert. ef. 5-21-99]; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0205, 340-028-0110; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 10-2008, f. & cert. ef. 8-25-08; DEQ 5-2010, f. & cert. ef. 5-21-10; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; Administrative correction 3-29-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 7-2011(Temp), f. & cert. ef. 6-24-11 thru 12-19-11; Administrative correction, 2-6-12; DEQ 1-2012, f. & cert. ef. 5-17-12; DEQ 4-2013, f. & cert. ef. 3-27-13; DEQ 11-2013, f. & cert. ef. 11-7-13

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.035, 468A.040, 468A.050, 468A.055 & 468A.070
Stats. Implemented: ORS 468A

340-224-0030

New Source Review Procedural Requirements

(1) Information Required. The owner or operator of a source subject to Major NSR or State NSR must submit an application and all information DEQ needs to perform any analysis or make any determination required under this division and OAR 340 division 225. The information must be in writing on forms supplied or approved by DEQ and include the information required to apply for a permit or permit modification under:

(a) OAR 340 division 216 for Major NSR or Type A State NSR action; or

(b) OAR 340 division 216 or 218, whichever is applicable, for Type B State NSR actions.

(2) Application Processing:

(a) For Type B State NSR, DEQ will review applications and issue permits using the procedures in OAR 340 division 216 or 218, whichever is applicable.

(b) For Major NSR and Type A State NSR:

(A) Notwithstanding the requirements of OAR 340-216-0040(11), within 30 days after receiving an ACDP permit application to construct, or any additional information or amendment to such application, DEQ will advise the applicant whether the application is complete or if there is any deficiency in the application or in the information submitted. For purposes of this section, an application is complete as of the date on which DEQ received all required information;

(B) Upon determining that an application is complete, DEQ will undertake the public participation procedures in OAR 340 division 209 for a Category IV permit action; and

(C) DEQ will make a final determination on the application within twelve months after receiving a complete application.

(3) An owner or operator that obtained approval of a project under this division must obtain approval for a revision to the project according to the permit application requirements in this division and OAR 340 division 216 or 218, whichever is applicable, prior to initiating the revision. If construction has commenced, the owner or operator must temporarily halt construction until a revised permit is issued. The following are considered revisions to the project that would require approval:

(a) A change that would increase permitted emissions;

(b) A change that would require a re-evaluation of the approved control technology; or

(c) A change that would increase air quality impacts.

(4) For major NSR and Type A State NSR permit actions, an ACDP that approves construction must require construction to commence within 18 months of issuance. Construction approval terminates and is invalid if construction is not commenced within 18 months after DEQ issues such approval, or by the deadline approved by DEQ in an extension under section (5). Construction approval also terminates and is invalid 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. An ACDP may approve a phased construction project with separate construction approval dates for each subsequent phase and, for purposes of applying this section, the construction approval date for the second and subsequent phases will be treated as the construction approval issuance date.

(5) For major NSR and Type A State NSR permit actions, DEQ may grant for good cause two 18-month construction approval extensions as follows:

(a) Except as provided in subsection (i), for the first extension, the owner or operator must submit an application to modify the permit that includes the following:

(A) A detailed explanation of why the source could not commence construction within the initial 18-month period; and

(B) Payment of the simple technical permit modification fee in OAR 340-216-8020 Part 3.

(b) Except as provided in subsection (i), for the second extension, the owner or operator must submit an application to modify the permit that includes the following for the original regulated pollutants subject to Major NSR or Type A State NSR:

(A) A detailed explanation of why the source could not commence construction within the second 18-month period;

(B) 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;

(C) 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 or 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

(D) Payment of the moderate technical permit modification fee plus the modeling review fee in OAR 340-216-8020 Part 3.

(c) Except as provided in subsection (i), the 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 permit, the owner or operator must submit an application for a new Major NSR or Type A State NSR permit.

(d) If construction is commenced prior to the date that construction approval terminates, the permit can be renewed or the owner or operator may apply for a Title V permit as required in OAR 340-218-0190;

(e) To request a construction approval extension under subsection (a) or (b), the owner or operator must submit an application to modify the permit at least 30 days but not more than 90 days prior to the end of the current construction approval period.

(f) Construction may not commence during the period from the end of the preceding construction approval to the time DEQ approves the next extension.

(g) DEQ will make a proposed permit modification available using the following public participation procedures in OAR 340 division 209:

(A) Category II for an extension that does not require an air quality analysis; or

(B) Category III for an extension that requires an air quality analysis.

(h) DEQ will grant a permit modification extending the construction approval for 18 months from the end of the first or second 18-month construction approval period, whichever is applicable, if:

(A) Based on the information required to be submitted under subsection (a) or (b), DEQ determines that the proposed source will continue to meet NSR requirements; and

(B) For any extension, the area impacted by the source has not been redesignated to sustainment or nonattainment prior to the granting of the extension.

(i) If the area where the source is located is redesignated to sustainment or nonattainment before any extension is approved, the owner or operator must demonstrate compliance with the redesignated area requirements if the source is subject to Major or Type A State NSR for the redesignated pollutant, and must obtain the appropriate permit or permit revision before construction may commence. The new permit or permit revision under this subsection will be considered to start a new initial 18-month construction approval period.

(6) Approval to construct does not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the SIP and any other requirements under local, state or federal law;

(7) Sources that are subject to OAR 340 division 218, Oregon Title V Permits, are subject to the following:

(a) Except as prohibited in subsection (b), 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:

(A) One year from the date of initial startup of operation of the source subject to Major NSR or Type A State NSR; or

(B) If a timely and complete application for an Oregon Title V Operating Permit is submitted, the date of final action by DEQ on the Oregon Title V Operating Permit application.

(b) Where an existing Oregon Title V Operating Permit prohibits construction or a change in operation, the owner or operator must obtain a Title V permit revision before commencing the construction, continuing the construction or making the change in operation.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.035, 468A.040, 468A.050, 468A.055 & 468A.070
Stats. Implemented: ORS 468A
Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 18-1984, f. & ef. 10-16-84; DEQ 13-1988, f. & cert. ef. 6-17-88; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0230; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 24-1994, f. & cert. ef. 10-28-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1910; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2004, f.& cert. ef. 4-14-04

340-224-0034

Exemptions

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 source subject to Major NSR or Type A State NSR must comply with only the control technology requirements in the applicable section, but are exempt from the remaining requirements of the applicable sections provided that the source subject to Major NSR or Type A State NSR would not impact a Class I area or an area with a known violation of a ambient air quality standard or a PSD increment.

NOTE: This rule was moved verbatim from OAR 340-224-0080 and amended on 04-16-15. Previous rule history for OAR 340-224-0080: DEQ 25-1981, f. & ef. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0250; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1950; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2004, f.& cert. ef. 4-14-04

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-020-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.035, 468A.040, 468A.050, 468A.055 & 468A.070
Stats. Implemented: ORS 468A
Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0250; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1950; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2004, f.& cert. ef. 4-14-04

340-224-0038

Fugitive and Secondary Emissions

For sources subject to Major NSR or Type A State NSR, 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 source or modification is subject to Major or Type A State NSR. Once a source is subject to Major or Type A State NSR, secondary emissions also become subject to the air quality impact analysis requirements in this division and OAR 340 division 225.

NOTE: This rule was moved verbatim from OAR 340-224-0100 and amended on 04-16-15. Previous rule history for OAR 340-224-0100: DEQ 25-1981, f. & ef. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0270; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1990; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.035, 468A.040, 468A.050, 468A.055 & 468A.070
Stats. Implemented: ORS 468
Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0270; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1990; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-224-0040

Review of Sources Subject to Major NSR or Type A State NSR for Compliance With Regulations

The owner or operator of a source subject to Major NSR or Type A State NSR must demonstrate the ability of the source to comply with all applicable air quality requirements of DEQ.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.035, 468A.040, 468A.050, 468A.055 & 468A.070
Stats. Implemented: ORS 468A
Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0235; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1920; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

Major New Source Review

340-224-0045

Requirements for Sources in Sustainment Areas

Within a designated sustainment area, a source subject to Major NSR must meet the requirements listed below for each sustainment pollutant:

(1) OAR 340-224-0070; and

(2) Net Air Quality Benefit: Satisfy OAR 340-224-0510 and 340-224-0520 for ozone sustainment areas or OAR 340-224-0510 and 340-224-0530(2) and (4) for non-ozone sustainment areas, whichever is applicable, unless the source can demonstrate that the impacts are less than the significant impact levels at all receptors within the sustainment area.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.035, 468A.040, 468A.050, 468A.055 & 468A.070
Stats. Implemented: ORS 468A

340-224-0050

Requirements for Sources in Nonattainment Areas

Within a designated nonattainment area, and when referred to this rule by other rules in this division, a source subject to Major NSR must meet the requirements listed below for each nonattainment pollutant:

(1) Lowest Achievable Emission Rate (LAER). The owner or operator of the source must apply LAER for each nonattainment pollutant emitted at or above the SER. LAER applies separately to the nonattainment pollutant if emitted at or above a SER over the netting basis.

(a) For a major modification, the requirement for LAER applies to the following:

(A) Each emissions unit that emits the nonattainment pollutant and is not included in the most recent netting basis established for that pollutant; and

(B) Each emissions unit that emits the nonattainment pollutant and is included in the most recent netting basis and contributed to the emissions increase calculated in OAR 340-224-0025(2)(a)(B) for the nonattainment pollutant or precursor.

(b) For phased construction projects, the LAER determination must be reviewed at the latest reasonable time before commencing construction of each independent phase.

(c) When determining LAER for a change that was made at a source before the current Major NSR application, DEQ will consider technical feasibility of retrofitting required controls provided:

(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)(a)(B) was made in compliance with Major NSR requirements in effect when the change was made, and

(B) No limit will be relaxed that was previously relied on to avoid Major NSR.

(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)(a)(B) but that increased the potential to emit less than 10 percent of the SER are exempt from this section unless:

(A) They are not constructed yet;

(B) They are part of a discrete, identifiable, larger project that was constructed within the previous 5 years and that resulted in emission increases equal to or greater than 10 percent of the SER; or

(C) They were constructed without, or in violation of, DEQ's approval.

(2) Air Quality Protection:

(a) Air Quality Analysis: The owner or operator of a federal major source must comply with OAR 340-225-0050(4) and 340-225-0070.

(b) Net Air Quality Benefit: The owner or operator of the source must satisfy OAR 340-224-0510 and 340-224-0520 for ozone nonattainment areas or OAR 340-224-0510 and 340-224-0530(2) and (4) for non-ozone nonattainment areas, whichever is applicable.

(3) Sources Impacting Other Designated Areas: The owner or operator of any 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 following requirements, as applicable:

(a) The owner or operator of any source that emits an ozone precursor (VOC or NOx) at or above the SER over the netting basis is considered to have a significant impact if located within 100 kilometers of a designated ozone area, and must also meet the requirements for demonstrating net air quality benefit under OAR 340-224-0510 and 340-224-0520 for ozone designated areas.

(b) The owner or operator of any source that emits any criteria pollutant, other than NOx as an ozone precursor, at or above the SER over the netting basis and has an impact equal to or greater than the Class II SIL on another

designated area must also meet the requirements for demonstrating net air quality benefit under OAR 340-224-0510 and OAR 340-224-0540 for designated areas other than ozone designated areas.

(4) The owner or operator of the source must:

(a) 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.

(b) 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.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.035, 468A.040, 468A.050, 468A.055 & 468A.070
Stats. Implemented: ORS 468A
Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0240; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 1-1999, f. & cert. ef.1-25-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1930; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2004, f. & cert. ef. 4-14-04; DEQ 3-2007, f. & cert. ef. 4-12-07; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; Administrative correction, 3-29-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

340-224-0055

Requirements for Sources in Reattainment Areas Within a designated reattainment area, a source subject to Major NSR must meet the requirements listed below for each reattainment pollutant:

(1) OAR 340-224-0050, treating the reattainment pollutant as a nonattainment pollutant for that rule; and

(2) The owner or operator must demonstrate that it will not cause or contribute to a new violation of an ambient air quality standard or PSD increment in OAR 340 division 202 by conducting the analysis under OAR 340-225-0050.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.035, 468A.040, 468A.050, 468A.055 & 468A.070
Stats. Implemented: ORS 468A

340-224-0060

Requirements for Sources in Maintenance Areas

Within a designated maintenance area, a source subject to Major NSR must meet the requirements listed below for each maintenance pollutant:

(1) OAR 340-224-0070; and

(2) Net Air Quality Benefit: Except for sources described in section (7), the owner or operator of the source must satisfy one of the requirements listed below:

(a) OAR 340-224-0510 and 340-224-0520 for ozone maintenance areas or OAR 340-224-0510 and 340-224-0530(3) and (4) for non-ozone maintenance areas, whichever is applicable;

(b) Demonstrate that the source or modification will not cause or contribute to an air quality impact in excess of the impact levels in OAR 340-202-0225 by performing the analysis specified in OAR 340-225-0045; or

(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. Procedures for allocating the growth allowances for the Oregon portion of the Portland-Vancouver Interstate Maintenance Area for Ozone and the Portland Maintenance Area for Carbon Monoxide are contained in OAR 340-242-0430 and 340-242-0440.

(3) Sources Impacting Other Designated Areas: The owner or operator of any 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 following requirements, as applicable:

(a) The owner or operator of any source that emits an ozone precursor (VOC or NOx) at or above the SER over the netting basis is considered to have a significant impact if located within 100 kilometers of a designated ozone area, and must also meet the requirements for demonstrating net air quality benefit under OAR 340-224-0510 and 340-224-0520 for ozone designated areas.

(b) The owner or operator of any source that emits any criteria pollutant, other than NOx as an ozone precursor, at or above the SER over the netting basis and has an impact equal to or greater than the Class II SIL on another designated area must also meet the requirements for demonstrating net air quality benefit under OAR 340-224-0510 and OAR 340-224-0540 for designated areas other than ozone designated areas.

(4) Contingency Plan Requirements. If the contingency plan in an applicable maintenance plan is implemented due to a violation of an ambient air quality standard, this section applies in addition to other requirements of this rule until the EQC adopts a revised maintenance plan and EPA approves it as a SIP revision.

(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

(b) The source must comply with the net air quality benefit requirement in subsection (2)(a) and may not apply the alternatives provided in subsections (2)(b) and (2)(c).

(5) Medford-Ashland AQMA: A source that would emit PM10 within the Medford-Ashland AQMA must meet the LAER emission control technology requirements in OAR 340-224-0050.

(6) Pending Redesignation Requests. This rule does not apply to a source for which a complete application to construct was submitted to DEQ before the maintenance area was redesignated from nonattainment to attainment by EPA. Such a source is subject to OAR 340-224-0050 or OAR 340-224-0055, whichever is applicable.

(7) The following sources are exempt from net air quality benefit under section (2) as follows:

(a) Sources within or affecting the Medford Ozone Maintenance Area are exempt from the requirement for NOx offsets relating to ozone formation; and

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

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.035, 468A.040, 468A.050, 468A.055 & 468A.070
Stats. Implemented: ORS 468A
Hist.: DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 15-1998, f. & cert. ef. 9-23-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1935; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 9-2005, f. & cert. ef. 9-9-05; DEQ 3-2007, f. & cert. ef. 4-12-07; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

340-224-0070

Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas

Within a designated attainment or unclassified area, and when referred to this rule by other rules in this division, a source that is subject to Major NSR for any regulated pollutant, other than nonattainment pollutants and reattainment pollutants, must meet the requirements listed below for each such pollutant, except that GHGs are only subject to subsection (2):

(1)(a) Preconstruction Air Quality Monitoring:

(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 for each regulated pollutant subject to this rule except as allowed by paragraph (B).

(i) The analysis must include continuous air quality monitoring data for any regulated pollutant subject to this rule that may be emitted by the source, except for volatile organic compounds.

(ii) The data must relate to the year preceding receipt of the complete application and must have been gathered over the same time period.

(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 would not cause or contribute to a violation of an ambient air quality standard or any applicable PSD increment.

(iv) When PM10/PM2.5 preconstruction monitoring is required by this section, at least four months of data must be collected, including the season DEQ judges to have the highest PM10/PM2.5 levels. PM10/PM2.5 must be measured using 40 CFR part 50, Appendices J and L. In some cases, a full year of data will be required.

(v) The owner or operator must submit a written preconstruction air quality monitoring plan at least 60 days prior to the planned beginning of monitoring. The applicant may not commence monitoring under the plan until DEQ approves the plan in writing.

(vi) Required air quality monitoring must comply with 40 CFR part 58 Appendix A, "Quality Assurance Requirements for SLAMS, SPMs and PSD Air Monitoring" and with other methods on file with DEQ.

(vii) With DEQ's approval, the owner or operator may use representative or conservative background concentration data in lieu of conducting preconstruction air quality monitoring if the source demonstrates that such data is adequate to determine that the source would not cause or contribute to a violation of an ambient air quality standard or any applicable PSD increment.

(B) DEQ may exempt the owner or operator of a source 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:

(i) Carbon monoxide; 575 ug/m3, 8 hour average;

(ii) Nitrogen dioxide; 14 ug/m3, annual average;

(iii) PM10; 10 ug/m3, 24 hour average;

(iv) PM2.5; 0 ug/m3, 24-hour average;

(v) Sulfur dioxide; 13 ug/m3, 24 hour average;

(vi) Ozone; Any net increase of 100 tons/year or more of VOCs from a source requires an ambient impact analysis, including the gathering of ambient air quality data unless the existing representative monitoring data shows maximum ozone concentrations are less than 50 percent of the ozone ambient air quality standards based on a full season of monitoring;

(vii) Lead; 0.1 ug/m3, 24 hour average;

(viii) Fluorides; 0.25 ug/m3, 24 hour average;

(ix) Total reduced sulfur; 10 ug/m3, 1 hour average;

(x) Hydrogen sulfide; 0.04 ug/m3, 1 hour average;

(xi) Reduced sulfur compounds; 10 ug/m3, 1 hour average.

(b) Post-Construction Air Quality Monitoring: DEQ may require post-construction ambient air quality monitoring as a permit condition to establish the effect of actual emissions, other than volatile organic compounds, on the air quality of any area that such emissions could affect.

(2) Best Available Control Technology (BACT). For a source under the applicability criteria in OAR 340-224-0010(1)(a)(A), the owner or operator must apply BACT for each regulated pollutant emitted at or above a SER. For a source under the applicability criteria in OAR 340-224-0010(1)(a)(B) or (C), BACT applies to each regulated pollutant that is emitted at or above a SER over the netting basis and meets the criteria of major modification in OAR 340-224-0025. In the Medford-Ashland AQMA, the owner or operator of any PM10 source must comply with the LAER emission control technology requirement in OAR 340-224-0050(1), and is exempt from the BACT provision of this section.

(a) For a major modification, the requirement for BACT applies to the following:

(A) Each emissions unit that emits the regulated pollutant and is not included in the most recent netting basis established for that regulated pollutant; and

(B) Each emissions unit that emits the regulated pollutant and is included in the most recent netting basis and contributed to the emissions increase calculated in OAR 340-224-0025(2)(a)(B) for the regulated pollutant.

(b) For phased construction projects, the BACT determination must be reviewed at the latest reasonable time before commencement of construction of each independent phase.

(c) When determining BACT for a change that was made at a source before the current Major NSR application, any additional cost of retrofitting required controls may be considered provided:

(A) The change was made in compliance with Major NSR requirements in effect at the time the change was made, and

(B) No limit is being relaxed that was previously relied on to avoid Major NSR.

(d) Modifications to individual emissions units that have an emission increase, calculated per OAR 340-224-0025(2)(a)(B), that is less than 10 percent of the SER are exempt from this section unless:

(A) They are not constructed yet;

(B) They are part of a discrete, identifiable larger project that was constructed within the previous 5 years and that is equal to or greater than 10 percent of the SER; or

(C) They were constructed without, or in violation of, DEQ's approval.

(3) Air Quality Protection:

(a) Air Quality Analysis:

(A) The owner or operator of the source must comply with OAR 340-225-0050 and 340-225-0060 for each regulated pollutant for which emissions will exceed the netting basis by the SER or more due to the proposed source or modification.

(B) The owner or operator of a federal major source must comply with OAR 340-225-0050(4) and 340-225-0070.

(b) For increases of direct PM2.5 or PM2.5 precursors equal to or greater than the SERs, the owner or operator must provide an analysis of PM2.5 air quality impacts based on all increases of direct PM2.5 and PM2.5 precursors.

(c) The owner or operator of the source must demonstrate that it will 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).

(4) Sources Impacting Other Designated Areas: The owner or operator of any 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 following requirements, as applicable:

(a) The owner or operator of any source that emits an ozone precursor (VOC or NOx) at or above the SER over the netting basis is considered to have a significant impact if located within 100 kilometers of a designated ozone area, and must also meet the requirements for demonstrating net air quality benefit under OAR 340-224-0510 and 340-224-0520 for ozone designated areas.

(b) The owner or operator of any source that emits any criteria pollutant, other than NOx as an ozone precursor, at or above the SER over the netting basis and has an impact equal to or greater than the Class II SIL on another designated area must also meet the requirements for demonstrating net air quality benefit under OAR 340-224-0510 and OAR 340-224-0540 for designated areas other than ozone designated areas.

NOTE: Section (1) of this rule was moved verbatim from OAR 340-225-0050(4) and amended on 04-16-15. Previous rule history for OAR 340-225-0050: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 1-2004, f. & cert. ef. 4-14-04; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; Administrative correction, 3-29-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.035, 468A.040, 468A.050, 468A.055 & 468A.070
Stats. Implemented: ORS 468A
Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; DEQ 18-1984, f. & ef. 10-16-84; DEQ 14-1985, f. & ef. 10-16-85; DEQ 5-1986, f. & ef. 2-21-86; DEQ 8-1988, f. & cert. ef. 5-19-88 (and corrected 5-31-88); DEQ 27-1992, f. & cert. ef. 11-12-92, Section (8) Renumbered from 340-020-0241; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0245; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1940; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 1-2004, f. & cert. ef. 4-14-04; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; Administrative correction, 3-29-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

State New Source Review

340-224-0245

Requirements for Sources in Sustainment Areas

Within a designated sustainment area, a source subject to State NSR must meet the following requirements for each sustainment pollutant:

(1) Air Quality Protection: The owner or operator must comply with subsection (a) or (b):

(a) Air Quality Analysis: The owner or operator must comply with OAR 340-225-0050(1) and (2) and OAR 340-225-0060 for each regulated pollutant for which emissions will exceed the netting basis by the SER or more due to the proposed source or modification. For increases of direct PM2.5 or PM2.5 precursors equal to or greater than the SER, the owner or operator must provide an analysis of PM2.5 air quality impacts based on all increases of direct PM2.5 and PM2.5 precursors; or

(b) Net Air Quality Benefit: The owner or operator of the source must satisfy the requirements of paragraph (A), (B), or (C), as applicable:

(A) For ozone sustainment areas, OAR 340-224-0510 and 340-224-0520;

(B) For sources located in non-ozone sustainment areas, that will emit 100 tons per year or more of the sustainment pollutant, OAR 340-224-0510 and 340-224-0530(2) and (4);

(C) For sources located in non-ozone sustainment areas, that will emit less than 100 tons per year of the sustainment pollutant, OAR 340-224-0510 and 340-224-0530(3) and (4).

(2) If the owner or operator complied with subsection (1)(b) and the increase in emissions is the result of a major modification, then the owner or operator must apply BACT under OAR 340-224-0070(2).

(3) The owner or operator of a federal major source must comply with OAR 340-225-0050(4) and 340-225-0070.

(4) The owner or operator must demonstrate that it will 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).

(5) Sources Impacting Other Designated Areas: The owner or operator of any 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 following requirements, as applicable:

(a) The owner or operator of any source that emits an ozone precursor (VOC or NOx) at or above the SER over the netting basis is considered to have a significant impact if located within 100 kilometers of a designated ozone area, and must also meet the requirements for demonstrating net air quality benefit under OAR 340-224-0510 and 340-224-0520 for ozone designated areas.

(b) The owner or operator of any source that emits any criteria pollutant, other than NOx as an ozone precursor, at or above the SER over the netting basis and has an impact equal to or greater than the Class II SIL on another designated area must also meet the requirements for demonstrating net air quality benefit under OAR 340-224-0510 and OAR 340-224-0540 for designated areas other than ozone designated areas.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.035, 468A.040, 468A.050, 468A.055 & 468A.070
Stats. Implemented: ORS 468A

340-224-0250

Requirements for Sources in Nonattainment Areas

Within a designated nonattainment area, a source subject to State NSR must meet the following requirements for each nonattainment pollutant:

(1) If the increase in emissions is the result of a major modification, the owner or operator must apply BACT under OAR 340-224-0070(2).

(2) Air Quality Protection:

(a) Air Quality Analysis: An air quality analysis is not required except that the owner or operator of a federal major source must comply with OAR 340-225-0050(4) and 340-225-0070.

(b) Net Air Quality Benefit: The owner or operator of the source must satisfy the requirements of paragraph (A), (B), or (C), as applicable:

(A) For ozone nonattainment areas, OAR 340-224-0510 and 340-224-0520;

(B) For sources located in non-ozone nonattainment areas, that will emit 100 tons per year or more of the nonattainment pollutant, OAR 340-224-0510 and 340-224-0530(2) and (4);

(C) For sources located in non-ozone nonattainment areas, that will emit less than 100 tons per year of the nonattainment pollutant, OAR 340-224-0510 and 340-224-0530(3) and (4).

(3) Sources Impacting Other Designated Areas: The owner or operator of any 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 following requirements, as applicable:

(a) The owner or operator of any source that emits an ozone precursor (VOC or NOx) at or above the SER over the netting basis is considered to have a significant impact if located within 100 kilometers of a designated ozone area, and must also meet the requirements for demonstrating net air quality benefit under OAR 340-224-0510 and 340-224-0520 for ozone designated areas.

(b) The owner or operator of any source that emits any criteria pollutant, other than NOx as an ozone precursor, at or above the SER over the netting basis and has an impact equal to or greater than the Class II SIL on another designated area must also meet the requirements for demonstrating net air quality benefit under OAR 340-224-0510 and OAR 340-224-0540 for designated areas other than ozone designated areas.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.035, 468A.040, 468A.050, 468A.055 & 468A.070
Stats. Implemented: ORS 468A

340-224-0255

Requirements for Sources in Reattainment Areas

Within a designated reattainment area, a source subject to State NSR must comply with the requirements in OAR 340-224-0260 for each reattainment pollutant treating the reattainment pollutant as a maintenance pollutant for that rule, except that OAR 340-224-0260(2)(b)(C) and (4) are not applicable unless DEQ has approved a contingency plan for the reattainment area.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.035, 468A.040, 468A.050, 468A.055 & 468A.070
Stats. Implemented: ORS 468A

340-224-0260

Requirements for Sources in Maintenance Areas

Within a designated maintenance area, a source subject to State NSR must meet the following requirements for each maintenance pollutant:

(1) If the increase in emissions is the result of a major modification, the owner or operator of the source must apply BACT under OAR 340-224-0070(2), except for a PM10 source in the Medford/Ashland AQMA where the owner or operator of the source must apply LAER under OAR 340-224-0050(1).

(2) Air Quality Protection: The owner or operator of the source must satisfy the requirements of either subsections (a), (c), and (d) or of subsections (b), (c) and (d):

(a) Air Quality Analysis: The owner or operator of the source must comply with OAR 340-225-0050(1) and (2) and 340-225-0060 for each regulated pollutant for which emissions will exceed the netting basis by the SER or more due to the proposed source or modification. For emissions increases of direct PM2.5 or PM2.5 precursors equal to or greater than the SER, the owner or operator must provide an analysis of PM2.5 air quality impacts based on all increases of direct PM2.5 and PM2.5 precursors.

(b) Net Air Quality Benefit: The owner or operator of the source must satisfy the requirements of paragraph (A), (B) or (C), as applicable:

(A) OAR 340-224-0510 and 340-224-0520 for ozone maintenance areas or OAR 340-224-0510 and 340-224-0530(3) and (4) for non-ozone maintenance areas, whichever is applicable;

(B) Demonstrate that the source or modification will not cause or contribute to an air quality impact equal to or greater than the impact levels in OAR 340-202-0225 by performing the analysis specified in OAR 340-225-0045; or

(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. Procedures for allocating the growth allowances for the Oregon portion of the Portland-Vancouver Interstate Maintenance Area for Ozone and the Portland Maintenance Area for Carbon Monoxide are contained in OAR 340-242-0430 and 340-242-0440.

(c) The owner or operator of a federal major source must comply with OAR 340-225-0050(4) and 340-225-0070.

(d) The owner or operator of the source must demonstrate that it will 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).

(3) Sources Impacting Other Designated Areas: The owner or operator of any 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 following requirements, as applicable:

(a) The owner or operator of any source that emits an ozone precursor (VOC or NOx) at or above the SER over the netting basis is considered to have a significant impact if located within 100 kilometers of a designated

ozone area, and must also meet the requirements for demonstrating net air quality benefit under OAR 340-224-0510 and 340-224-0520 for ozone designated areas.

(b) The owner or operator of any source that emits any criteria pollutant, other than NOx as an ozone precursor, at or above the SER over the netting basis and has an impact equal to or greater than the Class II SIL on another designated area must also meet the requirements for demonstrating net air quality benefit under OAR 340-224-0510 and OAR 340-224-0540 for designated areas other than ozone designated areas.

(4) Contingency Plan Requirements. If the contingency plan in an applicable maintenance plan is implemented due to a violation of an ambient air quality standard, this section applies in addition to other requirements of this rule until the EQC adopts a revised maintenance plan and EPA approves it as a SIP revision.

(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

(b) The owner or operator must comply with paragraph (2)(b)(A).

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.035, 468A.040, 468A.050, 468A.055 & 468A.070
Stats. Implemented: ORS 468A

340-224-0270

Requirement for Sources in Attainment and Unclassified Areas

Within a designated attainment or unclassified area, a source subject to State NSR must meet the following requirements for each attainment pollutant:

(1) Air Quality Protection:

(a) Air Quality Analysis: The owner or operator of the source must comply with OAR 340-225-0050(1) and (2) and 340-225-0060 for each regulated pollutant other than GHGs for which emissions will exceed the netting basis by the SER or more due to the proposed source or modification.

(b) For increases of direct PM2.5 or PM2.5 precursors equal to or greater than the SER, the owner or operator of the source must provide an analysis of PM2.5 air quality impacts based on all increases of direct PM2.5 and PM2.5 precursors.

(c) The owner or operator of a federal major source must comply with OAR 340-225-0050(4) and 340-225-0070.

(d) The owner or operator of the source must demonstrate that it will 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).

(2) Sources Impacting Other Designated Areas: The owner or operator of any 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 following requirements, as applicable:

(a) The owner or operator of any source that emits an ozone precursor (VOC or NOx) at or above the SER over the netting basis is considered to have a significant impact if located within 100 kilometers of a designated ozone area, and must also meet the requirements for demonstrating net air quality benefit under OAR 340-224-0510 and 340-224-0520 for ozone designated areas.

(b) The owner or operator of any source that emits any criteria pollutant, other than NOx as an ozone precursor, at or above the SER over the netting basis and has an impact equal to or greater than the Class II SIL on another designated area must also meet the requirements for demonstrating net air quality benefit under OAR 340-224-0510 and OAR 340-224-0540 for designated areas other than ozone designated areas.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.035, 468A.040, 468A.050, 468A.055 & 468A.070
Stats. Implemented: ORS 468A

Net Air Quality Benefit Emission Offsets

OAR 340-224-0500

Net Air Quality Benefit for Sources Locating Within or Impacting Designated Areas

OAR 340-224-0510 through 340-224-0540 are the requirements for demonstrating net air quality benefit using offsets.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-020-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.035, 468A.040, 468A.050, 468A.055 & 468A.070
Stats. Implemented: ORS 468A

340-224-0510

Common Offset Requirements

The purpose of these rules is to demonstrate reasonable further progress toward achieving or maintaining the ambient air quality standards for sources locating within or impacting designated areas. A source may make such demonstration by providing emission offsets to balance the level of projected emissions by the source at the applicable ratios described in this division.

(1) Unless otherwise specified in the rules, offsets required under this rule must meet the requirements of OAR 340 division 268, Emission Reduction Credits.

(2) Except as provided in section (3), the emission reductions used as offsets must be of the same type of regulated pollutant as the emissions from the new source or modification. Sources of PM10 must be offset with particulate in the same size range.

(3) Offsets for direct PM2.5 may be obtained from NO2 and SO2 emissions as precursors to secondary PM2.5. The interpollutant trading ratios for these emissions will be approved by DEQ on a case by case basis. Offsets for SO2 and NO2 emissions from direct PM2.5 emissions will be determined in the same manner.

(4) Offset ratios specified in these rules are the minimum requirement. All offsets obtained by a source, including any that exceed the minimum requirement, may be used for the purpose of OAR 340-224-0530(4).

(5) Emission reductions used as offsets must meet at least one of the following criteria:

(a) They must be equivalent to the emissions being offset in terms of short term, seasonal, and yearly time periods to mitigate the effects of the proposed emissions; or

(b) They must address the air quality problem in the area, such as but not limited to woodstove replacements to address winter-time exceedances of short term PM2.5 standards.

(6) If the complete permit application or permit that is issued based on that application is amended due to changes to the proposed project, the owner or operator may continue to use the original offsets and any additional offsets that may become necessary for the project provided that the changes to the project do not result in a change to the two digit Standard Industrial Classification (SIC) code associated with the source and that the offsets will continue to satisfy the offset criteria.

NOTE: This rule, except section (3), is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-020-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.035, 468A.040, 468A.050, 468A.055 & 468A.070
Stats. Implemented: ORS 468A

OAR 340-224-0520

Requirements for Demonstrating Net Air Quality Benefit for Ozone Areas

When directed by the Major or State NSR rules or OAR 340-222-0042, the owner or operator must comply with this rule.

(1) Offsets for VOC and NOx are required if the source will be located within an ozone designated area or closer to the nearest boundary of an ozone designated area than the ozone impact distance as defined in section (2).

(2) Ozone impact distance is the distance in kilometers from the nearest boundary of an ozone designated area within which a 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.

(a) The Formula Method.

(A) For sources with complete permit applications submitted before Jan. 1, 2003: D = 30 km

(B) For sources with complete permit applications submitted on or after Jan. 1, 2003: D = (Q/40) x 30 km

(C) D is the ozone impact 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 per year.

(D) If a source is located closer than D from the nearest ozone designated area boundary, the source must obtain offsets under sections (3) and (4). If the source is located at a distance equal to or greater than D from the nearest ozone designated area boundary then the source is not required to obtain offsets.

(b) The Demonstration Method. An applicant may demonstrate to DEQ that the source or proposed source would not have a material effect on an ozone designated area other than attainment or unclassified areas. 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 have a material effect on the designated area under high ozone conditions, the ozone impact distance is zero kilometers.

(3) The required ratio of offsetting emissions reductions from other sources (offsets) to the emissions increase from the proposed source or modification (emissions) and the location of sources that may provide offsets is as follows:

(a) For new or modified sources locating within an ozone nonattainment area, the offset ratio is 1.1:1 (offsets:emissions). These offsets must come from sources within either the same designated area as the new or modified source or from sources in another ozone nonattainment area with equal or higher nonattainment classification that contributes to a violation of the ozone ambient air quality standards in the same ozone designated area as the new or modified source.

(b) For new or modified sources locating within an ozone maintenance area, the offset ratio is 1.1:1 (offsets:emissions). These offsets may come from sources within either the maintenance area or from a source that is closer to the nearest maintenance area boundary than that source's ozone impact distance.

(c) For new or modified sources locating outside the designated area not including attainment or unclassified areas, but closer than the ozone impact distance of the nearest boundary of the designated area, the offset ratio is 1:1 (offsets:emissions). These offsets may come from within either the designated area or from a source that is closer to the nearest maintenance area boundary than that source's ozone impact distance.

(4) The amount of required offsets and the amount of provided offsets from contributing sources varies based on whether the proposed source or modification and the sources contributing offsets are located outside the ozone designated area other than attainment or unclassified areas. The required offsets and the provided offsets are calculated using either the formula method or the demonstration method, as follows, except that sources located inside an ozone nonattainment area must use the formula method.

(a) The Formula Method.

(A) Required offsets (RO) for new or modified sources are determined as follows:

(i) For sources with complete permit applications submitted before January 1, 2003: RO = SQ; and

(ii) For sources with complete permit applications submitted on or after January 1, 2003: RO = (SQ minus (SD multiplied by 40/30))

(B) Contributing sources may provide offsets (PO) calculated as follows: PO = CQ minus (CD multiplied by 40/30)

(C) Multiple sources may contribute to the required offsets of a new source. For the formula method to be satisfied, total provided offsets (PO) must equal or exceed required offsets (RO) by the ratio described in section (3).

(D) Definitions of factors used in paragraphs (A) (B) and (C):

(i) RO is the required offset of NOx or VOC in tons per year as a result of the source emissions increase. If RO is calculated to be negative, RO is set to zero.

(ii) SQ (source quantity) is the source's emissions increase of NOx or VOC in tons per year above the netting basis.

(iii) SD is the source distance in kilometers to the nearest boundary of the designated area except attainment or unclassified areas. SD is zero for sources located within the designated area except attainment or unclassified areas.

(iv) PO is the provided offset from a contributing source and must be equal to or greater than zero;

(v) CQ (contributing quantity) is the contributing source's emissions reduction in tons per year calculated as the contemporaneous pre-reduction actual emissions less the post-reduction allowable emissions from the contributing source (as provided in OAR 340-268-0030(1)(b)).

(vi) CD is the contributing source's distance in kilometers from the nearest boundary of the designated area except attainment or unclassified areas. For a contributing source located within the designated area except attainment or unclassified areas, CD equals zero.

(b) The Demonstration Method. An applicant may demonstrate to DEQ using dispersion modeling or other analyses the level and location of offsets that would be sufficient to provide actual reductions in concentrations of VOC or NOx in the designated area during high ozone conditions as the ratio described in section (3). The modeled reductions of ambient VOC or NOx concentrations resulting from the emissions offset must be demonstrated over a greater area and over a greater period of time within the designated area as compared to the modeled ambient VOC or NOx concentrations resulting from the emissions increase from the source subject to this rule. If DEQ determines that the demonstration is acceptable, then DEQ will approve the offsets proposed by the applicant.

(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.

(5) In lieu of obtaining offsets, the owner or operator may obtain an allocation at the rate of 1:1 from a growth allowance, if available, in an applicable maintenance plan.

NOTE: This rule was moved verbatim from OAR 340-225-0020(10) and (11) and OAR 340-225-0090(1) and amended on 04-16-15. Previous rule history for OAR 340-225-0020: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 12-2002(Temp), f. & cert. ef. 10-8-02 thru 4-6-03; Administrative correction 11-10-03; DEQ 1-2004, f. & cert. ef. 4-14-04; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 9-2005, f. & cert. ef. 9-9-05; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; Administrative correction, 3-29-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11. Previous rule history for OAR 340-225-0090: DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; DEQ 8-1988, f. & cert. ef. 5-19-88 (and corrected 5-31-88); DEQ 22-1989, f. & cert. ef. 9-26-89; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0260; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 4-1995, f. & cert. ef. 2-17-95; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1970; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0111; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-224-0090 & 340-240-0260; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 12-2002(Temp), f. & cert. ef. 10-8-02 thru 4-6-03; Administrative correction 11-10-03; DEQ

1-2004, f. & cert. ef. 4-14-04; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 3-2007, f. & cert. ef. 4-12-07; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; Administrative correction, 3-29-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 10-2012, f. & cert. ef. 12-11-12

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-020-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.035, 468A.040, 468A.050, 468A.055 & 468A.070
Stats. Implemented: ORS 468A

OAR 340-224-0530

Requirements for Demonstrating Net Air Quality Benefit for Non-Ozone Areas

(1) When directed by the Major or State NSR rules or OAR 340-222-0042, the owner or operator of the source must comply with sections (2) through (6), as applicable. For purposes of this rule, priority sources are sources identified under OAR 340-204-0320 for the designated area.

(2) The ratio of offsets compared to the source's potential emissions increase is 1.2:1 (offsets:emissions). If the offsets include offsets from priority sources, the ratio will be decreased by the offsets obtained from priority sources as a percentage of the source's potential emissions increase. For example, if the owner or operator obtains offsets from priority sources equal to 10% of its potential emissions increase, then the offset ratio is reduced by 0.10, to 1.1:1. In no event, however, will the offset ratio be less than 1.0:1, even if more than 20% of offsets are from priority sources.

(3) The ratio of offsets compared to the source's potential emissions increase is 1.0:1 (offsets:emissions), except as allowed by subsection (a) or required by subsection (b).

(a) For State NSR only, if the offsets include offsets from priority sources, the ratio will be decreased by the offsets obtained from priority sources as a percentage of the source's potential emissions increase. For example, if the owner or operator obtains offsets from priority sources equal to 20% of its potential emissions increase, then the offset ratio is reduced by 0.2, to 0.8:1. In no event, however, will the offset ratio be less than 0.5:1, even if more than 50% of offsets are from priority sources.

(b) In the Medford-Ashland AQMA, proposed new PM10 major sources or PM10 major modifications locating within the AQMA that are required to provide emission offsets under OAR 340-224-0060(2)(a) must provide reductions in PM10 emissions equal to 1.2 times the emissions increase over the netting basis from the new or modified source.

(4) Except as provided in sections (5) and (6), the owner or operator must conduct an air quality analysis of the impacts from the proposed new emissions and comply with subsections (a) and (b) using the procedures specified in subsections (c) through (e):

(a) Demonstrate that the offsets obtained result in a reduction in concentrations at a majority of modeled receptors within the entire designated area; and

(b) Comply with paragraph (A) or paragraphs (B):

(A) Demonstrate that the impacts from the emission increases above the source's netting basis are less than the Class II SIL at all receptors within the entire designated area; or

(B) Demonstrate that the impacts from the emission increases above the source's netting basis:

(i) Are less than the Class II SIL at an average of receptors within an area designated by DEQ as representing a neighborhood scale, as specified in 40 CFR part 58, Appendix D, a reasonably homogeneous urban area with dimensions of a few kilometers that represent air quality where people commonly live and work in a representative neighborhood, centered on the DEQ approved ambient monitoring sites; and

(ii) Plus the impacts of emission increases or decreases since the date of the current area designation of all other sources within the designated area or having a significant impact on the designated area, are less than 10 percent of the AAQS at all receptors within the designated area;

(c) The air quality analysis must comply with OAR 340-225-0030 and 340-225-0040;

(d) The air quality analysis must use a uniform receptor grid over the entire modeled area for the analyses required in subsections (a) and (b). The spacing of the receptor grids will be determined by DEQ for each analysis;

(e) For the purpose of subsection (a) and paragraph (b)(B):

(A) Subtract the priority source offsets from the new or modified source's emission increase if the priority sources identified are area sources. Area source emissions are spatially distributed emissions that can be generated from activities such as, but not limited to, residential wood heating, unpaved road dust, and non-road mobile sources;

(B) If the source's emissions are not offset 100 percent by priority sources that are area sources, conduct dispersion modeling of the source's remaining emission increases after subtracting any priority source offsets allowed in subparagraph (A); and in addition, model all other sources with emission increases or decreases in or impacting the designated area since the date the area was designated, including offsets used for the proposed project, but excluding offsets from priority sources that are area sources; and

(C) If the source's emissions are offset 100 percent by priority sources that are area sources, no further analysis is required.

(5) Small scale local energy projects and any infrastructure related to that project located in the same area are not subject to the requirements in section (4) provided that the proposed source or modification would not cause or contribute to a violation of an ambient air quality standard or otherwise pose a material threat to compliance with air quality standards in a nonattainment area.

(6) Offsets obtained in accordance with OAR 340-240-0550 and 340-240-0560 for sources locating within or causing significant air quality impact on the Klamath Falls PM2.5 nonattainment or PM10 maintenance areas are exempt from the requirements of OAR 340-224-0510 and section (4) provided that the proposed major source or major modification would not cause or contribute to a new violation of the national ambient air quality standard. This exemption only applies to the direct PM2.5 or PM10 offsets obtained from residential wood-fired devices in accordance with 340-240-0550 and 340-240-0560. Any remaining emissions from the source that are offset by emission reductions from other sources are subject to the requirements of OAR 340-224-0510 or section (4), as applicable.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-020-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.035, 468A.040, 468A.050, 468A.055 & 468A.070
Stats. Implemented: ORS 468A

OAR 340-224-0540

Sources in a Designated Area Impacting Other Designated Areas

(1) When directed by the Major and State NSR rules, the owner or operator of a source locating outside, but impacting any designated area other than an attainment or unclassified area must meet one of the following requirements:

(a) Obtain offsets sufficient to reduce impacts to less than the Class II SIL at all receptors within the designated area as demonstrated using an air quality analysis under OAR 340 division 225; or

(b) Meet the following Net Air Quality Benefit requirements for the designated area that is impacted by the source, as applicable:

(A) For sources subject to Major NSR for the pollutant for which the area is designated:

(i) A source impacting a sustainment area must meet the requirements of OAR 340-224-0045(2);

(ii) A source impacting a nonattainment area must meet the requirements of OAR 340-224-0050(2)(b);

(iii) A source impacting a reattainment area must meet the requirements of OAR 340-224-0050(2)(b), treating the reattainment pollutant as a nonattainment pollutant for that rule; or

(iv) A source impacting a maintenance area must meet the requirements of OAR 340-224-0060(2).

(B) For sources subject to State NSR for the pollutant for which the area is designated:

(i) A source impacting a sustainment area must meet the requirements of OAR 340-224-0245(1)(b);

(ii) A source impacting a nonattainment area must meet the requirements of OAR 340-224-0250(2)(b);

(iii) A source impacting a reattainment area must meet the requirements of OAR 340-224-0260(2)(b) treating the reattainment pollutant as a maintenance pollutant for that rule; or

(iv) A source impacting a maintenance area must meet the requirements of OAR 340-224-0260(2)(b).

(2) When directed by the Major and State NSR rules, sources impacting any attainment and unclassified areas, but not directly subject to OAR 340-224-0070 or 340-224-0270, must comply with OAR 340-225-0050(1) and (2) for each regulated pollutant, other than GHGs, for which emissions will exceed the netting basis by the SER or more due to the proposed source or modification.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-020-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.035, 468A.040, 468A.050, 468A.055 & 468A.070
Stats. Implemented: ORS 468A

DIVISION 225

AIR QUALITY ANALYSIS REQUIREMENTS

340-225-0010

Purpose and Jurisdiction

(1) This division contains the definitions and requirements for air quality analysis. This division does not apply unless a rule in another division refers to this division or a rule in this division. For example, division 224, New Source Review, refers to provisions in this division for specific air quality analysis requirements.

(2) Subject to the requirements in this division and OAR 340-200-0010(3), LRAPA is designated by the EQC to implement the rules in this division within its area of jurisdiction.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-020-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-225-0020

Definitions

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

(1) "Allowable emissions" means the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

(a) The applicable standards as set forth in 40 CFR parts 60, 61, 62 and 63;

(b) The applicable SIP emissions limitation, including those with a future compliance date; or

(c) The emissions rate specified as a federally enforceable permit condition.

(2) "Baseline concentration" means:

(a) Except as provided in subsection (c), the ambient concentration level for sulfur dioxide and PM10 that existed in an area during the calendar year 1978. Actual emission increases or decreases occurring before January 1, 1978 must be included in the baseline calculation, except that actual emission increases from any major source or major modification on which construction commenced after January 6, 1975 must not be included in the baseline calculation;

(b) The ambient concentration level for nitrogen oxides that existed in an area during the calendar year 1988.

(c) For the area of northeastern Oregon within the boundaries of the Umatilla, Wallowa-Whitman, Ochoco, and Malheur National Forests, the ambient concentration level for PM10 that existed during the calendar year 1993. DEQ may allow the source to use an earlier time period if DEQ determines that it is more representative of normal emissions.

(d) For PM10 in the Medford-Ashland AQMA: the ambient PM10 concentration levels that existed during the calendar year 2006, the year that EPA redesignated that AQMA to attainment for PM10.

(e) The ambient concentration level for PM2.5 that existed in an area during the calendar year 2007.

(f) If no ambient air quality data is available in an area, the baseline concentration may be estimated using modeling based on actual emissions for the years specified in subsections (a) through (e).

(3) “Baseline concentration year” means the calendar year used to determine the baseline concentration for a particular regulated pollutant in a particular designated area.

(4) "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 expected to cause a significant concentration gradient in the vicinity of the source. Determination of significant concentration gradient may take into account factors including but not limited to ROI formula, spatial distribution of existing emission sources, topography, and meteorology. Allowable emissions may be used as a conservative estimate of increased emissions, in lieu of actual emissions, in this analysis.

(5) "Competing AAQS source impacts" means total modeled concentrations of the subject pollutant 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. Determination of significant concentration gradient may take into account factors including but not limited to ROI formula, spatial distribution of existing emission sources, topography, and meteorology.

(6) "FLAG" refers to the Federal Land Managers' Air Quality Related Values Work Group Phase I Report — REVISED, published at 75 Federal Register 66125, Oct. 27, 2010.

(7) "General background concentration" means impacts from natural sources and unidentified sources that were not explicitly modeled, and may be determined based on either site-specific ambient monitoring or, with DEQ approval, on representative ambient monitoring from another location.

(8) "Nitrogen deposition" means the sum of anion and cation nitrogen deposition expressed in terms of the mass of total elemental nitrogen being deposited. As an example, nitrogen deposition for NH4NO3 is 0.3500 times the weight of NH4NO3 being deposited.

(9) "Predicted maintenance area concentration" means the future year ambient concentration predicted by DEQ in the applicable maintenance plan as follows:

(a) The future year (2015) PM10 concentrations for the Grants Pass UGB are 89 µg/m3 (24-hour average) and 21 µg/m3 (annual average).

(b) The future year (2015) PM10 concentrations for the Klamath Falls UGB are 114 µg/m3 (24-hour average) and 25 µg/m3 (annual average).

(c) The future year (2025) PM10 concentrations for the Lakeview UGB are 126 µg/m3 (24-hour average) and 27 µg/m3 (annual average).

(10) "Range of influence formula or “ROI formula" means the calculation of the distance in kilometers from the source impact area of the new or modified source to other emission sources that could impact that area. If there is no source impact area, the distance is calculated from the new or modified source. Any location that is closer to the source than the ROI may be considered to be “within the range of influence” of the source. The ROI formula is as follows:

(a) For PSD Class II and Class III areas, the Range of Influence formula of a competing source (in kilometers) is defined by:

(A) ROI (km) = Q (tons/year) / K (tons/year km).

(B) Definition of factors used in paragraph (a):

(i) Maximum ROI is 50 km.

(ii) Q is the emission rate of the potential competing source in tons per year.

(iii) K (tons/year km) is a regulated pollutant specific constant as follows:

(I) For PM2.5, PM10, SOx and NOx, K = 5;

(II) For CO, K = 40; and

(III) For lead, K = 0.15.

(b) For PSD Class I areas, the Range of Influence formula of a competing source includes emissions from all sources that occur within the modeling domain of the source being evaluated. DEQ determines the modeling domain on a case-by-case basis.

(11) “Single source impact” means the modeled impacts from an increase in emissions of regulated pollutants from a source without including the impacts from other sources.

(12) "Source impact area" means an area, or locations, 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.

(13) "Sulfur deposition" means the sum of anion and cation sulfur deposition expressed in terms of the total mass of elemental sulfur being deposited. As an example, sulfur deposition for (NH4)2SO4 is 0.2427 times the weight of (NH4)2SO4 being deposited.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-020-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 12-2002(Temp), f. & cert. ef. 10-8-02 thru 4-6-03; Administrative correction 11-10-03; DEQ 1-2004, f. & cert. ef. 4-14-04; DEQ 1-

2005, f. & cert. ef. 1-4-05; DEQ 9-2005, f. & cert. ef. 9-9-05; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; Administrative correction, 3-29-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

340-225-0030

Procedural Requirements

When required to conduct an air quality analysis under this division:

(1) The owner or operator of a source must submit a modeling protocol to DEQ and have it approved before submitting a permit application; and

(2) In addition to the requirements defined in OAR 340-216-0040 for permit applications, the owner or operator of a source must submit all information necessary to perform any analysis or make any determination required under this division. Such information may include, but is not limited to:

(a) Emissions data for all existing and proposed emission points from the source or modification. This data must represent maximum emissions for the averaging times by regulated pollutant consistent with the ambient air quality standards in OAR 340 division 202.

(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;

(c) An analysis of the air quality and visibility impact of the source or modification, including meteorological and topographical data, specific details of models used, and other information necessary to estimate air quality impacts; and

(d) An analysis of the air quality and visibility impacts, and the nature and extent of all commercial, residential, industrial, and other source emission growth, that has occurred since the baseline concentration year in the area the source or modification would significantly affect.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-020-0040.

Stat. Auth.: ORS 468.020 & 468A.070
Stats. Implemented: ORS 468A
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; Administrative correction, 3-29-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

340-225-0040

Air Quality Models

All modeled estimates of ambient concentrations required under this division must be based on the applicable air quality models, data bases, and other requirements specified in 40 CFR part 51, Appendix W, "Guidelines on Air Quality Models (Revised)." Where an air quality impact model specified in 40 CFR part 51, Appendix W is inappropriate, the methods published in the FLAG are generally preferred for analyses in PSD Class I areas. Where an air quality impact model other than that specified in 40 CFR part 51, Appendix W is appropriate in PSD Class II and III areas, the model may be modified or another model substituted. Any change or substitution

from models specified in 40 CFR part 51, Appendix W is subject to notice and opportunity for public comment and must receive prior written approval from DEQ and the EPA.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-020-0040.

Stat. Auth.: ORS 468.020 & 468A.070
Stats. Implemented: ORS 468A
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-225-0045

Requirements for Analysis in Maintenance Areas

Modeling: For determining compliance with the maintenance area impact levels established in OAR 340-202-0225, the following methods must be used:

(1) For each maintenance pollutant, a single source impact analysis is sufficient to show compliance with the maintenance area maximum impact levels 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 impact levels. The assessment must take into consideration but is not limited to the emission increases and decreases since the baseline concentration year from other sources that are expected to cause a significant concentration gradient in the vicinity of the source. Determination of significant concentration gradient may take into account factors including but not limited to ROI formula, spatial distribution of existing emission sources, topography, and meteorology.

(2) If the requirement in section (1) is not satisfied, the owner or operator of a proposed source or modification must complete a competing source analysis to demonstrate that modeled impacts from the proposed increased emissions plus competing source impacts, plus the predicted maintenance area concentration are less than the maintenance area impact levels in OAR 340-202-0225 for all averaging times.

(3) Any analyses performed under this section must be done in compliance with OAR 340-225-0030 and 340-225-0040, as applicable.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-020-0040.

Stat. Auth.: ORS 468.020 & 468A.070
Stats. Implemented: ORS 468A
Hist.: DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; Administrative correction, 3-29-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

340-225-0050

Requirements for Analysis in PSD Class II and Class III Areas

Modeling: For determining compliance with the AAQS, PSD increments, and other requirements in PSD Class II and Class III areas, the following methods must be used:

(1) For each regulated pollutant, a single source impact analysis is sufficient to show compliance with the AAQS 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 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 to show that the SIL by itself ensures that the proposed source or modification will not cause or contribute to a new violation of an AAQS and PSD increment. The assessment must take into consideration but is not limited to the following factors:

(A) The background ambient concentration relative to the AAQS;

(B) The emission increases and decreases since the baseline concentration year from other sources that are expected to cause a significant concentration gradient in the vicinity of the source. Determination of significant concentration gradient may take into account factors including but not limited to ROI formula, spatial distribution of existing emission sources, topography, and meteorology.

(2) If the requirement in section (1) is not satisfied, the owner or operator of a proposed source being evaluated must complete a competing source analysis as follows:

(a) For demonstrating compliance with the PSD Class II and III increments (as defined in OAR 340-202-0210), the owner or operator of the source or 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; and

(b) For demonstrating compliance with the AAQS, the owner or operator of the source must show that the total modeled impacts plus total competing source impacts plus general background concentrations are less than the AAQS for all averaging times.

(3) The owner or operator of a source or modification must also provide an analysis of:

(a) The impairment to visibility, soils and vegetation that would occur as a result of the source or modification, and general commercial, residential, industrial and other growth associated with the source or modification. As a part of this analysis, deposition modeling analysis is required for sources emitting heavy metals above the SERs as defined in OAR 340-200-0020. Concentration and deposition modeling may also be required for sources emitting other compounds on a case-by-case basis; and

(b) The air quality concentration projected for the area as a result of general commercial, residential, industrial and other growth associated with the source or modification.

(4) Any analyses performed under this section must be done in compliance with OAR 340-225-0030 and 340-225-0040, as applicable.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-020-0040.

Stat. Auth.: ORS 468.020 & 468A.070
Stats. Implemented: ORS 468A
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 1-2004, f. & cert. ef. 4-14-04; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; Administrative correction, 3-29-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

340-225-0060

Requirements for Demonstrating Compliance with Standards and Increments in PSD Class I Areas

For determining compliance with AAQS and PSD increments in PSD Class I areas, the following methods must be used:

(1) Before Jan. 1, 2003, the owner or operator of a source must model impacts and demonstrate compliance with standards and increments on all PSD Class I areas that may be affected by the source or modification.

(2) On or after Jan. 1, 2003, the owner or operator of a source must meet the following requirements:

(a) For each regulated pollutant, a single source impact analysis is sufficient to show compliance with PSD increments 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 I significant impact levels specified in OAR 340-200-0020. If this requirement is not satisfied, the owner or operator must complete a competing source analysis to demonstrate that the increased source impacts above baseline concentration plus competing PSD increment consuming source impacts are less than the PSD Class I increments for all averaging times.

(b) For each regulated pollutant, a single source impact analysis is sufficient to show compliance with AAQS 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 I significant impact levels specified in OAR 340-200-0020. If this requirement is not satisfied, the owner or operator must complete a competing source analysis to demonstrate compliance with the AAQS by showing that its total modeled impacts plus total modeled competing source impacts plus general background concentrations are less than the AAQS for all averaging times.

(c) The owner or operator also must demonstrate that the proposed source or modification will 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 levels under subsections (a) and (c), in accordance with OAR 340-202-0050(2).

(3) Any analyses performed under this section must be done in compliance with OAR 340-225-0030 and 340-225-0040, as applicable.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-020-0040.

Stat. Auth.: ORS 468.020 & 468A.070

Stats. Implemented: ORS 468A
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; Administrative correction, 3-29-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

340-225-0070

Requirements for Demonstrating Compliance with Air Quality Related Values Protection

(1) Sources that are not federal major sources are exempt from the requirements of this rule.

(2) When directed by OAR 340 division 224, the requirements of this rule apply to each emissions unit that increases the actual emissions of a regulated pollutant above the portion of the netting basis attributable to that emissions unit.

(3) DEQ must provide notice of permit applications involving AQRV analysis to EPA and Federal Land Managers as follows:

(a) If a proposed source could impact air quality related values, including visibility, deposition, and ozone impacts within a Class I area, DEQ will provide written notice to the EPA and to the appropriate Federal Land Manager within 30 days of receiving such permit application. The notice will include a copy of all information relevant to the permit application, including analysis of anticipated impacts on Class I area air quality related values. DEQ will also provide at least 30 days notice to EPA and the appropriate Federal Land Manager of any scheduled public hearings and preliminary and final actions taken on the application;

(b) If DEQ receives advance notice of a permit application for a source that may affect Class I area visibility, DEQ will notify all affected Federal Land Managers within 30 days of receiving the advance notice;

(c) During its review of source impacts on Class I area air quality related values, pursuant to this rule, DEQ will consider any analysis performed by the Federal Land Manager that is received by DEQ within 30 days of the date that DEQ sent the notice required by subsection (a). If DEQ disagrees with the Federal Land Manager's demonstration, DEQ will include a discussion of the disagreement in the Notice of Public Hearing;

(d) As a part of the notification required in OAR 340-209-0060, DEQ will provide the Federal Land Manager an opportunity to demonstrate that the emissions from the proposed source would have an adverse impact on air quality related values, of any federal mandatory Class I area. This adverse impact determination may be made even if there is no demonstration that a Class I PSD increment has been exceeded. If DEQ agrees with the demonstration, it will not issue the permit.

(4) Visibility impact analysis requirements:

(a) If division 224 requires a visibility impact analysis, the owner or operator must demonstrate that the potential to emit any regulated pollutant at a SER in conjunction with all other applicable emission increases or decreases, including secondary emissions, permitted since January 1, 1984 and other increases or decreases in emissions, will not cause or contribute to significant impairment of visibility on any Class I area.

(b) The owner or operator must conduct a visibility analysis on the Columbia River Gorge National Scenic Area if it is affected by the source;

(c) The owner or operator must submit all information necessary to perform any analysis or demonstration required by these rules.

(d) Determination of significant impairment: The results of the modeling must be sent to the affected Federal Land Managers and DEQ. The land managers may, within 30 days following receipt of the source's visibility impact analysis, determine whether or not significant impairment of visibility in a Class I area would result. DEQ will consider the comments of the Federal Land Manager in its consideration of whether significant impairment of visibility in a Class I area will result. If DEQ determines that significant impairment of visibility in a Class I area would result, it will not issue a permit for the proposed source.

(5) In consultation with the Federal Land Managers under FLAG, DEQ may require a plume blight analysis or regional haze analysis, or both.

(6) Criteria for visibility impacts:

(a) The owner or operator of a source, where required by division 224, is encouraged to demonstrate that its impacts on visibility satisfy the guidance criteria as referenced in the FLAG.

(b) If visibility impacts are a concern, DEQ will consider comments from the Federal Land Manager when deciding whether significant impairment will result. Emission offsets may also be considered. If DEQ determines that significant impairment of visibility in a Class I area would result, it will not issue a permit for the proposed source.

(7) Deposition modeling is required for receptors in PSD Class I areas and the Columbia River Gorge National Scenic Area where visibility modeling is required. This may include, but is not limited to an analysis of nitrogen deposition and sulfur deposition.

(8) Visibility monitoring:

(a) If division 224 requires visibility monitoring data, the owner or operator must use existing data to establish existing visibility conditions within Class I areas as summarized in the FLAG Report.

(b) 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.

(9) Additional impact analysis: The owner or operator subject to OAR 340-224-0060(2) or OAR 340-224-0070(3) must provide an analysis of the impact to visibility that would occur as a result of the proposed source and general commercial, residential, industrial, and other growth associated with the source.

(10) If the Federal Land Manager recommends and DEQ agrees, DEQ may require the owner or operator to analyze the potential impacts on other Air Quality Related Values and how to protect them. Procedures from the FLAG report must be used in this recommendation. Emission offsets may also be used. If the Federal Land Manager finds that significant impairment of visibility in a Class I area would result from the proposed activities and DEQ agrees, DEQ will not issue a permit for the proposed source.

(11) Any analyses performed under this section must be done in compliance with OAR 340-225-0030 and 340-225-0040, as applicable.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-020-0040.

Stat. Auth.: ORS 468.020 & 468A.070
Stats. Implemented: ORS 468A
Hist.: DEQ 18-1984, f. & ef. 10-16-84; DEQ 14-1985, f. & ef. 10-16-85; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0276; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2000; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-224-0110

DIVISION 226

GENERAL EMISSION STANDARDS

340-226-0005

Applicability and Jurisdiction

(1) This division applies in all areas of the state.

(2) Subject to the requirements in this division and OAR 340-200-0010(3), LRAPA is designated by the EQC to implement the rules in this division within its area of jurisdiction.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468A
Stats. Implemented: ORS 468 & 468A

340-226-0010

Definitions

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

(1) "Refuse" means unwanted matter.

(2) "Refuse burning equipment" means a device designed to reduce the volume of solid, liquid, or gaseous refuse by combustion.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 16, f. 6-12-70, ef. 7-11-70; DEQ 1-1984, f. & ef. 1-16-84; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 3-1996, f. & cert. ef. 1-29-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-021-0005; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

Highest and Best Practicable Treatment and Control

340-226-0100

Policy and Application

(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.

(2) A source is in compliance with section (1) if the source is in compliance with all other applicable emission standards and requirements contained in OAR 340 divisions 200 through 268.

(3) The EQC may adopt additional rules as necessary to ensure that the highest and best practicable treatment and control is provided as specified in section (1). Such rules may include, but are not limited to, requirements:

(a) Applicable to a source category, regulated pollutant or geographic area of the state;

(b) Necessary to protect public health and welfare for air contaminants that are not otherwise regulated by the EQC; or

(c) Necessary to address the cumulative impact of sources on air quality.

(4) The EQC encourages the owner or operator of a source to further reduce emissions from the source beyond applicable control requirements where feasible.

(5) Nothing in OAR 340-226-0100 through 340-226-0140 revokes or modifies any existing permit term or condition unless or until DEQ revokes or modifies the term or condition by a permit revision.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0001; DEQ 19-1993, f. 11-4-93 & cert. ef. 1-1-94; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0600; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-226-0110

Pollution Prevention

The owner or operator of a source is encouraged to take into account the overall impact of the control methods selected, considering risks to all environmental media and risks from all affected products and processes. The owner or operator of a source is encouraged, but not required, to use the following hierarchy in controlling air contaminant emissions:

(1) Modify the process, raw materials or product to reduce the toxicity and quantity of air contaminants generated;

(2) Capture and reuse air contaminants;

(3) Treat to reduce the toxicity and quantity of air contaminants released; or

(4) Otherwise control emissions.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 19-1993, f. 11-4-93 & cert. ef. 1-1-94; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0610; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-226-0120

Operating and Maintenance Requirements

(1) Operational, Maintenance and Work Practice Requirements:

(a) Where DEQ has determined that specific operational, maintenance, or work practice requirements are appropriate to ensure that the owner or operator of a source is operating and maintaining air pollution control devices and emission reduction processes at the highest reasonable efficiency and effectiveness to minimize emissions, DEQ will establish such requirements by permit condition or notice of construction approval;

(b) Operational, maintenance, and work practice requirements include:

(A) Flow rates, temperatures, pressure drop, ammonia slip, and other physical or chemical parameters related to the operation of air pollution control devices and emission reduction processes;

(B) Monitoring, record-keeping, testing, and sampling requirements and schedules;

(C) Maintenance requirements and schedules; and

(D) Requirements that components of air pollution control devices be functioning properly.

(2) Emission Action Levels:

(a) Where DEQ has determined that specific operational, maintenance, or work practice requirements considered or required under section (1) are insufficient to ensure that the owner or operator is operating and maintaining air pollution control devices and emission reduction processes at the highest reasonable efficiency and effectiveness, DEQ may establish, by permit or Notice of Construction approval, specific emission action levels in addition to applicable emission standards. An emission action level will be established that ensures an air pollution control device or emission reduction process is operated at the highest reasonable efficiency and effectiveness to minimize emissions;

(b) If emissions from a source equal or exceed the applicable emission action level, the owner or operator of the source must:

(A) Take corrective action as expeditiously as practical to reduce emissions to below the emission action level;

(B) Maintain records at the plant site for two years which document the exceedance, the cause of the exceedance, and the corrective action taken;

(C) Make such records available for inspection by DEQ during normal business hours; and

(D) Submit such records to DEQ upon request.

(c) DEQ will revise an emission action level if it finds that such level does not reflect the highest reasonable efficiency and effectiveness of air pollution control devices and emission reduction processes;

(d) An exceedance of an emission action level that is more stringent than an applicable emission standard is not a violation of such emission standard.

(3) In determining the highest reasonable efficiency and effectiveness for purposes of this rule, DEQ considers operational variability and the capability of air pollution control devices and emission reduction processes. If the performance of air pollution control devices and emission reduction processes during startup or shutdown differs from the performance under normal operating conditions, DEQ determines the highest reasonable efficiency and effectiveness separately for these operating modes.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.055
Stats. Implemented: ORS 468A.025, 468A.040 & 468A.055
Hist.: DEQ 19-1993, f. 11-4-93 & cert. ef. 1-1-94; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0620; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-226-0130

Typically Achievable Control Technology (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 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.

(1) Existing Sources. An existing emissions unit must meet TACT for existing sources if:

(a) The emissions unit is not already subject to emission standards for the regulated pollutant under OAR 340 divisions 224, 230, OAR 340-232-0010 through 340-232-0240, OAR 340 divisions 234, 236, or 238, OAR 340-240-0110 through 340-240-0180, 340-240-0310(1), OAR 340-240-0320 through 340-240-0430;

(b) The source is required to have a permit;

(c) The emissions unit has emissions of criteria pollutants equal to or greater than 5 tons per year of particulate or 10 tons per year of any gaseous pollutant; and

(d) DEQ determines that air pollution control devices and emission reduction processes in use for the emissions unit do not represent TACT, and that further emission control is necessary to address documented nuisance

conditions, address an increase in emissions, ensure that the source is in compliance with other applicable requirements, or protect public health or welfare or the environment.

(2) New and Modified Sources. A new or modified emissions unit must meet TACT for new or modified sources if:

(a) The new or modified emissions unit is not subject to Major NSR in OAR 340 division 224, a Type A State NSR action under OAR 340 division 224, an applicable Standard of Performance for New Stationary Sources in OAR 340 division 238, OAR 340-240-0110 through 340-240-0180, 340-240-0310(1), OAR 340-240-320 through 340-240-0430, or any other standard applicable only to new or modified sources in OAR 340 divisions 230, 234, 236, or 238 for the regulated pollutant emitted;

(b) The source is required to have a permit;

(c) The emissions unit:

(A) If new, would have emissions of any criteria pollutant equal to or greater than 1 ton per year in any area, or of PM10 equal to or greater than 500 pounds per year in a PM10 nonattainment area; or

(B) If modified, would have an increase in emissions from the permitted level for the emissions unit of any criteria pollutant equal to or greater than 1 ton per year in any area, or of PM10 equal to or greater than 500 pounds per year in a PM10 nonattainment area; and

(d) DEQ determines that the proposed air pollution control devices and emission reduction processes do not represent TACT.

(3) Before making a TACT determination, DEQ will notify the owner or operator of a source that it intends to make such a determination using information known to DEQ. The owner or operator of the source may supply DEQ with additional information by a reasonable date set by DEQ.

(4) The owner or operator of a source subject to TACT must submit, by a reasonable date established by DEQ, compliance plans and specifications for DEQ's approval. The owner or operator of the source must demonstrate compliance in accordance with a method and compliance schedule approved by DEQ.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.070
Stats. Implemented: ORS 468A.025, 468A.040 & 468A.070
Hist.: DEQ 19-1993, f. 11-4-93 & cert. ef. 1-1-94; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0630; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-226-0140

Additional Control Requirements for Stationary Sources of Air Contaminants

In addition to other applicable requirements, DEQ may establish control requirements by permit if necessary as specified in sections (1) through (5):

(1) Requirements will be established to prevent violation of an ambient air quality standard caused or projected to be caused substantially by emissions from the source as determined by modeling, monitoring, or a combination thereof. For existing sources, DEQ will conduct monitoring to confirm a violation of an ambient air quality standard.

(2) Requirements will be established to prevent significant impairment of visibility in Class I areas caused or projected to be caused substantially by a source as determined by modeling, monitoring, or a combination thereof. For existing sources, DEQ will conduct monitoring to confirm visibility impairment.

(3) A requirement applicable to a major source will be established if it has been adopted by EPA but has not otherwise been adopted by the EQC.

(4) An additional control requirement will be established if requested by the owner or operator of a source.

(5) Requirements will be established if necessary to protect public health or welfare for the following air contaminants and sources not otherwise regulated under OAR 340 divisions 200 through 268:

(a) Chemical weapons; and

(b) Combustion and degradation by-products of chemical weapons.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.040
Stats. Implemented: ORS 468A.025 & 468A.040
Hist.: DEQ 19-1993, f. 11-4-93 & cert. ef. 1-1-94; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0640; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 15-2001, f. & cert. ef. 12-26-01

Grain Loading Standards

340-226-0210

Particulate Emission Limitations for Sources Other Than Fuel Burning Equipment, Refuse Burning Equipment and Fugitive Emissions

(1) This rule does not apply to fugitive emissions sources, fuel burning equipment, refuse burning equipment, or to solid fuel burning devices certified under OAR 340-262-0500.

(2) No person may cause, suffer, allow, or permit particulate matter emissions from any air contaminant source in excess of the following limits:

(a) For sources installed, constructed, or modified before June 1, 1970:

(A) 0.10 grains per dry standard cubic foot provided that all representative compliance source test results collected prior to April 16, 2015, demonstrate emissions no greater than 0.080 grains per dry standard cubic foot;

(B) If any representative compliance source test results collected prior to April 16, 2015 demonstrate emissions greater than 0.080 grains per dry standard cubic foot, or if there are no representative compliance source test results, then:

(i) 0.24 grains per dry standard cubic foot prior to Dec. 31, 2019; and

(ii) 0.15 grains per dry standard cubic foot on or after Jan. 1, 2020; and

(C) In addition to the limits in paragraphs (A) or (B), for equipment or a mode of operation that is used less than 876 hours per calendar year, 0.24 grains per dry standard cubic foot from April 16, 2015 through December 31, 2019, and 0.20 grains per dry standard cubic foot on or after Jan. 1, 2020.

(b) For sources installed, constructed, or modified on or after June 1, 1970 but prior to April 16, 2015:

(A) 0.10 grains per dry standard cubic foot provided that all representative compliance source test results prior to April 16, 2015 demonstrate emissions no greater than 0.080 grains per dry standard cubic foot; or;

(B) If any representative compliance source test results prior to April 16, 2015 are greater than 0.080 grains per dry standard cubic foot, or if there are no representative compliance source test results, then 0.14 grains per dry standard cubic foot.

(c) For sources installed, constructed or modified after April 16, 2015, 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 subparagraph (a)(B)(ii) 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 Oct. 1, 2019.

(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 compliance source test results are data that was obtained:

(A) No more than ten years before April 16, 2015; and

(B) 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 emissions unit and pollution control equipment.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.070
Stats. Implemented: ORS 468A.025 & 468A.070
Hist.: DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 3-1996, f. & cert. ef. 1-29-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-021-0030; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

Particulate Emissions from Process Equipment

340-226-0310

Emission Standard

No person may cause, suffer, allow, or permit the emissions of particulate matter in any one hour from any process in excess of the amount shown in OAR 340-226-8010, for the process weight rate allocated to such process.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-021-0040; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-226-0320

Determination of Process Weight

(1) Process weight is the total weight of all materials introduced into a piece of process equipment. Solid fuels charged are considered part of the process weight, but liquid and gaseous fuels and combustion air are not.

(a) For a cyclical or batch operation, the process weight per hour is derived by dividing the total process weight by the number of hours in one complete operation, excluding any time during which the equipment is idle.

(b) For a continuous operation, the process weight per hour is derived by dividing the process weight by a typical period of time, as approved by DEQ.

(2) Where the nature of any process or operation or the design of any equipment permits more than one interpretation of this rule, the interpretation that results in the minimum value for allowable emission applies.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.070
Stats. Implemented: ORS 468A.025 & 468A.070
Hist.: DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 3-1996, f. & cert. ef. 1-29-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-021-0045; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

Alternative Emission Controls

340-226-0400

Alternative Emission Controls (Bubble)

(1) DEQ may approve alternative emission controls for VOC and NOx emissions in a Standard ACDP or Oregon Title V Operating Permit for use within a single source such that a specific emission limit is exceeded, provided that:

(a) Such alternatives are not specifically prohibited by a rule or permit condition.

(b) Net total emissions for each regulated pollutant from all emissions units involved (i.e., "under the bubble") are not increased above the PSEL.

(c) The owner or operator of the source demonstrates the net air quality benefit under OAR 340-224-0520.

(d) No other air contaminants including malodorous, toxic or hazardous pollutants are substituted.

(e) BACT and LAER, where required by a previously issued permit pursuant to OAR 340 division 224 (NSR), OAR 340 division 238 (NSPS), and OAR 340 division 244 (NESHAP), where required, are not relaxed;

(f) Specific emission limits are established for each emission unit involved ("under the bubble") such that compliance with the PSEL can be readily determined;

(g) The owner or operator of the source applies for a permit or permit modification and such application is approved by DEQ.

(h) The emissions unit that reduces its emissions achieves the reductions by reducing its allowable emission rate, and not by reducing production, throughput, or hours of operation.

(2) The permit will include a net emissions limit on total emissions from all devices or emissions units involved ("under the bubble").

(3) Alternative emission controls, in addition to those allowed in section (1), may be approved by DEQ and EPA as a source specific SIP amendment.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A
Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0315; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1030; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-226-8010

Table-Particulate Matter Emissions Standards for Process Equipment

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

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

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

DIVISION 228

REQUIREMENTS FOR FUEL BURNING EQUIPMENT AND FUEL SULFUR CONTENT

340-228-0010

Applicability and Jurisdiction

(1) This division applies in all areas of the state.

(2) Subject to the requirements in this division and OAR 340-200-0010(3), LRAPA is designated by the EQC to implement the rules in this division within its area of jurisdiction.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-021-0012

340-228-0020

Definitions

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

(1) "Distillate fuel oil" means any oil meeting the specifications of ASTM Grade 1 or 2 fuel oils;

(2) "Residual fuel oil" means any oil meeting the specifications of ASTM Grade 4, 5, or 6 fuel oils.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025
Hist.: [DEQ 16, f. 6-12-70, ef. 7-11-70; DEQ 1-1984, f. & ef. 1-16-84; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 3-1996, f. & cert. ef. 1-29-96]; [DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93]; [DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93]; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-021-0005, 340-022-0005, 340-022-0050; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 7-2011(Temp), f. & cert. ef. 6-24-11 thru 12-19-11; Administrative correction, 2-6-12; DEQ 1-2012, f. & cert. ef. 5-17-12

Sulfur Content of Fuels

340-228-0100

Residual Fuel Oils

No person may sell, distribute, use, or make available for use, any residual fuel oil containing more than 1.75 percent sulfur by weight.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 87, f. 3-25-75, ef. 4-25-75; DEQ 141, f. & ef. 8-25-77; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0010

340-228-0110

Distillate Fuel Oils

No person shall sell, distribute, use, or make available for use, any distillate fuel oil containing more than the following percentages of sulfur:

(1) ASTM Grade 1 fuel oil -- 0.3 percent by weight.

(2) ASTM Grade 2 fuel oil -- 0.5 percent by weight.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0015

340-228-0120

Coal

(1) Except as provided in section (2), no person may sell, distribute, use, or make available for use, any coal containing greater than 1.0 percent sulfur by weight.

(2) No person may sell, distribute, use or make available for use any coal or coal containing fuel with greater than 0.3 percent sulfur and five percent volatile matter as defined in ASTM Method D3175 for direct space heating within the Portland, Salem, Eugene-Springfield, and Medford-Ashland Air Quality Maintenance Areas. For coals subjected to a devolatilization process, compliance with the sulfur limit may be demonstrated on the sulfur content of coal prior to the devolatilization process.

(3) Distributors of coal or coal containing fuel destined for direct residential space heating use must keep records for a five year period which must be available for DEQ inspection and which:

(a) Specify quantities of coal or coal containing fuels sold;

(b) Contain name and address of customers who are sold coal or coal containing fuels;

(c) Specify the sulfur and volatile content of coal or the coal containing fuel sold to residences in the Portland, Salem, Eugene-Springfield, and Medford-Ashland Air Quality Maintenance Areas.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 3-1982, f. & ef. 1-29-82; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0020

340-228-0130

Exemptions

Exempted from the requirements of OAR 340-228-0100 through 340-228-0120 are:

(1) Fuels used exclusively for the propulsion and auxiliary power requirements of vessels, railroad locomotives, and diesel motor vehicles.

(2) With prior approval of DEQ, fuels used in such a manner or control provided such that sulfur dioxide emissions can be demonstrated to be equal to or less than those resulting from the combustion of fuels complying with the limitations of OAR 340-228-0100 through 340-228-0120.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0025

General Emission Standards for Fuel Burning Equipment

340-228-0200

Sulfur Dioxide Standards

The following emission standards are only applicable to sources installed, constructed, or modified after January 1, 1972 except recovery furnaces regulated in OAR 340 division 234:

(1) For fuel burning equipment having a heat input capacity between 150 million BTU per hour and 250 million BTU, no person may cause, suffer, allow, or permit the emission into the atmosphere of sulfur dioxide in excess of:

(a) 1.4 pounds per million BTU heat input, maximum three-hour average, when liquid fuel is burned;

(b) 1.6 pounds per million BTU heat input, maximum three-hour average, when solid fuel is burned.

(2) For fuel burning equipment having a heat input capacity of more than 250 million BTU per hour, no person may cause, suffer, allow, or permit the emission into the atmosphere of sulfur dioxide in excess of:

(a) 0.8 pound per million BTU heat input, maximum three-hour average, when liquid fuel is burned;

(b) 1.2 pounds per million BTU heat input, maximum three-hour average, when solid fuel is burned.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0055; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 7-2011(Temp), f. & cert. ef. 6-24-11 thru 12-19-11; Administrative correction, 2-6-12; DEQ 1-2012, f. & cert. ef. 5-17-12

340-228-0210

Grain Loading Standards

(1) This rule applies to fuel burning equipment, except solid fuel burning devices that have been certified under OAR 340-262-0500.

(2) No person may cause, suffer, allow, or permit particulate matter emissions from any fuel burning equipment in excess of the following limits:

(a) For sources installed, constructed, or modified before June 1, 1970:

(A) 0.10 grains per dry standard cubic foot provided that all representative compliance source test results collected prior to April 16, 2015 demonstrate emissions no greater than 0.080 grains per dry standard cubic foot;

(B) If any representative compliance source test results collected prior to April 16, 2015 demonstrate emissions greater than 0.080 grains per dry standard cubic foot, or if there are no representative compliance source test results, then:

(i) 0.24 grains per dry standard cubic foot until Dec. 31, 2019; and

(ii) 0.15 grains per dry standard cubic foot on and after Jan. 1, 2020; and

(C) In addition to the limits in paragraph (A) or (B), for equipment or a mode of operation (e.g., backup fuel) that is used less than 876 hours per calendar year, 0.24 grains per dry standard cubic foot from April 16, 2015 through December 31, 2019, and 0.20 grains per dry standard cubic foot on and after Jan. 1, 2020.

(b) For sources installed, constructed, or modified on or after June 1, 1970 but prior to April 16, 2015:

(A) 0.10 grains per dry standard cubic foot provided that all representative compliance source test results prior to April 16, 2015 demonstrate emissions no greater than 0.080 grains per dry standard cubic foot; or

(B) If any representative compliance source test results collected prior to April 16, 2019 demonstrate emissions greater than 0.080 grains per dry standard cubic foot, or if there are no representative compliance source test results, then 0.14 grains per dry standard cubic foot.

(c) For sources installed, constructed or modified on or after April 16, 2015, 0.10 grains per dry standard cubic foot.

(d)(A) The owner or operator of a source installed, constructed or modified before June 1, 1970 who is unable to comply with the standard in subparagraph (a)(B)(ii) may request that DEQ set a source specific limit of 0.17 grains per dry standard cubic foot. The owner or operator must submit an application for a permit modification to request the alternative limit by no later than Oct. 1, 2019 that demonstrates, based on a signed report prepared by a registered professional engineer that specializes in boiler/multiclone operation, that the fuel burning equipment will be unable to comply with the standard in subparagraph (a)(B)(ii) after either:

(i) Maintenance or upgrades to an existing multiclone system; or

(ii) Conducting a boiler tune-up if the boiler does not have a particulate matter emission control system.

(B) If a source qualifies under paragraph (A), DEQ will add the 0.17 grains per dry standard cubic foot source specific limit 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.

(e) The owner or operator of a source installed, constructed or modified before June 1, 1970 may request that DEQ grant an extension allowing the source up to one additional year to comply with the standard in paragraph (d)(A) provided that the owner or operator demonstrates, based on an engineering report signed by a registered professional engineer that specializes in boiler/multiclone operation, that the source cannot comply with the source specific limit established in OAR 340-228-0210(2)(d)(A) 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 Oct. 1, 2019.

(3) Compliance with the emissions standards in section (2) is determined using Oregon Method 5, or an alternative method approved by DEQ.

(a) For fuel burning equipment that burns wood fuel by itself or in combination with any other fuel, the emission results are corrected to 12% CO2.

(b) For fuel burning equipment that burns fuels other than wood, the emission results are corrected to 50% excess air.

(c) For purposes of this rule, representative compliance source test results are data that was obtained:

(A) No more than ten years before April 16, 2015; and

(B) 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.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.070
Stats. Implemented: ORS 468A.025 & 468A.070
Hist.: DEQ 16, f. 6-12-70, ef. 7-11-70; DEQ 12-1979, f. & ef. 6-8-79; DEQ 6-1981, f. & ef. 2-17-81; DEQ 18-1982, f. & ef. 9-1-82; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 3-1996, f. & cert. ef. 1-29-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-021-0020; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 7-2011(Temp), f. & cert. ef. 6-24-11 thru 12-19-11; Administrative correction, 2-6-12; DEQ 1-2012, f. & cert. ef. 5-17-12

Federal Acid Rain Program

340-228-0300

Federal Regulations Adopted by Reference

(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 FCAA. The term "permitting authority" means the Oregon DEQ and the term "Administrator" means the Administrator of the United States EPA.

(2) If the provisions or requirements of 40 CFR part 72 conflict with or are not included in OAR 340 divisions 218 or 220, the part 72 provisions and requirements must apply and take precedence.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A.025, 468A.040 & 468A.310
Hist.: DEQ 32-1994, f. & cert. ef. 12-22-94; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0075; DEQ 22-2000, f. & cert. ef. 12-18-00; DEQ 13-2006, f. & cert. ef. 12-22-06; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

DIVISION 232

EMISSION STANDARDS FOR VOC POINT SOURCES

340-232-0010

Introduction

(1) This division regulates sources of VOC which contribute to the formation of photochemical oxidant, mainly ozone.

(2) Since ozone standards are not violated in Oregon from October through April because of insufficient solar energy, natural gas-fired afterburners may be permitted, on a case-by-case basis, to lay idle during the winter months.

(3) Sources regulated by this division are new and existing sources located in the Portland and Medford AQMAs and in Salem-Keizer in the SKATS and listed in subsections (a) through (q) below:

(a) Bulk gasoline plants including transfer of gasoline;

(b) Gasoline delivery vessels;

(c) Bulk gasoline terminals including truck and trailer loading;

(d) Testing vapor transfer and collection systems;

(e) Loading gasoline and volatile organic liquids onto marine tank vessels;

(f) Cutback and emulsified asphalt;

(g) Petroleum refineries;

(h) Petroleum refinery leaks;

(i) VOC liquid storage;

(j) Surface coating in manufacturing;

(k) Aerospace component coating operations;

(l) Degreasers;

(m) Open top vapor degreasers;

(n) Conveyorized degreasers;

(o) Asphaltic and coal tar pitch used for roofing coating;

(p) Flat wood coating; and

(q) Rotogravure and flexographic printing.

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

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 21-1978, f. & ef. 12-28-78; DEQ 17-1979, f. & ef. 6-22-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0100; DEQ 15-2001, f. & cert. ef. 12-26-01; DEQ 3-2007, f. & cert. ef. 4-12-07; DEQ 8-2007, f. & cert. ef. 11-8-07

340-232-0020

Applicability

(1) All new and existing sources inside the following areas must comply with the applicable requirements in this division:

(a) Portland-Vancouver Air Quality Maintenance Area;

(b) Medford-Ashland Air Quality Maintenance Area;

(c) Salem-Keizer Area Transportation Study (SKATS) Area.

(2) VOC sources located outside the areas cited in section (1) are exempt from the requirements in this division.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

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

Stats. Implemented: ORS 468A.025

Hist.: DEQ 21-1978, f. & ef. 12-28-78; DEQ 17-1979, f. & ef. 6-22-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 7-1997(Temp), f. & cert. ef. 4-28-97; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0104; DEQ 3-2007, f. & cert. ef. 4-12-07

340-232-0030

Definitions

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

(1) "Aerospace component" means the fabricated part, assembly of parts, or completed unit of any aircraft, helicopter, missile or space vehicle.

(2) "Air dried coating" means coatings which are dried by the use of air at ambient temperature.

(3) "Applicator" means a device used in a coating line to apply coating.

(4) "Bulk gasoline plant" means a gasoline storage and distribution facility which receives gasoline from bulk terminals by railroad car or trailer transport, stores it in tanks, and subsequently dispenses it via account trucks to local farms, businesses, and gasoline dispensing facilities.

(5) "Bulk gasoline terminal" means a gasoline storage facility which receives gasoline from refineries primarily by pipeline, ship, or barge, and delivers gasoline to bulk gasoline plants or to commercial or retail accounts primarily by tank truck.

(6) "Can coating" means any coating applied by spray, roller, or other means to the inside and/or outside surfaces of metal cans, drums, pails, or lids.

(7) "Carbon bed breakthrough" means the initial indication of depleted adsorption capacity characterized by a sudden measurable increase in VOC concentration exiting a carbon adsorption bed or column.

(8) "Certified storage device" means vapor recovery equipment for gasoline storage tanks as certified by the State of California Air Resources Board Executive Orders, copies of which are on file with DEQ, or which has been certified by other air pollution control agencies and approved by DEQ.

(9) "Class II hardboard paneling finish" means finishers which meet the specifications of Voluntary Product Standard PS-59-73 as approved by the American National Standards Institute.

(10) "Clear coat" means a coating which lacks color and opacity or is transparent and uses the undercoat as a reflectant base or undertone color.

(11) "Coating" means a material applied to a surface which forms a continuous film and is used for protective and/or decorative purposes.

(12) "Coating line" means one or more apparatus or operations which include a coating applicator, flash-off area, and oven or drying station wherein a surface coating is applied, dried, and/or cured.

(13) "Condensate" means hydrocarbon liquid separated from natural gas which condenses due to changes in the temperature and/or pressure and remains liquid at standard conditions.

(14) "Crude oil" means a naturally occurring mixture which consists of hydrocarbons and/or sulfur, nitrogen, and/or oxygen derivatives of hydrocarbons and which is a liquid at standard conditions.

(15) "Custody transfer" means the transfer of produced petroleum and/or condensate after processing and/or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

(16) "Cutback asphalt" means a mixture of a base asphalt with a solvent such as gasoline, naphtha, or kerosene. Cutback asphalts are rapid, medium, or slow curing (known as RC, MC, SC), as defined in ASTM D2399.

(17) "Delivery vessel" means any tank truck or trailer used for the transport of gasoline from sources of supply to stationary storage tanks.

(18) "External floating roof" means a cover over an open top storage tank consisting of a double deck or pontoon single deck which rests upon and is supported by the volatile organic liquid being contained, and is equipped with a closure seal or seals to close the space between the roof edge and tank shell.

(19) "Extreme performance coatings" means coatings designed for extreme environmental conditions such as exposure to any one of the following: continuous ambient weather conditions, temperature consistently above 95°C, detergents, abrasive and scouring agents, solvents, corrosive atmosphere, or similar environmental conditions.

(20) "Extreme performance interior topcoat" means a topcoat used in interior spaces of aircraft areas requiring a fluid, stain or nicotine barrier.

(21) "Fabric coating" means any coating applied on textile fabric. Fabric coating includes the application of coatings by impregnation.

(22) "Flexographic printing" means the application of words, designs and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.

(23) "Freeboard ratio" means the freeboard height divided by the width (not length) of the degreaser's air/solvent area.

(24) "Forced air dried coating" means a coating which is dried by the use of warm air at temperatures up to 90°C (194°F).

(25) "Gas freed" means a marine vessel's cargo tank has been certified by a Marine Chemist as "Safe for Workers" according to the requirements outlined in the National Fire Protection Association Rule 306.

(26) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 27.6 kPa (4.0 psi) or greater which is used to fuel internal combustion engines.

(27) "Gasoline dispensing facility" means any site where gasoline is dispensed to motor vehicle, boat, or airplane gasoline tanks from stationary storage tanks.

(28) "Gaseous service" means equipment which processes, transfers or contains a VOC or mixture of VOCs in the gaseous phase.

(29) "Hardwood plywood" is plywood whose surface layer is a veneer of hardwood.

(30) "High performance architectural coating" means coatings applied to aluminum panels and moldings being coated away from the place of installation.

(31) "Internal floating roof" means a cover or roof in a fixed roof tank which rests upon or is floating upon the petroleum liquid being contained, and is equipped with a closure seal or seals to close the space between the roof edge and tank shell.

(32) "Large appliance" means any residential and commercial washers, dryers, ranges, refrigerators, freezers, water heaters, dish washers, trash compactors, air conditioners, and other similar products.

(33) "Leaking component" means any petroleum refinery source which has a VOC concentration exceeding 10,000 parts per million (ppm) when tested in the manner described in method 31 and 33 on file with DEQ. These sources include, but are not limited to, pumping seals, compressor seals, seal oil degassing vents, pipeline valves, flanges and other connections, pressure relief devices, process drains, and open-ended pipes. Excluded from these sources are valves which are not externally regulated.

(34) "Lightering" means the transfer of a liquid product identified in OAR 340-232-0110(1)(a) or (1)(b), as applicable, into a cargo tank from one marine tank vessel to another.

(35) "Liquid-mounted" means a primary seal mounted so the bottom of the seal covers the liquid surface between the tank shell and the floating roof.

(36) "Liquid service" means equipment which processes, transfers or contains a VOC or mixture of VOCs in the liquid phase.

(37) "Loading event" means the loading or lightering of a liquid product identified in OAR 340-232-0110(1)(a) or (1)(b), as applicable, into a marine tank vessel's cargo tank, or the loading of any product into a marine tank vessel's cargo tank where the prior cargo was a liquid product identified in OAR 340-232-0110(1)(a) or (1)(b), as applicable. The event begins with the connection of a marine tank vessel to a storage or cargo tank by means of piping or hoses for the transfer of a fuel product from the storage or cargo tank into the receiving marine tank vessel. The event ends with disconnection of the pipes and/or hoses upon completion of the loading process.

(38) "Marine tank vessel" means any marine vessel constructed or converted to carry liquid bulk cargo that transports a liquid product identified in OAR 340-232-0110(1)(a) or (1)(b), as applicable.

(39) "Marine terminal" means any facility or structure used to load or unload any fuel product cargo into or from marine tank vessels.

(40) "Marine vessel" means any tugboat, tanker, freighter, passenger ship, barge or other boat, ship or watercraft.

(41) "Maskant for chemical processing" means a coating applied directly to an aerospace component to protect surface areas when chemical milling, anodizing, aging, bonding, plating, etching and/or performing other chemical operations on the surface of the component.

(42) "Miscellaneous metal parts and products" means any metal part or metal product, even if attached to or combined with a nonmetal part or product, except cans, coils, metal furniture, large appliances, magnet wires, automobiles, ships, and airplane bodies.

(43) "Natural finish hardwood plywood panels" means panels whose original grain pattern is enhanced by essentially transparent finishes frequently supplemented by fillers and toners.

(44) "Operator" means any person who leases, operates, controls, or supervises a facility at which gasoline is dispensed.

(45) "Oven dried" means a coating or ink which is dried, baked, cured, or polymerized at temperatures over 90°C (194°F).

(46) "Packaging rotogravure printing" means rotogravure printing upon paper, paper board, metal foil, plastic film, and other substrates, which are, in subsequent operations, formed into packaging products and labels for articles to be sold.

(47) "Paper coating" means any coating applied on paper, plastic film, or metallic foil to make certain products, including but not limited to adhesive tapes and labels, book covers, post cards, office copier paper, drafting paper, or pressure sensitive tapes. Paper coating includes the application of coatings by impregnation and/or saturation.

(48) "Petroleum refinery" means any facility engaged in producing gasoline, aromatics, kerosene, distillate fuel oils, residual fuel oils, lubricants, asphalt, or other products through distillation of petroleum, crude oil, or through redistillation, cracking, or reforming of unfinished petroleum derivatives. "Petroleum refinery" does not mean a re-refinery of used motor oils or other waste chemicals. "Petroleum refinery" does not include asphalt blowing or separation of products shipped together.

(49) "Pretreatment wash primer" means a coating which contains a minimum of 0.5% acid by weight for surface etching and is applied directly to bare metal surfaces to provide corrosion resistance and adhesion.

(50) "Prime coat" means the first of two or more films of coating applied in an operation.

(51) "Printed interior panels" means panels whose grain or natural surface is obscured by fillers and basecoats upon which a simulated grain or decorative pattern is printed.

(52) "Printing" means the formation of words, designs and pictures, usually by a series of application rolls each with only partial coverage.

(53) "Publication rotogravure printing" means rotogravure printing upon paper which is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements, and other types of printed materials.

(54) "Reasonably available control technology" or "RACT" means the lowest emission limitation that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

(55) "Roll printing" means the application of words, designs and pictures to a substrate by means of hard rubber or steel rolls.

(56) "Sealant" means a coating applied for the purpose of filing voids and providing a barrier against penetration of water, fuel or other fluids or vapors.

(57) "Specialty printing" means all gravure and flexographic operations which print a design or image, excluding publication gravure and packaging printing. Specialty Printing includes printing on paper plates and cups, patterned gift wrap, wallpaper, and floor coverings.

(58) "Submerged fill" means any fill pipe or hose, the discharge opening of which is entirely submerged when the liquid is 6 inches above the bottom of the tank; or when applied to a tank which is loaded from the side, means any fill pipe, the discharge of which is entirely submerged when the liquid level is 18 inches, or is twice the diameter of the fill pipe, whichever is greater, above the bottom of the tank.

(59) "Thirty-day rolling average" means any value arithmetically averaged over any consecutive thirty days.

(60) "Tileboard" means paneling that has a colored waterproof surface coating.

(61) "Topcoat" means a coating applied over a primer or intermediate coating for purposes such as appearance, identification or protection.

(62) "True vapor pressure" means the equilibrium pressure exerted by a petroleum liquid as determined in accordance with methods described in American Petroleum Institute Bulletin 2517, "Evaporation Loss from Floating Roof Tanks," February, 1980.

(63) "Vapor balance system" means a combination of pipes or hoses which create a closed system between the vapor spaces of an unloading tank and a receiving tank such that vapors displaced from the receiving tank are transferred to the tank being unloaded.

(64) "Vapor-mounted" means a primary seal mounted so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the primary seal, the tank shell, the liquid surface, and the floating roof.

(65) "Vapor tight" means, as used in OAR 340-232-0110, a condition that exists when the concentration of a VOC, measured one centimeter from any source, does not exceed 10,000 ppm (expressed as methane) above background.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 21-1978, f. & ef. 12-28-78; DEQ 17-1979, f. & ef. 6-22-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 6-1996, f. & cert. ef. 3-29-96; DEQ 9-1997, f. & cert. ef. 5-9-97; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 6-1999, f. & cert. ef. 5-21-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0102; DEQ 2-2000, f. 2-17-00, cert. ef. 6-1-01; DEQ 15-2001, f. & cert. ef. 12-26-01

340-232-0040

General Non-Categorical Requirements

(1) All existing sources operating prior to November 15, 1990, located inside the areas cited in OAR 340-232-0020(1)(a) or (1)(c), containing emissions units or devices for which no categorical RACT requirements exist and which have potential emissions before add-on controls of over 100 tons per year of VOC from aggregated, non-regulated emission units, must have RACT requirements developed on a case-by-case basis by DEQ. Sources that have complied with NSR requirements per OAR 340 division 224 and are subject to Best Available Control Technology (BACT) or Lowest Achievable Emission Rate (LAER) requirements are presumed to have met RACT requirements. A source may request RACT not be applied by demonstrating to DEQ that its potential emissions before add-on controls are less than 100 tons per year. Once a source becomes subject to RACT requirements under this section, it will continue to be subject to RACT, unless VOC emissions fall less than 100 tons per year and the source requests that RACT be removed, by demonstrating to DEQ that their potential VOC emissions before add-on controls are below 100 tons per year.

(2) Within 3 months of written notification by DEQ of the applicability of this rule, or, for good cause shown, up to an additional three months as approved by DEQ, the source must submit to DEQ a complete analysis of RACT for each category of emissions unit at the source, taking into account technical and economic feasibility

of available control technology, and the emission reductions each technology would provide. This analysis does not need to include any emissions units subject to a specific categorical RACT requirement under this division. These RACT requirements approved by DEQ will be incorporated in the source's Air Contaminant Discharge Permit, and will be effective upon approval by EPA as a source specific SIP revision. The source must comply with the applicable RACT requirements beginning one year from the date of notification by DEQ of EPA approval.

(3) Failure by a source to submit a RACT analysis required by section (2) does not excuse the source from the obligation to comply with a RACT determination established by DEQ.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 21-1978, f. & ef. 12-28-78; DEQ 17-1979, f. & ef. 6-22-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 7-1997(Temp), f. & cert. ef. 4-28-97; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0104

340-232-0050

Exemptions

Natural gas-fired afterburners needed to comply with this division shall be operated during the months of May, June, July, August, and September. During other months, the afterburners may be turned off with prior written DEQ approval, provided that the operation of such devices is not required for purposes of occupational health or safety, or for the control of toxic substances, malodors, or other regulated pollutants, or for complying with visual air contaminant limitations.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 21-1978, f. & ef. 12-28-78; DEQ 17-1979, f. & ef. 6-22-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 3-1986, f. & ef. 2-12-86; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0106

340-232-0060

Compliance Determination

(1) Certification and test procedures required by this division must be conducted using the DEQ Source Sampling Manual.

(2) DEQ approval by of alternative methods for demonstrating compliance where specified and allowed in this division, including approval of equivalent testing methods for determining compliance, is subject to review and approval by EPA.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.070
Stats. Implemented: ORS 468A.025& 468A.070
Hist.: DEQ 21-1978, f. & ef. 12-28-78; DEQ 17-1979, f. & ef. 6-22-79; Renumbered from 340-22-106(3) & (4); DEQ 23-1980, f. & ef. 9-26-80; DEQ 12-1981(Temp), f. & ef. 4-29-81; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0107

340-232-0080

Bulk Gasoline Plants Including Transfer of Gasoline

(1) No person may transfer or allow the transfer of gasoline to or from a bulk gasoline plant unless:

(a) Each stationary storage tank uses submerged fill when transferring gasoline; and

(b) The displaced vapors from filling each tank are prevented from being released to the atmosphere through use of a vapor tight vapor balance system. All equipment associated with the vapor balance system must be maintained to be vapor tight and in good working order.

(2) Each stationary gasoline storage tank may release vapor to the atmosphere through a pressure relief valve set to release at the highest possible pressure in accordance with state or local fire codes, or the National Fire Prevention Association guidelines and no less than 3.4 kPa (0.50 psi).

(3) Gasoline must be handled in a manner to prevent spillage, discharging into sewers, storage in open containers, or handled in any other manner that would result in evaporation. If more than five gallons are spilled, the operator must report the spillage in accordance with OAR 340-214-0300 to 340-214-0350.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.050
Stats. Implemented: ORS 468A.025 & 468A.050
Hist.: DEQ 21-1978, f. & ef. 12-28-78; DEQ 17-1979, f. & ef. 6-22-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 12-1981(Temp), f. & ef. 4-29-81; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0120

340-232-0085

Gasoline Delivery Vessels

(1) No person may transfer or allow the transfer of gasoline to a delivery vessel from a bulk gasoline terminal; or a bulk gasoline plant, with a daily throughput of 4,000 or more gallons based on a 30-day rolling average, located in the Portland-Vancouver AQMA, unless:

(a) Each delivery vessel uses submerged fill when receiving gasoline; and

(b) The displaced vapors from filling each tank are prevented from being released to the atmosphere through use of a vapor tight vapor balance system. All equipment associated with the vapor balance system must be maintained to be vapor tight and in good working order.

(2) Gasoline must be handled in a manner to prevent spillage, discharge into sewers, storage in open containers, or handled in any other manner that would result in evaporation. If more than five gallons are spilled, the operator must report the spillage in accordance with OAR 340-214-0300 to 340-214-0350.

(3) Compliance with subsection (1)(a) and section (2) must be determined by visual inspection to ensure minimal spillage of gasoline and proper installation of bottom loading couples.

(4) Compliance with subsection (1)(b) must be determined by verification of use of equipment approved by DEQ and/or by testing and monitoring in accordance with applicable portions of OAR 340-232-0100 and/or Method 31 and/or 32 on file with DEQ.

(5) The owner or operator of a gasoline delivery vessel must maintain the vessel to be vapor tight at all times, in accordance with OAR 340- 232-0100(1), if such vessel is part of a vapor balance system required by subsection (1)(b).

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.050 & 468A.070
Stats. Implemented: ORS 468A.025, 468A.050 & 468A.070Hist.: DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0125; DEQ 4-2013, f. & cert. ef. 3-27-13

340-232-0090

Bulk Gasoline Terminals Including Truck and Trailer Loading

(1) No terminal owner or operator, may allow VOCs to be emitted into the atmosphere in excess of 80 milligrams of VOC per liter of gasoline loaded from the operation of loading truck tanks, and truck trailers at bulk gasoline terminals with a daily throughputs of greater than 76,000 liters (20,000 gallons) per day of gasoline, determined by a thirty-day rolling average:

(a) The owner or operator of a gasoline loading terminal must only allow the transfer of gasoline between the facility and a truck tank or a truck trailer when a current leak test certification for the delivery vessel is on file with the terminal or a valid permit as required by OAR 340-232-0100(1)(c) is displayed on the delivery vessel;

(b) The owner or operator of a truck tank or a truck trailer must not make any connection to the terminal's gasoline loading rack unless the gasoline delivery vessel has been tested in accordance with OAR 340-232-0100(1);

(c) The truck driver or other operator who fills a delivery truck tank and/or trailer tank must not take on a load of gasoline unless the vapor return hose is properly connected;

(d) All equipment associated with the vapor balance system must be maintained to be vapor tight and in good working order.

(2) Compliance with section (1) must be determined by testing in accordance with Method 33 on file with DEQ. The method for determining compliance with section (1) are delineated in 40 CFR part 60, subpart XX, §60.503.

(3) Bulk Gasoline terminals must comply with the following within the limits of section (1):

(a) All displaced vapors and gases during tank truck gasoline loading operations must be vented only to the vapor control system;

(b) The loading device must not leak when in use. The loading device must be designed and operated to allow no more than 10 cubic centimeters drainage per disconnect on the basis of 5 consecutive disconnects;

(c) All loading liquid lines must be equipped with fittings which make vapor-tight connections and which close automatically and immediately when disconnected;

(d) All vapor lines must be equipped with fittings which make vapor-tight connections and which close automatically and immediately when disconnected or which contain vapor tight unidirectional valves;

(e) Gasoline must be handled in a manner to prevent its being discarded in sewers or stored in open containers or handled in any manner that would result in evaporation. If more than 5 gallons are spilled, the operator must report the spillage in accordance with OAR 340-214-0300 through 340-214-0350;

(f) The vapor balance system must be operated in a manner to prevent the pressure therein from exceeding the tank truck or trailer pressure relief settings.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.050 & 468A.070
Stats. Implemented: ORS 468A.025, 468A.050 & 468A.070
Hist.: DEQ 21-1978, f. & ef. 12-28-78; DEQ 17-1979, f. & ef. 6-22-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 12-1981(Temp), f. & ef. 4-29-81; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; Sections (2) and (3) renumbered from 340-22-133 and 340-22-136; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 25-1994, f. & cert. ef. 11-22-94; DEQ 26-1995, f. & cert. ef. 12-6-95; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0130

340-232-0100

Testing Vapor Transfer and Collection Systems

(1) No person may allow a vapor-laden delivery vessel subject to OAR 340-232-0080(5) to be filled or emptied unless the delivery vessel:

(a) Is tested annually according to the test Method 32 on file with DEQ, or CFR part 60, EPA Method 21 or 27, or California Air Resources Board Method 2-5;

(b) Sustains a pressure change of no more than 750 pascals (3 inches of H2O) in five minutes when pressurized to a gauge pressure of 4,500 pascals (18 inches of H2O) or evacuated to a gauge pressure of 1,500 pascals (6 inches of H2O) during the testing required in subsection (1)(a); and

(c) Displays a valid permit near the Department of Transportation test date markings required by 49 CFR 177.824h, which:

(A) Shows the year and month that the gasoline tank truck last passed the test required in subsections (1)(a) and (b);

(B) Shows the identification of the permit; and

(C) Expires not more than one year from the date of the leak-test test, or if tested in California, on the expiration date so specified.

(d) Has its vapor return hose connected by the truck operator so that gasoline vapor is not expelled to the atmosphere.

(2) The owner or operator of a vapor collection system subject to this regulation must design and operate the vapor collection system and the gasoline loading equipment in a manner that prevents:

(a) Gauge pressure from exceeding 4,500 pascals (18 inches of H2O) and vacuum from exceeding 1,500 pascals (6 inches of H2O) in the gasoline tank truck being loaded;

(b) A reading equal to or greater than 100 percent of the lower explosive limit (LEL, measured as propane) at 2.5 centimeters from all points on the perimeter of a potential leak source when measured by the Method 31 and 33 on file with DEQ, or unloading operations at gasoline dispensing facilities, bulk plants and bulk terminals; and

(c) Visible liquid leaks during loading or unloading operations at gasoline dispensing facilities, bulk plants and bulk terminals.

(3) DEQ may, at any time, monitor a gasoline tank truck, vapor collection system, or vapor control system, by the methods on file with DEQ, to confirm continuing compliance with section (1) or (2).

(4) Recordkeeping and Reporting:

(a) The owner or operator of a source of VOCs subject to this rule must maintain records of all certification testing and repairs. The records must identify the gasoline tank truck, vapor collection system, or vapor control system; the date of the test or repair; and if applicable, the type of repair and the date of retest. The records must be maintained in a legible, readily available condition for at least two years after the date of testing or repair was completed;

(b) Copies of all records and reports under subsection (4)(a) must be submitted to DEQ within 30 days of certification testing.

(c) Persons applying for a permit required by this rule must at the time of application pay a fee of $25.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.050 & 468A.070
Stats. Implemented: ORS 468A.025, 468A.050 & 468A.070
Hist.: DEQ 23-1980, f. & ef. 9-26-80; DEQ 12-1981(Temp), f. & ef. 4-29-81; DEQ 3-1986, f. & ef. 2-12-86;

DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 25-1994, f. & cert. ef. 11-2-94; DEQ 25-1994, f. & cert. ef. 11-22-94; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0137

340-232-0110

Loading Gasoline and Volatile Organic Liquids onto Marine Tank Vessels

(1) Applicability. This rule applies to loading events at any location within the Portland ozone air quality maintenance area when a liquid product identified in subsection (a) or (b), as applicable, is placed into a marine tank vessel cargo tank; or where any liquid is placed into a marine tank vessel cargo tank that had previously held a liquid product identified in subsection (a) or (b), as applicable. The owner or operator of each marine terminal and marine tank vessel is responsible for and must comply with this rule.

(a) Prior to July 1, 2018, liquid product means gasoline;

(b) On and after July 1, 2018, liquid product means all of the following:

(A) Gasoline;

(B) Any other volatile organic liquid with a Reid vapor pressure of 27.6 kPa (4.0 psi) or more; and

(C) Any other organic liquid if the liquid is purposely heated, the liquid temperature is 110 degrees Fahrenheit or more at the time of loading, and the liquid has a Reid vapor pressure of 20.7 kPa (3.0 psi) or more.

(2) Exemptions. The following activities are exempt from the marine vapor control emission limits of this rule:

(a) Marine vessel bunkering;

(b) Lightering when neither vessel is berthed at a marine terminal dock,

(c) Loading when both of the following conditions are met:

(A) The vessel has been gas freed (regardless of the prior cargo), and

(B) When loading any products other than a liquid product identified in subsection (1)(a) or (1)(b), as applicable; and

(d) Loading organic liquids that are stored in pressurized tanks, such as but not limited to liquefied natural gas, liquefied petroleum gas, butane and propane.

(3) Vapor Collection System. The owner or operator of a marine terminal subject to this rule must equip each loading berth with a vapor collection system that is designed to collect all displaced VOC vapors during the loading of marine tank vessels. The owner or operator of a marine tank vessel subject to this rule must equip each marine tank vessel with a vapor collection system that is designed to collect all displaced VOC vapors during the loading of marine tank vessels. The collection system must be designed such that all displaced VOC vapors collected during any loading event are vented only to the control device.

(4) Marine Vapor Control Emission Limits. Vapors that are displaced and collected during marine tank vessel loading events must be reduced from the uncontrolled condition by at least 95 percent by weight, as determined

by EPA Method 25 or other methods approved under OAR 340-212-0140, or limited to 5.7 grams per cubic meter (2 pounds per 1000 barrels) of liquid loaded.

(5) Operating Practice and Maintenance.

(a) All hatches, pressure relief valves, connections, gauging ports and vents associated with the loading of liquid product identified in subsection (1)(a) or (1)(b), as applicable, into marine tank vessels must be maintained to be leak free and vapor tight.

(b) The owner or operator of any marine tank vessel must certify to DEQ that the vessel is leak free, vapor tight, and in good working order based on an annual inspection using EPA Method 21 or other method approved under OAR 340-212-0140.

(c) Gaseous leaks must be detected using EPA Method 21 or other methods approved under OAR 340-212-0140.

(d) Loading must cease anytime gas or liquid leaks are detected. Loading may continue only after leaks are repaired or if documentation is provided to DEQ that the repair of leaking components is technically infeasible without dry-docking the vessel or cannot otherwise be undertaken safely. Subsequent loading events involving the leaking components are prohibited until the leak is repaired. Any liquid or gaseous leak detected by DEQ staff is a violation of this rule.

(6) Monitoring and recordkeeping.

Marine terminal operators must maintain operating records for at least five years of each loading event at their terminal. Marine tank vessel owners and operators are responsible for maintaining operating records for at least five years for all loading events involving each of their vessels. Records must be made available to DEQ upon request. These records must include but are not limited to:

(a) The location of each loading event.

(b) The date of arrival and departure of the vessel.

(c) The name, registry and legal owner of each marine tank vessel participating in the loading event.

(d) The type and amount of liquid product loaded into the marine tank vessel.

(e) The prior cargo carried by the marine tank vessel. If the marine tank vessel has been gas freed, then the prior cargo can be recorded as gas freed.

(f) The description of any gaseous or liquid leak, date and time of leak detection, leak repair action taken and screening level after completion of the leak repair.

(7) Lightering exempted from controls by subsection (2)(b) must be curtailed from 2:00 a.m. until 2:00 p.m. when DEQ declares a Clean Air Action day. If DEQ declares a second clean air action day before 2:00 p.m. of the first curtailment period, then such uncontrolled lightering must be curtailed for an additional 24 hours until 2:00 p.m. on the second day. If a third clean air action day in a row is declared, then uncontrolled lightering is permissible for a 12-hour period starting at 2 p.m. on the second clean air action day and ending at 2 a.m. on the third clean air action day. Uncontrolled lightering must be curtailed from 2 a.m. until 2 p.m. on the third clean

air action day. If DEQ continues to declare clean air action days consecutively after the third day, the curtailment and loading pattern used for the third clean air action day will apply.

(8) Safety/Emergency Operations. Nothing in this rule is intended to:

(a) Require any act or omission that would be in violation of any regulation or other requirement of the United States Coast Guard; or

(b) Prevent any act that is necessary to secure the safety of a vessel or the safety of passengers or crew.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: 468.020, 468A.025, 468A.035 & 468A.070
Stats. Implemented: ORS 468A.025 & 468A.070Hist.: DEQ 2-2000, f. 2-17-00, cert. ef. 6-1-01

340-232-0120

Cutback and Emulsified Asphalt

(1) Use of any cutback asphalts for paving roads and parking areas is prohibited during the months of April, May, June, July, August, September, and October, except as provided for in section (2).

(2) Slow curing (SC) and medium curing (MC) cutback asphalts are allowed during all months for the following uses and applications:

(a) Solely as a penetrating prime coat for aggregate bases prior to paving;

(b) For the manufacture of medium-curing patching mixes to provide long-period storage stockpiles used exclusively for pavement maintenance; or

(c) For all uses when the National Weather Service forecast of the high temperature during the 24-hour period following application is below 10° C. (50° F.).

(3) Rapid curing (RC) grades of cutback asphalt are always prohibited.

(4)(a) Use of emulsified asphalts is unrestricted if solvent content is kept at or less than the limits listed below. If these limits are exceeded, then the asphalt shall be classified as medium curing (MC) cutback asphalts, and shall be limited to only the uses permitted by section (2). (Grades of Emulsion Per AASHTO Designation M 208-72 -- Maximum Solvent Content by Weight.):

(A) CRS-1 -- 3%;

(B) CRS-2 -- 3%;

(C) CSS-1 -- 3%;

(D) CSS-1h -- 3%;

(E) CMS-2 -- 8%;

(F) CMS-2h -- 8%;

(G) CMS-2S --12%.

(b) Solvent content is determined by ASTM distillation test D-244.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.070
Stats. Implemented: ORS 468A.025 & 468A.070
Hist.: DEQ 21-1978, f. & ef. 12-28-78; DEQ 17-1979, f. & ef. 6-22-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0140

340-232-0130

Petroleum Refineries

This rule shall apply to all petroleum refineries:

(1) Vacuum-Producing Systems:

(a) Noncondensable VOC from vacuum producing systems shall be piped to an appropriate firebox, incinerator or to a closed refinery system;

(b) Hot wells associated with contact condensers shall be tightly covered and the collected VOC introduced into a closed refinery system.

(2) Wastewater Separators:

(a) Wastewater separators' forebays shall incorporate a floating pontoon or fixed solid cover with all openings sealed totally enclosing the compartmented liquid contents, or a floating pontoon or double deck-type cover equipped with closure seals between the cover edge and compartment wall;

(b) Accesses for gauging and sampling shall be designed to minimize VOC emissions during actual use. All access points shall be closed with suitable covers when not in use.

(3) Process Unit Turnaround:

(a) The VOC contained in a process unit to be depressurized for turnaround shall be introduced to a closed refinery system, combusted by a flare, or vented to a disposal system;

(b) The pressure in a process unit following depressurization for turnaround shall be less than 5 psig before venting to the ambient air.

(4) Maintenance and Operation of Emission Control Equipment: Equipment for the reduction, collection or disposal of VOC shall be maintained and operated in a manner commensurate with the level of maintenance and housekeeping of the overall plant.

(5) Recordkeeping: The owner or operator shall maintain a record of process unit turnarounds including an approximation of the quantity of VOC emitted to the atmosphere. Records shall be maintained for two years.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 21-1978, f. & ef. 12-28-78; DEQ 17-1979, f. & ef. 6-22-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0150

340-232-0140

Petroleum Refinery Leaks

(1) All persons operating petroleum refineries must comply with this section concerning leaks:

(a) The owner or operator of a petroleum refinery complex, upon detection of a leaking component, which has a VOC concentration exceeding 10,000 ppm when tested in the manner described below must:

(A) Include the leaking component on a written list of scheduled repairs; and

(B) Repair and retest the component within 15 days.

(b) Except for safety pressure relief valves, no owner or operator of a petroleum refinery may install or operate a valve at the end of a pipe or line containing VOCs unless the pipe or line is sealed with a second valve, a blind flange, a plug, or a cap. The sealing device may be removed only when a sample is being taken during maintenance operations;

(c) Pipeline valves and pressure relief valves in gaseous VOC service must be marked in some manner that will be readily obvious to both refinery personnel performing monitoring and DEQ.

(2) Testing Procedures: Testing and calibration procedures to determine compliance with this rule must be done in accordance with EPA Method 21.

(3) Monitoring, Recordkeeping, Reporting:

(a) The owner or operator of a petroleum refinery must maintain, as a minimum, records of all testing conducted under this rule; plus records of all monitoring conducted under subsections (b) and (c);

(b) The owner or operator of a petroleum refinery subject to this rule must:

(A) Monitor yearly by the methods referenced in section (2) all:

(i) Pump seals;

(ii) Pipeline valves in liquid service; and

(iii) Process drains.

(B) Monitor quarterly by the methods referenced in section (2) all:

(i) Compressor seals;

(ii) Pipeline valves in gaseous service; and

(iii) Pressure relief valves in gaseous service.

(C) Monitor weekly by visual methods all pump seals;

(D) Monitor immediately any pump seal from which liquids are observed dripping;

(E) Monitor any relief valve within 24 hours after it has vented to the atmosphere; and

(F) Monitor immediately after repair of any component that was found leaking.

(c) Pressure relief devices which are connected to an operating flare header, vapor recovery device, inaccessible valves, storage tank valves, or valves that are not externally regulated are exempt from the monitoring requirements in subsection (b);

(d) The owner or operator of a petroleum refinery, upon the detection of a leaking component, must affix a weatherproof and readily visible tag bearing an identification number and the date the leak is located to the leaking component. This tag must remain in place until the leaking component is repaired;

(e) The owner or operator of a petroleum refinery, upon the completion of each yearly and/or quarterly monitoring procedure, must:

(A) Submit a report to DEQ on the 15th day of January, April, July, and September, listing the leaking components that were located but not repaired within the required time limit in subsection (1)(a);

(B) Submit a signed statement attesting to the fact that, with the exception of those leaking components listed in paragraph (A), all monitoring and repairs were performed as stipulated.

(f) The owner or operator of a petroleum refinery must maintain a leaking component monitoring log that contains, at a minimum, the following data:

(A) The name of the process unit where the component is located;

(B) The type of component, e.g., valve, seal;

(C) The tag number of the component;

(D) The date on which a leaking component is discovered;

(E) The date on which a leaking component is repaired;

(F) The date and instrument reading of the recheck procedure after a leaking component is repaired;

(G) A record of the calibration of the monitoring instrument;

(H) Those leaks that cannot be repaired until turnaround, exceptions to the 15-day requirement of paragraph (1)(a)(B); and

(I) The total number of components checked and the total number of components found leaking.

(g) Copies of all records and reports required by this section must be retained by the owner or operator for a minimum of five years after the date on which the record was made or the report submitted;

(h) Copies of all records and reports required by this section must immediately be made available to DEQ upon verbal or written request at any reasonable time;

(i) DEQ may, upon written notice, modify the monitoring, recordkeeping and reporting requirements.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.050 & 468A.070
Stats. Implemented: ORS 468A.025, 468A.050 & 468A.070
Hist.: DEQ 23-1980, f. & ef. 9-26-80; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0153

340-232-0150

VOC Liquid Storage

(1) Owners or operators which have tanks storing methanol or other VOC liquids with a true vapor pressure, as stored, greater than 10.5 kPa (kilopascals) (1.52 psia), at actual monthly average storage temperatures, and having a capacity greater than 150,000 liters (approximately 39,000 gallons) must comply with one of the following:

(a) Meet the equipment specifications and maintenance requirements of the federal standards of performance for new stationary sources -- Storage Vessels for Petroleum Liquids, 40 CFR part 60 subpart K and Ka; or

(b) Be retrofitted with a floating roof or internal floating cover using at least a nonmetallic resilient seal as the primary seal meeting the equipment specifications in the federal standards referred to in subsection (a) or its equivalent.

(2) All seals used in subsections (1)(b) and (c) are to be maintained in good operating condition and the seal fabric may not contain visible holes, tears or other openings.

(3) All openings, except stub drains and those related to safety, such as slotted gage wells, are to be sealed with suitable closures. All tank gauging and sampling devices must be gas-tight except when gauging or sampling is taking place; except for slotted gage wells which must have floating seals with one-half inch edge gaps or less.

(4) Secondary Seals:

(a) Applicability: Subsection (c) applies to all VOC liquid storage vessels equipped with external floating roofs, having capacities greater than 150,000 liters (39,000 gallons) except as indicated in subsection (c) and paragraph (c)(H);

(b) Exemptions: Subsection (c) does not apply to petroleum liquid storage vessels which:

(A) Are used to store waxy, heavy pour crude oil;

(B) Have capacities less than 1,600,000 liters (420,000 gallons) and are used to store produced crude oil and condensate prior to lease custody transfer;

(C) Contain a VOC liquid with a true vapor pressure of less than 10.5 kPa (1.5 psia) where the vapor pressure is measured at the storage temperature;

(D) Contain a VOC liquid with a true vapor pressure less than 27.6 kPa (4.0 psia); that

(i) Are of welded construction; and

(ii) Presently possess a metallic-type shoe seal, a liquid-mounted foam seal, a liquid-mounted liquid filled type seal, or other closure device of demonstrated equivalence approved by DEQ; or

(E) Are of welded construction, equipped with a metallic-type shoe primary seal and has a secondary seal from the top of the shoe seal to the tank wall (shoemounted secondary seal).

(c) No owner of a VOC liquid storage vessel subject to this rule may store VOC liquid in that vessel unless:

(A) The vessel has been fitted with:

(i) A continuous secondary seal extending from the floating roof to the tank wall (rim-mounted secondary seal); or

(ii) A closure or other device which controls VOC emissions with an effectiveness equal to or greater than a seal required under subparagraph (A)(i) as approved in writing by DEQ.

(B) All seal closure devices meet the following requirements:

(i) There are no visible holes, tears, or other openings in the seals or seal fabric;

(ii) The seals are intact and uniformly in place around the circumference of the floating roof between the floating roof and the tank wall; and

(iii) For vapor mounted seals, the accumulated area of gaps exceeding 0.32 cm (1/8 inch) in width between the secondary seal and the tank wall are determined by the method in subsection (d) and must not exceed 21.2 cm2 per meter of tank diameter (1.0 in2 per foot of tank diameter).

(C) All openings in the external floating roof, except for automatic bleeder vents, rim space vents, and leg sleeves, are:

(i) Equipped with covers, seals, or lids in the closed position except when the openings are in actual use; and

(ii) Equipped with projections into the tank which remain below the liquid surface at all times.

(D) Automatic bleeder vents are closed at all times except when the roof is floated off or landed on the roof leg supports;

(E) Rim vents are set to open only when the roof is being floated off the leg supports or at the manufacturer's recommended setting;

(F) Emergency roof drains are provided with slotted membrane fabric covers or equivalent covers which cover at least 90 percent of the area of the opening; and

(G) The owner or operator of a VOC liquid storage vessel with an external floating roof subject to subsection (c) must:

(i) Perform routine inspections semi-annually in order to ensure compliance with paragraphs (A) through (F) and the inspections must include a visual inspection of the secondary seal gap;

(ii) Measure the secondary seal gap annually in accordance with subsection (d) when the floating roof is equipped with a vapor-mounted primary seal; and

(iii) Maintain records of the types of VOC liquids stored, the maximum true vapor pressure of the liquid as stored, and the results of the inspections performed in subparagraphs (G)(i) and (ii).

(H) The owner or operator of a VOC liquid storage vessel having a capacity equal to or less than 150,000 liters (39,000 gallons) with an external floating roof, but containing a VOC liquid with a true vapor pressure greater than 7.00 kPa (1.0 psi), must maintain records of the average monthly storage temperature, the type of liquid, and the maximum true vapor pressure for all VOC liquids with a true vapor pressure greater than 7.0 kPa;

(I) The owner or operator of a VOC liquid storage vessel subject to this rule, must submit to DEQ, as a minimum, annual reports summarizing the inspections;

(J) Copies of all records and reports under paragraphs (G) (H), and (I) must be retained by the owner or operator for a minimum of five years after the date on which the record was made or the report submitted;

(K) Copies of all records and reports under this section must immediately be made available to DEQ, upon verbal or written request, at any reasonable time;

(L) DEQ may, upon written notice, require more frequent reports or modify the monitoring and recordkeeping requirements, when necessary to accomplish the purposes of this rule.

(d) Secondary Seal Compliance Determination:

(A) The owner or operator of any VOC source required to comply with section (4) must demonstrate compliance by the methods of this section or an alternative method;

(B) A person proposing to conduct a VOC emissions test must notify DEQ of the intent to test not less than 30 days before the proposed initiation of the tests so DEQ may observe the test. The notification must contain the information required by, and be in a format approved by DEQ;

(C) Compliance with subparagraph (4)(c)(B)(iii) is determined by:

(i) Physically measuring the length and width of all gaps around the entire circumference of the secondary seal in each place where a 0.32 cm (1/8 inch) uniform diameter probe passes freely (without forcing or binding against the seal) between the seal and tank wall; and

(ii) Summing the area of the individual gaps.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.050 & 468A.070
Stats. Implemented: ORS 468A.025, 468A.050 & 468A.070
Hist.: DEQ 21-1978, f. & ef. 12-28-78; DEQ 17-1979, f. & ef. 6-22-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0160

340-232-0160

Surface Coating in Manufacturing

(1) No person may operate a coating line which emits into the atmosphere VOCs in excess of the limits in section (5), expressed as pounds VOC per gallon of coating applied, excluding water and exempt solvents, unless an alternative emission limit is approved by DEQ pursuant to section (3) or emissions are controlled to an equivalent level pursuant to section (7).

(2) Exemptions:

(a) This rule does not apply to airplanes painted out of doors in open air; automobile and truck refinishing; customized top coating of automobiles and trucks, if production is less than 35 vehicles per day; marine vessels and vessel parts painted out in the open air; flat wood coating; wood furniture and wood cabinets; wooden doors, mouldings, and window frames; machine staining of exterior wood siding; high temperature coatings (for service above 500° F.); lumber marking coatings; potable water tank inside coatings; high performance inorganic zinc coatings, air dried, applied to fabricated steel; and markings by stencil for railroad cars;

(b) This rule does not apply 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 actual VOC/day); or

(B) Sources used exclusively for chemical or physical analysis or determination of product quality and commercial acceptance, such as research facilities, pilot plant operations, and laboratories, unless:

(i) The operation of the source is an integral part of the production process; or

(ii) The emissions from the source exceed 363 kilograms (800 pounds) in any calendar month.

(3) Exceptions:

(a) On a case-by-case basis, DEQ may approve exceptions to the emission limits specified in section (5), upon documentation by the source that an alternative emission limit would satisfy the federal criteria for RACT;

(b) Included in this documentation must be a complete analysis of technical and economic factors which:

(A) Prevent the source from using both compliance coatings and pollution control devices; and

(B) Justify the alternative emission limit sought by the source.

(c) The alternative emission limit approved by DEQ will be incorporated into the source's Air Contaminant Discharge Permit, or Title V operating permit, and will be effective upon approval by EPA as a source specific SIP revision.

(4) Applicability: This rule applies to each coating line, which includes the application area, flashoff area, air and forced air dryer, and oven used in the surface coating of the parts and products in subsections (5)(a) through (j).

(5) Process and Limitation: These emission limitations must be based on a daily average except subsection (5)(e) must be based on a monthly average. If more than one emission limitation in this rule applies to a specific coating, then the most stringent emission limitation must be applied:

(a) Can Coating:

(A) Sheet basecoat, exterior and interior, and over-varnish; two-piece can exterior, basecoat and over-varnish, 2.8 pounds/gallon;

(B) Two- and three-piece can interior and exterior body spray, two-piece can exterior end, spray or roll coat, 4.2 pounds/gallon;

(C) Three-piece can side-seam spray 5.5 pounds/gallon;

(D) End sealing compound 3.7 pounds/gallon;

(E) End Sealing Compound for fatty foods 3.7 pounds/gallon.

(b) Fabric Coating 2.9 pounds/gallon;

(c) Vinyl Coating 3.8 pounds/gallon;

(d) Paper Coating 2.9 pounds/gallon;

(e) Existing Coating of Paper and Film in the Medford-Ashland AQMA 55 pounds VOC per 1000 square yards of material per pass;

(f) Auto and Light Duty Truck Coating:

(A) Prime 1.9 pounds/gallon;

(B) Topcoat 2.8 pounds/gallon;

(C) Repair 4.8 pounds/gallon;

(g) Metal Furniture Coating 3.0 pounds/gallon;

(h) Magnet Wire Coating 1.7 pounds/gallon;

(i) Large Appliance Coating 2.8 pounds/gallon;

(j) Miscellaneous Metal Parts and Products:

(A) Clear Coatings 4.3 pounds/gallon;

(B) Forced Air Dried or Air Dried 3.5 pounds/gallon;

(C) Extreme Performance Coatings 3.5 pounds/gallon;

(D) Other Coatings, i.e., powder, oven dried, 3.0 pounds/gallon;

(E) High Performance Architectural Coatings 3.5 pounds/gallon.

(6) Compliance Determination: Compliance with this rule must be determined by testing in accordance with 40 CFR part 60 EPA Method 18, 24, 25, a material balance method, or an equivalent plant specific method approved by and on file with DEQ. The limit in section (1) of VOC in the coating is based upon an assumed solvent density, and other assumptions unique to a coating line; where conditions differ, such as a different solvent density, a plant specific limit developed pursuant to the applicable Control Technology Guideline document may be submitted to DEQ for approval.

(7) Reduction Method: Compliance with the emission limits of sections (3) and (5) must be achieved by:

(a) The application of low solvent content coating technology;

(b) An incineration system which oxidizes at least 90.0 percent of the nonmethane VOCs entering the incinerator, VOC measured as total combustible carbon, to carbon dioxide and water; or

(c) An equivalent means of VOC removal. The equivalent means must be approved by DEQ and will be incorporated in the source's Air Contaminant Discharge Permit or Title V Permit, and will be effective upon approval by EPA as a source-specific SIP revision. Other alternative emission controls approved by DEQ and allowed by EPA may be used to provide an equivalent means of VOC removal.

(8) Recordkeeping Requirements:

(a) A current list of coatings must be maintained which provides all the coating data necessary to evaluate compliance, including the following information, where applicable:

(A) Coating catalyst and reducer used;

(B) Mix ratio of components used;

(C) VOC content of coating as applied; and

(D) Oven temperature.

(b) Where applicable, a monthly record must be maintained indicating the type and amount of solvent used for cleanup and surface preparation;

(c) Such records must be retained and available for inspection by DEQ for a period of five years.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.070
Stats. Implemented: ORS 468A.025 & 468A.070
Hist.: DEQ 21-1978, f. & ef. 12-28-78; DEQ 17-1979, f. & ef. 6-22-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; Section (5) Renumbered from 340-22-173; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0170

340-232-0170

Aerospace Component Coating Operations

(1) No owner or operator of an aerospace component coating facility may emit into the atmosphere VOCs in excess of the following limits, expressed as pounds VOC per gallon of coating applied, excluding water and exempt solvents, unless an alternative emission limit is approved by DEQ pursuant to section (4) or emissions to the atmosphere are controlled to an equivalent level pursuant to section (10):

(a) Primer -- 2.9 pounds/gallon;

(b) Interior Topcoat -- 2.8 pounds/gallon;

(c) Electric or Radiation Effect Coating -- 6.7 pounds/gallon;

(d) Extreme Performance Interior Topcoat -- 3.5 pounds/gallon;

(e) Fire Insulation Coating -- 5.0 pounds/gallon;

(f) Fuel Tank Coating -- 6.0 pounds/gallon;

(g) High Temperature Coating for conditions between 350° F. - 500° F. -- 6.0 pounds/gallon;

(h) Sealant -- 5.0 pounds/gallon;

(i) Self-Priming Topcoat -- 3.5 pounds/gallon;

(j) Topcoat -- 3.5 pounds/gallon;

(k) Pretreatment Wash Primer -- 3.5 pounds/gallon;

(l) Sealant Bonding Primer -- 6.0 pounds/gallon;

(m) Temporary Protective Coating -- 2.1 pounds/gallon;

(2) Exemptions: This rule does not apply to the following:

(a) The exterior of fully assembled airplanes painted out of doors, high temperature coatings (for conditions over 500° F.), adhesive bonding primer, flight test coatings, and space vehicle coatings;

(b) Sources whose potential emit from activities identified in section (1) before add on controls of VOCs are less than ten tons per year (or 3 pounds VOC/hour or 15 pounds VOC/day actual);

(c) The use of separate coating formulations in volumes of less than 20 gallons per calendar year. No source may use more than a combined total of 250 gallons per calendar year of exempt coatings. Records of coating usage must be maintained as per section (8); or

(d) Sources used exclusively for chemical or physical analysis or determination of product quality and coating performance (such as research facilities and laboratories) unless:

(A) The operation of the source is an integral part of the production process; or

(B) The emissions from the source exceed 363 kilograms (800 pounds) in any calendar month.

(3) Exceptions:

(a) On a case-by-case basis, DEQ may approve exceptions to the emission limits specified in section (1), upon documentation by the source that an alternative emission limit would satisfy the federal criteria for RACT;

(b) Included in this documentation must be a complete analysis of technical and economic factors which:

(A) Prevent the source from using both compliance coatings and pollution control devices; and

(B) Justify the alternative emission limit sought by the source.

(c) The alternative emission limit approved by DEQ will be incorporated into the source's Air Contaminant Discharge Permit and will be effective upon approval by EPA as a source-specific SIP revision.

(4) Applicability: This rule applies to each coating line, which includes the application area, flashoff area, air and forced air dryer, and oven used in the surface coating of aerospace components in subsections (1)(a) through (m) . If more than one emission limitation in this rule applies to a specific coating, then the most stringent emission limitation must be applied.

(5) Solvent Evaporation Minimization:

(a) Closed containers must be used for the storage or disposal of cloth or paper used for solvent surface preparation and cleanup;

(b) Fresh and spent solvent must be stored in closed containers;

(c) Organic compounds may not be used for the cleanup of spray equipment unless equipment is used to collect the cleaning compounds and to minimize their evaporation;

(d) Containers of coating, catalyst, thinner, or solvent may not be left open to the atmosphere when not in use.

(6) Stripper Limitations: No stripper may be used which contains more than 400 grams/liter (3.3 lbs./gal.) of VOC or which has a true vapor pressure of 1.3 kPa (0.19 psia) at actual usage temperature.

(7) Maskant for Chemical Processing Limitation: No maskant may be applied for chemical processing unless the VOC emissions from coating operations are reduced by 85 percent, or the coating contains less than 600 grams of VOC per liter (5.0 pounds/gallon) of coating excluding water, as applied.

(8) Compliance determination: Compliance with this rule must be determined by testing in accordance with 40 CFR part 60, Appendix A, Method 24 for determining the VOC content of the coating materials. Emissions from the coating processes and/or VOC emissions control efficiencies must be determined by testing in accordance with 40 CFR part 60, Appendix A, Method 18, 25, California Method ST-7, a material balance method, or an equivalent plant specific method approved by EPA and DEQ and on file with DEQ. The limit in section (1) of VOC in the coating is based upon an assumed solvent density, and other assumptions unique to a coating line; where conditions differ, such as a different solvent density, a plant specific limit may be submitted to DEQ and EPA for approval.

(9) Reduction Method: The emission limits of section (1) must be achieved by:

(a) The application of a low solvent content coating technology;

(b) A vapor collection and disposal system; or

(c) An equivalent means of VOC removal. The equivalent means must be approved by DEQ and will be incorporated in the source's Air Contaminant Discharge Permit or Title V Operating Permit, and will be effective upon approval by EPA as a source-specific SIP revision. Other alternative emission controls approved by DEQ and allowed by EPA may be used to provide an equivalent means of VOC removal.

(10) Recordkeeping Requirements:

(a) A current list of coatings must be maintained which provides all of the coating data necessary to evaluate compliance, including the following information, where applicable:

(A) A daily record indicating the mix ratio of components used; and

(B) The VOC content of the coating as applied.

(b) A monthly record must be maintained indicating the type and amount of solvent used for cleanup and surface preparation;

(c) A monthly record must be maintained indicating the amount of stripper used;

(d) Such records must be retained and available for inspection by DEQ for a period of five years.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.070
Stats. Implemented: ORS 468A.025 & 468A.070
Hist.: DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0175

340-232-0180

Degreasers

Cold cleaners, open top vapor degreasers, and conveyorized degreasers are exempt from this rule if they use fluids which are not photochemically reactive. These fluids are defined in the definition of VOC under OAR 340-200-0020.

(1) The owner or operator of dip tank cold cleaners must comply with the equipment specifications in this section:

(a) Be equipped with a cover that is readily opened and closed. This is required of all cold cleaners, whether a dip tank or not;

(b) Be equipped with a drain rack, suspension basket, or suspension hoist that returns the drained solvent to the solvent bath;

(c) Have a freeboard ratio of at least 0.5;

(d) Have a visible fill line.

(2) An owner or operator of a cold cleaner must follow the required operating parameters and work practices. The owner must post and maintain in the work area of each cold cleaner a pictograph or instructions clearly explaining the work practices in this section:

(a) The solvent level may not be above the fill line;

(b) The spraying of parts to be cleaned must be performed only within the confines of the cold cleaner;

(c) The cover of the cold cleaner must be closed when not in use or when parts are being soaked or cleaned by solvent agitation;

(d) Solvent-cleaned parts must be rotated to drain cavities or blind holes and then set to drain until dripping has stopped;

(e) Waste solvent must be stored in covered containers and returned to the supplier or a disposal firm handling solvents for final disposal, such that no greater than 20 percent of the waste by weight can evaporate into the atmosphere. Handling of the waste must also be done in accordance with DEQ's solid and Hazardous Waste Rules, OAR 340 division 100.

(3) The owner or operator must maintain cold cleaners in good working condition and free of solvent leaks.

(4) If the solvent has a volatility greater than 2.0 kPa (0.3 psi) measured at 38° C. (100° F.), or if the solvent is agitated or heated, then the cover must be designed so that it can be easily operated with one hand or foot.

(5) If the solvent has a volatility greater than 4.3 kPa (0.6 psi) measured at 38° C. (100° F.), then the drainage facility must be internal, so that parts are enclosed under the cover while draining. The drainage facility may be external for applications where an internal type cannot fit into the cleaning system.

(6) If the solvent has a volatility greater than 4.3 kPa (0.6 psi) measured at 38° C. (100° F.), or if the solvent is heated above 50° C. (120° F.), then one of the following solvent vapor control systems must be used:

(a) The freeboard ratio must be equal to or greater than 0.70; or

(b) Water must be kept over the solvent, which must be insoluble in and heavier than water; or

(c) Other systems of equivalent control, such as a refrigerated chiller.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.070
Stats. Implemented: ORS 468A.025 & 468A.070
Hist.: DEQ 21-1978, f. & ef. 12-28-78; DEQ 17-1979, f. & ef. 6-22-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0180

340-232-0190

Open Top Vapor Degreasers

(1) The owner or operator of all open top vapor degreasers must comply with the following equipment specifications:

(a) Be equipped with a cover that may be readily opened and closed. When a degreaser is equipped with a lip exhaust, the cover must be located below the lip exhaust. The cover must move horizontally or slowly so as not to agitate and spill the solvent vapor. The degreaser must be equipped with at least the following three safety switches:

(A) Condenser flow switch and thermostat to shut off sump heat if coolant is either not circulating or too warm;

(B) Spray safety switch to shut off spray pump or conveyor if the vapor level drops excessively, (e.g., greater than 10 cm (4 inches));

(C) Vapor level control thermostat to shut off sump heat when vapor level rises too high.

(b)(A) A closed design such that the cover opens only when the part enters or exits the degreaser and when the degreaser starts up, forming a vapor layer, the cover may be opened to release the displaced air, and either;

(B) A freeboard ratio equal to or greater than 0.75; or

(C) A freeboard, refrigerated or cold water, chiller.

(c) Post a permanent and conspicuous pictograph or instructions clearly explaining the following work practices:

(A) Do not degrease porous or absorbent materials such as cloth, leather, wood or rope;

(B) The cover of the degreaser must be closed at all times except when processing workloads;

(C) When the cover is open the lip of the degreaser must not be exposed to steady drafts greater than 15.3 meters per minute (50 feet/minute);

(D) Rack parts so as to facilitate solvent drainage from the parts;

(E) Workloads must not occupy more than one-half of the vapor-air interface area;

(F) When using a powered hoist, the vertical speed of parts in and out of the vapor zone must be less than 3.35 meters per minute (11 feet/minute);

(G) Degrease the workload in the vapor zone until condensation ceases;

(H) Spraying operations must be done within the vapor layer;

(I) Hold parts in the degreaser until visually dry;

(J) When equipped with a lip exhaust, the fan must be turned off when the cover is closed;

(K) The condenser water must be turned on before the sump heater when starting up a cold vapor degreaser. The sump heater must be turned off and the solvent vapor layer allowed to collapse before closing the condenser water when shutting down a hot vapor degreaser;

(L) Water may not be visible in the solvent stream from the water separator.

(2) A routine inspection and maintenance program must be implemented for the purpose of preventing and correcting solvent losses, as for example, from dripping drain taps, cracked gaskets, and malfunctioning equipment. Leaks must be repaired immediately.

(3) Sump drainage and transfer of hot or warm solvent must be carried out using threaded or other leakproof couplings.

(4) Still and sump bottoms must be kept in closed containers.

(5) Waste solvent must be stored in covered containers and returned to the supplier or a disposal firm handling solvents for final disposal, such that no greater than 20 percent of the waste (by weight) can evaporate into the atmosphere. Handling of the waste must also be done in accordance with DEQ's Solid and Hazardous Waste Rules, OAR 340 division 100.

(6) Exhaust ventilation may 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 may not be used near the degreaser opening.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 21-1978, f. & ef. 12-28-78; DEQ 17-1979, f. & ef. 6-22-79: DEQ 23-1980, f. & ef. 9-26-80; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0183

340-232-0200

Conveyorized Degreasers

(1) The owner or operator of conveyorized cold cleaners and conveyorized vapor degreasers must comply with the following operating requirements:

(a) Exhaust ventilation must 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 must not be used near the degreaser opening;

(b) Post in the immediate work area a permanent and conspicuous pictograph or instructions clearly explaining the following work practices:

(A) Rack parts for best drainage;

(B) Maintain vertical speed of conveyored parts to less than 3.35 meters per minute (11 feet/minute);

(C) The condenser water must be turned on before the sump heater when starting up a cold vapor degreaser. The sump heater must be turned off and the solvent vapor layer allowed to collapse before closing the condenser water when shutting down a hot vapor degreaser.

(2) A routine inspection and maintenance program must be implemented for the purpose of preventing and correcting solvent losses, as for example, from dripping drain taps, cracked gaskets, and malfunctioning equipment. Leaks must be repaired immediately.

(3) Sump drainage and transfer of hot or warm solvent must be carried out using threaded or other leakproof couplings.

(4) Still and sump bottoms must be kept in closed containers.

(5) Waste solvent must be stored in covered containers and returned to the supplier or a disposal firm handling solvents for final disposal, such that no greater than 20 percent of the waste by weight can evaporate into the atmosphere. Handling of the waste must also be done in accordance with DEQ's Solid and Hazardous Waste Rules, OAR 340 division 100.

(6) All conveyorized cold cleaners and conveyorized vapor degreasers with air/vapor interfaces of 2.0 m2 or greater must have one of the following major control devices installed and operating:

(a) Carbon adsorption system, exhausting less than 25 ppm of solvent averaged over a complete adsorption cycle, based on exhaust ventilation of 15 m3/minutes per m2 of air/vapor area, when down-time covers are open; or

(b) Refrigerated chiller with control effectiveness equal to or better than subsection (a); or

(c) A system with control effectiveness equal to or better than subsection (a).

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

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

Hist.: DEQ 21-1978, f. & ef. 12-28-78; DEQ 17-1979, f. & ef. 6-22-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0186

340-232-0210

Asphaltic and Coal Tar Pitch Used for Roofing Coating

(1) No person shall operate or use equipment for melting, heating or holding asphalt or coal tar pitch for the on-site construction, installation, or repair of roofs unless the gas-entrained effluents from such equipment are contained by close fitting covers.

(2) A person operating equipment subject to this rule shall maintain the temperature of the asphaltic or coal tar pitch below 285° C. (550° F.), or 17° C. (30° F.) below the flash point whichever is the lower temperature, as indicated by a continuous reading thermometer.

(3) The provisions of this rule shall not apply to equipment having a capacity of 100 liters (26 gallons) or less; or to equipment having a capacity of 600 liters (159 gallons) or less provided it is equipped with a tightly fitted lid or cover.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 21-1978, f. & ef. 12-28-78; DEQ 17-1979, f. & ef. 6-22-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0190

340-232-0220

Flat Wood Coating

(1) This rule applies to all flat wood manufacturing and surface finishing facilities that manufacture the following products:

(a) Printed interior panels made of hardwood plywood and thin particleboard;

(b) Natural finish hardwood plywood panels; or

(c) Hardboard paneling with Class II finishes.

(2) This rule does not apply to the manufacture of exterior siding, tileboard, particleboard used as a furniture component, or paper or plastic laminates on wood or wood-derived substrates.

(3) No owner or operator of a flat wood manufacturing facility subject to this rule may emit VOCs from a coating application system in excess of:

(a) 2.9 kilograms per 100 square meters of coated finished product (6.0 pounds/1,000 square feet) from printed interior panels, regardless of the number of coats applied;

(b) 5.8 kilograms per 100 square meters of coated finished product (12.0 pounds/1,000 square feet) from natural finish hardwood plywood panels, regardless of the number of coats applied; and

(c) 4.8 kilograms per 100 square meters of coated finished product (10.0 pounds/1,000 square feet) from Class II finishes on hardboard panels, regardless of the number of coats applied.

(4) The emission limits in section (3) must be achieved by:

(a) The application of low solvent content coating technology; or

(b) An incineration system which oxidizes at least 90.0 percent of the nonmethane VOCs entering the incinerator (VOC measured as total combustible carbon) to carbon dioxide and water; or

(c) An equivalent means of VOC removal. The equivalent means must be approved in writing by DEQ. The time period used to determine equivalency may not exceed 24 hours.

(5) A capture system must be used in conjunction with the control devices in subsections (4)(b) and (c). The design and operation of a capture system must be consistent with good engineering practice and must provide for an overall emission reduction sufficient to meet the emission limitations in section (3).

(6) Compliance Demonstration:

(a) The owner or operator of a VOC source required to comply with this rule must demonstrate compliance by the methods of subsection (c), or an alternative method approved by DEQ;

(b) A person proposing to conduct a VOC emissions test must notify DEQ of the intent to test not less than 30 days before the proposed initiation of the tests so DEQ may observe the test;

(c) Test procedures in 40 CFR part 60, EPA Method 18, 24, or 25 must be used to determine compliance with section (3);

(d) DEQ may accept, instead of the coating analysis required by paragraph (c)(A), a certification by the coating manufacturer of the composition of the coating, if supported by actual batch formulation records. In the event of any inconsistency between a Method 18, 24, or 25 test and a facility's formulation data, the Method 18, 24, or 25 test will govern;

(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:

(A) Exhaust gas temperature of all incinerators;

(B) Temperature rise across a catalytic incinerator bed; and

(C) Breakthrough of VOC on a carbon absorption unit.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.070
Stats. Implemented: ORS 468A.025 & 468A.070

Hist.: DEQ 23-1980, f. & ef. 9-26-80; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0200

340-232-0230

Rotogravure and Flexographic Printing

(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:

(a) The volatile fraction of ink, as it is applied to the substrate contains 25.0 percent by volume or less of organic solvent and 75 percent by volume or more of water;

(b) The ink as it is applied to the substrate, less water, contains 60.0 percent by volume or more nonvolatile material; or

(c) The owner or operator installs and operates:

(A) A carbon absorption system which reduces the volatile organic emissions from the capture system by at least 90.0 percent by weight;

(B) An incineration system which oxidizes at least 90.0 percent of the nonmethane VOCs, VOC measured as total combustible carbon, to carbon dioxide and water; or

(C) An alternative VOC pollution control device demonstrated to have at least a 90.0 percent removal efficiency, measured across the air pollution control device, that has been approved by DEQ.

(2) A capture system must be used in conjunction with the air pollution control devices in subsection (1)(c). The design and operation of a capture system must be consistent with good engineering practice, and must provide for a control efficiency in VOC emissions of at least:

(a) 75.0 percent where a publication rotogravure process is employed;

(b) 65.0 percent where a packaging rotogravure process is employed; or

(c) 60.0 percent where a flexographic printing process is employed.

(3) Compliance Demonstration:

(a) Upon request of DEQ, the owner or operator of a VOC source must demonstrate compliance by the methods of this section or an alternative method approved by DEQ. All tests must be made by, or under the direction of, a person qualified by training and/or experience in the field of air pollution testing;

(b) A person proposing to conduct a VOC emissions test must notify DEQ of the intent to test not less than 30 days before the proposed initiation of the tests so DEQ may observe the test. The notification must contain the information required by, and be in a format approved by, DEQ;

(c) Test procedures to determine compliance with this rule must be approved by DEQ and consistent with:

(A) EPA Test Method 18, 24, or 25, 40 CFR part 60; or California Method ST-7; or

(B) DEQ may accept, instead of ink-solvent analysis, a certification by the ink manufacturer of the composition of the ink-solvent, if supported by actual batch formulation records. In the event of any inconsistency between an EPA Method test and a facility's formulation data, the EPA Method test will govern.

(d) 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:

(A) Exhaust gas temperature of all incinerators;

(B) Breakthrough of VOC on a carbon adsorption unit; and

(C) Temperature rise across a catalytic incinerator bed.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.070
Stats. Implemented: ORS 468A.025 & 468A.070
Hist.: DEQ 23-1980, f. & ef. 9-26-80; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0210

DIVISION 234

EMISSION STANDARDS FOR WOOD PRODUCTS INDUSTRIES

340-234-0005

Applicability and Jurisdiction

(1) This division applies in all areas of the state.

(2) Subject to the requirements in this division and OAR 340-200-0010(3), LRAPA is designated by the EQC to implement the rules in this division within its area of jurisdiction.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.135
Stats. Implemented: ORS 468A.025 & 468A.135

340-234-0010

Definitions

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

(1) "Baseline emissions rate" means a source's actual emissions rate during the baseline period, as defined in OAR 340-200-0020, expressed as pounds of emissions per thousand square feet of finished product, on a 1/8" basis.

(2) "BLS" means black liquor solids, dry weight.

(3) "Continuous monitoring" means instrumental sampling of a gas stream on a continuous basis, excluding periods of calibration.

(4) "Daily arithmetic average" means the average concentration over the twenty-four hour period in a calendar day, as determined by continuous monitoring equipment or reference method testing. Determinations based on EPA reference methods using the DEQ Source Sampling Manual consist of three separate consecutive runs having a minimum sampling time of sixty minutes each and a maximum sampling time of eight hours each. The three values for concentration (ppm or grains/dscf) are averaged and expressed as the daily arithmetic average which is used to determine compliance with process weight limitations, grain loading or volumetric concentration limitations and to determine daily emission rate.

(5) "Dry standard cubic meter" means the amount of gas that would occupy a volume of one cubic meter, if the gas were free of uncombined water, at a temperature of 20° C. (68° F.) and a pressure of 760 mm of mercury (29.92 inches of mercury). The corresponding English unit is dry standard cubic foot.

(6) "Kraft mill" or "mill" means any industrial operation which uses for a cooking liquor an alkaline sulfide solution containing sodium hydroxide and sodium sulfide in its pulping process.

(7) "Lime kiln" means any production device in which calcium carbonate is thermally converted to calcium oxide.

(8) "Non-condensables" mean gases and vapors, contaminated with TRS compounds, from the digestion and multiple-effect evaporation processes of a mill.

(9) "Operations" includes plant, mill, or facility.

(10) "Other sources" as used in OAR 340-234-0200 through 340-234-0270 means sources of TRS emissions in a kraft mill other than recovery furnaces, lime kilns, smelt dissolving tanks, sewers, drains, categorically insignificant activities and wastewater treatment facilities including but not limited to:

(a) Vents from knotters, brown stock washing systems, evaporators, blow tanks, blow heat accumulators, black liquor storage tanks, black liquor oxidation system, pre-steaming vessels, tall oil recovery operations; and

(b) Any vent which is shown to contribute to an identified nuisance condition.

(11) "Production" as used in OAR 340-234-0200 through 340-234-0270 means the daily amount of air-dried unbleached pulp, or equivalent, produced during the 24-hour period each calendar day, or DEQ approved equivalent period, and expressed in air-dried metric tons (admt) per day. The corresponding English unit is air-dried tons (adt) per day;

(12) "Recovery furnace" means the combustion device in which dissolved wood solids are incinerated and pulping chemicals recovered from the molten smelt. For OAR 340-234-0200 through 340-234-0270, this term includes a direct contact evaporator, if present.

(13) "Recovery system" means the process by which all or part of the cooking chemicals may be recovered, and cooking liquor regenerated from spent cooking liquor, including evaporation, combustion, dissolving, fortification, and storage facilities associated with the recovery cycle.

(14) "Smelt dissolving tank vent" means the vent serving the vessel used to dissolve the molten smelt produced by the recovery furnace.

(15) "Special problem area" means the formally designated Portland, Eugene-Springfield, and Medford AQMAs and other specifically defined areas that the EQC may formally designate in the future. The purpose of such designation will be to assign more stringent emission limits as may be necessary to attain and maintain ambient air standards or to protect the public health or welfare.

(16) "Tempering oven" means any facility used to bake hardboard following an oil treatment process.

(17) "Wigwam waste burner" means a burner which consists of a single combustion chamber, has the general features of a truncated cone, and is used for incineration of wastes.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: [DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93]; [DEQ 50, f. 2-9-73, ef. 3-1-73; DEQ 137, f. & ef. 6-10-77; DEQ 2-1990, f. & cert. ef. 1-24-90; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 22-

1995, f. & cert. ef. 10-6-95]; [DEQ 2-1990, f. & cert. ef. 1-24-90; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 22-1995, f. & cert. ef. 10-6-95]; [DEQ 26, f. 3-31-71, ef. 4-25-71; DEQ 132, f. & ef. 4-11-77; DEQ 7-1979, f. & ef. 4-20-79; DEQ 22-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 4-1995, f. & cert. ef. 2-17-95]; [DEQ 32, f. 11-23-71, ef. 12-15-71; DEQ 15-1980, f. & ef. 5-23-80; DEQ 4-1993, f. & cert. ef. 3-10-93]; [DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93]; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0005, 340-025-0150, 340-025-0220, 340-025-0305, 340-025-0350, 340-025-0410; DEQ 8-2007, f. & cert. ef. 11-8-07

Wigwam Waste Burners

340-234-0100

Wigwam Waste Burners

(1) Operation of wigwam waste burners is prohibited.

(2) Emissions from wigwam waste burners included in a source's netting basis as of October 18, 2007 shall not be subtracted from the netting basis, except as provided in OAR 340-222-0046.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0010; DEQ 8-2007, f. & cert. ef. 11-8-07

340-234-0140

Existing Administrative Agency Orders

The provisions of OAR 340-234-0100 supersede any specific existing agency orders directed against specific parties or persons to abate air pollution.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A .025
Stats. Implemented: ORS 468A.025
Hist.: SA 30 f. 6-7-68, ef. 8-1-68; DEQ 4-1993, f. & cert. ef. 3-10-93, Renumbered from 340-025-0080; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0027; DEQ 8-2007, f. & cert. ef. 11-8-07

Kraft Pulp Mills

340-234-0200

Statement of Policy and Applicability

(1) Policy. Recent technological developments have enhanced the degree of malodorous emission control possible for the kraft pulping process. While recognizing that complete malodorous and particulate emission control is not presently possible, consistent with the meteorological and geographical conditions in Oregon, it is hereby declared to be the policy of DEQ to:

(a) Require, in accordance with a specific program and time table for all sources at each operating mill, the highest and best practicable treatment and control of atmospheric emissions from kraft mills through the utilization of technically feasible equipment, devices, and procedures. Consideration will be given to the economic life of equipment, which when installed, complied with the highest and best practicable treatment requirement.

(b) Require degrees and methods of treatment for major and minor emission points that will minimize emissions of odorous gases and eliminate ambient odor nuisances.

(c) Require effective monitoring and reporting of emissions and reporting of other data pertinent to air quality or emissions. DEQ will use these data in conjunction with ambient air data and observation of conditions in the surrounding area to develop and revise emission and ambient air standards, and to determine compliance therewith.

(d) Encourage and assist the kraft pulping industry to conduct a research and technological development program designed to progressively reduce kraft mill emissions, in accordance with a definite program, including specified objectives and time schedules.

(2) Applicability. OAR 340-234-0200 through 340-234-0270 apply to existing and new kraft pulp mills.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040 with the exception of references to Total Reduced Sulfur.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 50, f. 2-9-73, ef. 3-1-73; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0155

340-234-0210

Emission Limitations

(1) Emission of Total Reduced Sulfur (TRS):

(a) Recovery Furnaces:

(A) The emissions of TRS from each recovery furnace placed in operation before January 1, 1969, may not exceed 10 ppm and 0.15 Kg/metric ton (0.30 pound/ton) of production as daily arithmetic averages;

(B) TRS emissions from each recovery furnace placed in operation after January 1, 1969, and before September 25, 1976, or any recovery furnace modified significantly after January 1, 1969, and before September 25, 1976, to expand production must be controlled such that the emissions of TRS may not exceed 5 ppm and 0.075 Kg/metric ton (0.150 pound/ton) of production as daily arithmetic averages.

(b) Lime Kilns. Lime kilns must be operated and controlled such that emissions of TRS may not exceed 20 ppm as a daily arithmetic average and 0.05 Kg/metric ton (0.10 pound/ton) of production as a daily arithmetic average. This subsection applies to those sources where construction was initiated prior to September 25, 1976.

(c) Smelt Dissolving Tanks. TRS emissions from each smelt dissolving tank may not exceed 0.0165 gram/Kg BLS (0.033 pound/ton BLS) as a daily arithmetic average.

(d) Non-Condensables. Non-condensables from digesters, multiple-effect evaporators and contaminated condensate stripping must be continuously treated to destroy TRS gases by thermal incineration in a lime kiln or incineration device capable of subjecting the non-condensables to a temperature of not less than 650° C. (1,200° F.) for not less than 0.3 second. An alternate device meeting the above requirements must be available in the event adequate incineration in the primary device cannot be accomplished. Venting of TRS gases during changeover must be minimized but in no case may the time exceed one-hour.

(e) Other Sources:

(A) The total emission of TRS from other sources may not exceed 0.078 Kg/metric ton (0.156 pound/ton) of production as a daily arithmetic average;

(B) Miscellaneous Sources and Practices. If DEQ determines that sewers, drains, and anaerobic lagoons significantly contribute to an odor problem, a program for control will be required.

(2) Particulate Matter:

(a) Recovery Furnaces. The emissions of particulate matter from each recovery furnace stack may not exceed:

(A) 2.0 kilograms per metric ton (4.0 pounds per ton) of production as a daily arithmetic average;

(B) 0.30 gram per dry standard cubic meter (0.13 grain per dry standard cubic foot) as a daily arithmetic average; and

(C) Thirty-five percent opacity for a period or periods aggregating more than 30 minutes in any 180 consecutive minutes or more than 60 minutes in any 24 consecutive hours (excluding periods when the facility is not operating).

(b) Lime Kilns. The emissions of particulate matter from each lime kiln stack may not exceed:

(A) 0.50 kilogram per metric ton (1.00 pound per ton) of production as a daily arithmetic average;

(B) 0.46 gram per dry standard cubic meter (0.20 grain per dry standard cubic foot) as a daily arithmetic average; and

(C) The visible emission limitations in section (4).

(c) Smelt Dissolving Tanks. The emission of particulate matter from each smelt dissolving tank vent may not exceed:

(A) A daily arithmetic average of 0.25 kilogram per metric ton (0.50 pound per ton) of production; and

(B) The visible emission limitations in section (4).

(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 will result in more restrictive standards as follows:

(A) Recovery Furnaces:

(i) The emission of particulate matter from each affected recovery furnace stack may not exceed 1.00 kilogram per metric ton (2.00 pounds per ton) of production as a daily arithmetic average; and

(ii) 0.10 gram per dry standard cubic meter (0.044 grain per dry standard cubic foot) as a daily arithmetic average.

(B) Lime Kilns:

(i) The emission of particulate matter from each affected lime kiln stack may not exceed 0.25 kilogram per metric ton (0.50 pound per ton) of production as a daily arithmetic average; and

(ii) 0.15 gram per dry standard cubic meter (0.067 grain per dry standard cubic foot) as a daily arithmetic average when burning gaseous fossil fuel; or

(iii) 0.50 kilogram per metric ton (1.00 pound per ton) of production as a daily arithmetic average; and

(iv) 0.30 gram per dry standard cubic meter 0.13 grain per dry standard cubic foot) as a daily arithmetic average when burning liquid fossil fuel.

(C) Smelt Dissolving Tanks. The emissions of particulate matter from each smelt dissolving tank vent may not exceed 0.15 kilogram per metric ton (0.30 pound per ton) of production as a daily arithmetic average.

(3) Sulfur Dioxide (SO2). Emissions of sulfur dioxide from each recovery furnace stack may not exceed a three-hour arithmetic average of 300 ppm on a dry-gas basis except when burning fuel oil. The sulfur content of fuel oil used must not exceed the sulfur content of residual and distillate oil established in OAR 340-228-0100 and 340-228-0110, respectively.

(4) Emissions from each kraft mill source, with the exception of the mill's emissions attributable to a recovery furnace, may not equal or exceed 20 percent opacity as a six minute average.

(5) New Source Performance Standards. New or modified sources that commenced construction after September 24, 1976, are subject to each provision of this rule and the New Source Performance Standards, 40 CFR part 60 subpart BB as adopted under OAR 340-238-0060, whichever is more stringent.

NOTE: Except for OAR 340-234-0210(1), this rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 50, f. 2-9-73, ef. 3-1-73; DEQ 137, f. & ef. 6-10-77; DEQ 2-1990, f. & cert. ef. 1-24-90; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0165; DEQ 8-2007, f. & cert. ef. 11-8-07

340-234-0220

More Restrictive Emission Limits

The DEQ may establish more restrictive emission limits than the numerical emission standards contained in OAR 340-234-0210 and maximum allowable daily mill site emission limits in kilograms or pounds per day for an individual mill upon a finding by DEQ that:

(1) The individual mill is located or is proposed to be located in a special problem area or an area where ambient air standards are exceeded or are projected to be exceeded or where the emissions will have a significant impact in an area where the standards are exceeded; or

(2) An odor or nuisance problem has been documented at any mill, in which case the TRS emission limits may be reduced below the regulatory limits; or DEQ may require the mill to undertake an odor emission reduction study program; or

(3) Other rules which are more stringent apply.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040 with the exception of references to Total Reduced Sulfur.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 50, f. 2-9-73, ef. 3-1-73; DEQ 137, f. & ef. 6-10-77; DEQ 2-1990, f. & cert. ef. 1-24-90; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0170; DEQ 8-2007, f. & cert. ef. 11-8-07

340-234-0240

Monitoring

(1) Total Reduced Sulfur (TRS). Each mill must continuously monitor TRS using the following:

(a) The monitoring equipment must determine compliance with the emission limits and reporting requirements established by OAR 340-234-0200 through 340-234-0270, and must continuously sample and record concentrations of TRS;

(b) The sources monitored must include, but are not limited to individual recovery furnaces, and lime kilns. All sources must be monitored down-stream of their respective control devices, in either the ductwork or the stack, using the DEQ Continuous Monitoring Manual;

(c) Unless otherwise authorized or required by permit, at least once per year, vents from other sources as required in OAR 340-234-0210(1)(e), other sources, must be sampled to demonstrate the representativeness of the emission of TRS using EPA Method 16, 16A, 16B or continuous emission monitors. Sampling using these EPA methods must consist of three separate consecutive runs of one-hour each using the DEQ Source Sampling Manual. Continuous emissions monitors must be operated for three consecutive hours using the DEQ Continuous Monitoring Manual. All results must be reported to DEQ;

(d) Smelt dissolving tank vents must be sampled for TRS quarterly except that testing may be semi-annual when the preceding six source tests were less than 0.0124 gram/Kg BLS (0.025 pound/ton BLS) using EPA Method 16, 16A, 16B or continuous emission monitors. Sampling using these EPA methods must consist of three separate consecutive runs of one-hour each using the DEQ Source Sampling Manual.

(2) Particulate Matter:

(a) Each mill must sample the recovery furnace, lime kiln and smelt dissolving tank vent for particulate emissions as measured by EPA Method 5 or 17 using the DEQ Source Sampling Manual. 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.

(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.

(b) Each mill must provide continuous monitoring of opacity of emissions discharged to the atmosphere from each recovery furnace stack using the DEQ Continuous Monitoring Manual.

(c) Recovery furnace particulate source tests must be performed quarterly except that testing may be semi-annual when the preceding six source tests were less than 0.225 gram/dscm (0.097 grain/dscf) for furnaces subject to OAR 340-234-0210(2)(a) or 0.075 gram/dscm (0.033 grain/dscf) for furnaces subject to OAR 340-234-0210(2)(d)(A);

(d) Lime kiln source tests must be performed semi-annually;

(e) Smelt dissolving tank vent source tests must be performed quarterly except that testing may be semi-annual when the preceding six source tests were less than 0.187 kilogram per metric ton (0.375 pound per ton) of production.

(3) Sulfur Dioxide (SO2). Representative sulfur dioxide emissions from each recovery furnace must be determined at least once each month by the average of three one-hour source tests using the DEQ Source Sampling Manual or from continuous emission monitors. If continuous emission monitors are used, the monitors must be operated for three consecutive hours using the DEQ Continuous Monitoring Manual.

(4) Combined Monitoring. DEQ may allow the monitoring for opacity of a combination of more than one emission stream if each individual emission stream has been demonstrated with the exception of opacity to be in compliance with all the emission limits of OAR 340-234-0210. DEQ may establish more stringent emission limits for the combined emission stream.

(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 40 CFR part 60 subpart BB, DEQ may require some or all of the relevant monitoring in this section.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040 with the exception of references to Total Reduced Sulfur.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 50, f. 2-9-73, ef. 3-1-73; DEQ 137, f. & ef. 6-10-77; DEQ 2-1990, f. & cert. ef. 1-24-90; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0180; DEQ 8-2007, f. & cert. ef. 11-8-07

340-234-0250

Reporting

If required by DEQ or by permit, each mill must report data each calendar month by the last day of the subsequent calendar month as follows:

(1) Applicable daily average emissions of TRS gases expressed in parts per million of H2S on a dry gas basis with oxygen concentrations, if oxygen corrections are required, for each source included in the approved monitoring program.

(2) Daily average emissions of TRS gases in pounds of total reduced sulfur per equivalent ton of pulp processed, expressed as H2S, for each source included in the approved monitoring program.

(3) Maximum daily three-hour average emission of SO2 based on all samples collected from the recovery furnace, expressed as ppm, dry basis.

(4) All daily average opacities for each recovery furnace stack where transmissometers are utilized.

(5) All six-minute average opacities from each recovery furnace stack that exceeds 35 percent.

(6) Daily average kilograms of particulate per equivalent metric ton (pounds of particulate per equivalent ton) of pulp produced for each recovery furnace stack.

(7) Unless otherwise approved in writing, all periods of non-condensable gas bypass must be reported.

(8) Each kraft mill must furnish, upon request of DEQ, such other pertinent data as DEQ may require to evaluate the mill's emission control program.

(9) Monitoring data reported must reflect actual observed levels corrected for oxygen, if required, and analyzer calibration.

(10) Oxygen concentrations used to correct regulated pollutant data must reflect oxygen concentrations at the point of measurement of regulated pollutants.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040 with the exception of references to Total Reduced Sulfur.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.050
Stats. Implemented: ORS 468A.025 & 468A.050
Hist.: DEQ 50, f. 2-9-73, ef. 3-1-73; DEQ 132, f. & ef. 6-10-77; DEQ 2-1990, f. & cert. ef. 1-24-90; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0185; DEQ 8-2007, f. & cert. ef. 11-8-07

340-234-0270

Chronic Upset Conditions

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.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040 with the exception of references to Total Reduced Sulfur.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 50, f. 2-9-73, ef. 3-1-73; DEQ 2-1990, f. & cert. ef. 1-24-90; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0205

Board Products Industries (Veneer, Plywood, Particleboard, Hardboard)

340-234-0500

Applicability and General Provisions

(1) OAR 340-234-0500 through 340-234-0530 establish minimum performance and emission standards for veneer, plywood, particleboard, and hardboard manufacturing operations.

(2) Emission limitations established herein are in addition to, and not in lieu of, general emission standards for visible emissions, fuel burning equipment, and refuse burning equipment, except as provided for in OAR 340-234-0510.

(3) Each affected veneer, plywood, particleboard, and hardboard plant must proceed with a progressive and timely program of air pollution control. Each plant must, at the request of DEQ submit periodic reports in such form and frequency as directed to demonstrate the progress being made toward full compliance with OAR 340-234-0500 through 340-234-0530.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.050
Stats. Implemented: ORS 468A.025 & 468A.050
Hist.: DEQ 26, f. 3-31-71, ef. 4-25-71; DEQ 132, f. & ef. 4-11-77; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 17-1993, f. & cert. ef. 11-4-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0500; DEQ 8-2007, f. & cert. ef. 11-8-07

340-234-0510

Veneer and Plywood Manufacturing Operations

(1) Veneer Dryers:

(a) Consistent with OAR 340-234-0500(1) through (3), it is the object of this section to control air contaminant emissions, including, but not limited to, condensable hydrocarbons such that visible emissions from each veneer dryer are limited to a level which does not cause a characteristic "blue haze" to be observable;

(b) No person may operate any veneer dryer such that visible air contaminants emitted from any dryer stack or emission point exceed:

(A) A daily average operating opacity of 10 percent on more than two days within any 12-month period, with the days separated from each other by at least 30 days, as measured by EPA Method 9; and

(B) A maximum opacity of 20 percent at any time as measured by EPA Method 9.

(c) Particulate emissions from wood fired veneer dryers may not exceed:

(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; or

(C) 0.40 pounds per 1,000 pounds of steam generated in boilers which exhaust gases to the veneer dryer.

(d) Exhaust gases from fuel burning equipment vented to the veneer dryer are exempt from OAR 340-228-0210;

(e) Each veneer dryer must be maintained and operated at all times such that air contaminant generating processes and all contaminant control devices must be at full efficiency and effectiveness so that the emission of air contaminants are kept at the lowest practicable levels;

(f) No person may willfully cause or permit the installation or use of any means, such as dilution, which, without resulting in a reduction in the total amount of air contaminants emitted, conceals an emission which would otherwise violate this rule;

(g) Where effective measures are not taken to minimize fugitive emissions, DEQ may require that the equipment or structures in which processing, handling, and storage are done, be tightly closed, modified, or operated in such a way that air contaminants are minimized, controlled, or removed before discharge to the open air;

(h) DEQ may require more restrictive emission limits than provided in subsections (1)(b) and(c) for an individual plant upon a finding by the EQC that the individual plant is located or is proposed to be located in a special problem area. The more restrictive emission limits for special problem areas may be established on the basis of allowable emissions expressed in opacity, pounds per hour, or total maximum daily emissions to the atmosphere, or a combination thereof.

(2) Other Emission Sources:

(a) The combined particulate emissions from veneer and plywood mill sources, including, but not limited to, sanding machines, saws, presses, barkers, hogs, chippers, and other material size reduction equipment, process or space ventilation systems, and truck loading and unloading facilities must not exceed a plant specific average hourly emission rate, pounds/hour, determined by multiplying the plant production capacity by one pound per 1,000 square feet. The plant production capacity is the maximum production in terms of 1,000 square feet on a

3/8 inch basis of finished product for a typical operating shift divided by the number of hours in the operating shift.

(b) Excepted from subsection (2)(a) are veneer dryers, fuel burning equipment, and refuse burning equipment.

(c) Compliance with the average hourly emission rate is determined by summing the emissions from the affected sources as determined by emission factor calculations or actual emissions data for a 24 hour period divided by 24.

(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:

(a) A specified minimum frequency for performing visual opacity determinations on each veneer dryer emission point;

(b) All data obtained must be recorded on copies of a "Veneer Dryer Visual Emissions Monitoring Form" provided by DEQ or on an alternative form which is approved by DEQ; and

(c) A specified period during which all records must be maintained at the mill site for inspection by authorized representatives of DEQ.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.050
Stats. Implemented: ORS 468A.025 & 468A.050
Hist.: DEQ 26, f. 3-31-71, ef. 4-25-71; DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 43(Temp), f. & ef. 5-5-72 thru 9-1-72; DEQ 48, f. 9-20-72, ef. 10-1-72; DEQ 52, f. 4-9-73, ef. 5-1-73; DEQ 83, f. 1-30-75, ef. 2-25-75; DEQ 132, f. & ef. 4-11-77; DEQ 7-1979, f. & ef. 4-20-79; DEQ 10-1985, f. & ef. 8-8-85; DEQ 22-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0510; DEQ 8-2007, f. & cert. ef. 11-8-07

340-234-0520

Particleboard Manufacturing Operations

(1) Truck Dump and Storage Areas:

(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;

(b) The temporary storage of raw materials outside the regularly used areas of the plant site is prohibited unless the person who desires to temporarily store such raw materials first notifies DEQ and receives written approval for said storage:

(A) When authorized by DEQ, temporary storage areas must be operated to prevent windblown particulate emissions from being deposited upon property not under the ownership of the person storing the raw materials;

(B) Any temporary storage areas authorized by DEQ may not be operated in excess of six (6) months from the date they are first authorized.

(c) Any person who proposes to control windblown particulate emissions from truck dump storage areas other than by enclosure must apply to DEQ for written authorization to utilize alternative controls. The application must describe in detail the plan proposed to control windblown particulate emissions and indicate on a plot plan the nearest location of property not under ownership of the applicant.

(2) Other Emission Sources:

(a) The combined particulate emissions from particleboard plant sources including, but not limited to, hogs, chippers, and other material size reduction equipment, process or space ventilation systems, particle dryers, classifiers, presses, sanding machines, and materials handling systems must not exceed a plant specific average hourly emission rate, pounds per hour, determined by multiplying the plant production capacity by three pounds per 1000 square feet. The plant production capacity is the maximum production in terms of 1,000 square feet on a 3/4 inch basis of finished product for a typical operating shift divided by the number of hours in the operating shift.

(b) Excepted from subsection (2)(a) are truck dump and storage areas, fuel burning equipment, and refuse burning equipment.

(c) Compliance with the average hourly emission rate is determined by summing the emissions from the affected sources as determined by emission factor calculations or actual emissions data for a 24 hour period divided by 24.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 26, f. 3-31-71, ef. 4-25-71; DEQ 130, f. & ef. 3-22-77; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 4-1995, f. & cert. ef. 2-17-95; DEQ 3-1996, f. & cert. ef. 1-29-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0320; DEQ 8-2007, f. & cert. ef. 11-8-07

340-234-0530

Hardboard Manufacturing Operations

(1) Truck Dump and Storage Areas:

(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;

(b) The temporary storage of raw materials outside the regularly used areas of the plant site is prohibited unless the person who desires to temporarily store such raw materials first notifies DEQ and receives written approval:

(A) When authorized by DEQ, temporary storage areas must be operated to prevent windblown particulate emissions from being deposited upon property not under the ownership of the person storing the raw materials;

(B) Any temporary storage areas authorized by DEQ may not be operated in excess of six (6) months from the date they are first authorized.

(c) Alternative Means of Control. Any person who desires to control windblown particulate emissions from truck dump and storage areas other than by enclosure must first apply to DEQ for written authorization to utilize alternative controls. The application must describe in detail the plan proposed to control windblown particulate emissions and indicate on a plot plan the nearest location of property not under ownership of the applicant.

(2) Other Emission Sources:

(a) For hardboard plants that did not exist during the baseline period, the combined particulate emissions from all emissions sources at the plant must not exceed a plant specific hourly average emission rate, pounds per hour, determined by multiplying the plant production capacity by one pound per 1,000 square feet of production. The plant production capacity is the maximum production in terms of 1000 square feet on a 1/8 inch finished basis for a typical operating shift divided by the number of hours in the operating shift.

(b) For hardboard plants that existed during the baseline period, the combined particulate emissions from the plant must not exceed the lesser of:

(A) A plant specific hourly average emission rate, pounds per hour, determined by multiplying the plant production capacity by two pounds per 1,000 square feet of production. The plant production capacity is the maximum production in terms of 1,000 square feet on a 1/8 inch finished basis for a typical operating shift divided by the number of hours in the operating shift, or

(B) The sum of the baseline emissions rate, pounds per hour, of the press/cooling vent and the lesser of:

(i) The baseline emissions rate, pounds per hour, from all sources at the plant, excluding the press/cooling vents; or

(ii) A plant specific hourly average emission rate, pounds per hour, determined by multiplying the plant production capacity by one pound per 1,000 square feet of production. The plant production capacity is the maximum production in terms of 1,000 square feet on a 1/8 inch finished basis for a typical operating shift divided by the number of hours in the operating shift.

(c) Excepted from subsections (a) and (b) are truck dump and storage areas, fuel burning equipment, and refuse burning equipment.

(d) Compliance with the average hourly emission rate is determined by summing the emissions from the affected sources as determined by emission factor calculations or actual emissions data for a 24 hour period divided by 24.

(3) Emissions from Hardboard Tempering Ovens:

(a) No person may operate any hardboard tempering oven unless all gases and vapors emitted from said oven are treated in a fume incinerator capable of raising the temperature of said gases and vapors to at least 1500° F. for 0.3 seconds or longer except as allowed by paragraph (b);

(b) Specific operating temperatures lower than 1500° F. may be approved by DEQ using the procedures in 40 CFR 63.2262 of the NESHAP for Plywood and Composite Wood Products.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: 468A.025
Hist.: DEQ 26, f. 3-31-71, ef. 4-25-71; DEQ 130, f. & ef. 3-22-77; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 4-1995, f. & cert. ef. 2-17-95; DEQ 3-1996, f. & cert. ef. 1-29-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0325; DEQ 8-2007, f. & cert. ef. 11-8-07

340-234-0540

Testing and Monitoring

All source tests must be done using the DEQ Source Sampling Manual.

(1) Veneer dryers, wood particle dryers, fiber dryers and press/cooling vents must be tested using DEQ Method 7.

(2) Air conveying systems must be tested using DEQ Method 8.

(3) Fuel burning equipment must be tested using DEQ Method 5. When combusting wood fuel by itself or in combination with any other fuel, the emission results are corrected to 12% CO2. When combusting fuels other than wood, the emission results are corrected to 50% excess air.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.070
Stats. Implemented: 468A.025 & 468A.070

DIVISION 236

EMISSION STANDARDS FOR SPECIFIC INDUSTRIES

340-236-0005

Applicability and Jurisdiction

(1) This division applies in all areas of the state.

(2) Subject to the requirements in this division and OAR 340-200-0010(3), LRAPA is designated by the EQC to implement the rules in this division within its area of jurisdiction.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.135
Stats. Implemented: ORS 468A.025 & 468A.135

340-236-0010

Definitions

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

(1) "Dusts" means minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, or sweeping.

(2) "Hot mix asphalt plants" means those facilities and equipment which convey or batch load proportioned quantities of cold aggregate to a drier, and heat, dry, screen, classify, measure, and mix the aggregate with asphalt for purposes of paving, construction, industrial, residential, or commercial use.

(3) "Portable hot mix asphalt plants" means those hot mix asphalt plants which are designed to be dismantled and are transported from one job site to another job site.

(4) "Process weight" means the total weight of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. The "process weight per hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

(5) "Special control areas" means an area designated in OAR 340-204-0070 and:

(a) Any incorporated city or within six miles of the city limits of said incorporated city;

(b) Any area of the state within one mile of any structure or building used for a residence;

(c) Any area of the state within two miles straight line distance or air miles of any paved public road, highway, or freeway having a total of two or more traffic lanes.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: [DEQ 49, f. 2-9-73, ef. 3-1-73; DEQ 4-1993, f. & cert. ef. 3-10-93]; [DEQ 60, f. 12-5-73, ef. 12-25-73; DEQ 10-1982, f. & ef. 6-18-82; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 26-1995, f. & cert. ef. 12-6-95; DEQ 18-1998, f. & cert. ef. 10-5-98]; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0105, 340-025-0260; DEQ 8-2007, f. & cert. ef. 11-8-07

Reduction of Animal Matter

340-236-0310

Control Facilities Required

(1) A person may not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapors and gas-entrained effluents from such an article, machine, equipment or other contrivance are:

(a) Incinerated at temperatures of not less than 1,200° Fahrenheit for a period of not less than 0.3 seconds; or

(b) Processed in such a manner determined by DEQ to be equally, or more, effective for the purpose of air pollution control than section (1).

(2) A person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this rule must provide, properly install and maintain in calibration, in good working order and in operation, devices as specified by DEQ, for indicating temperature, pressure or other operating conditions.

(3) For the purpose of OAR 340-236-0300 through 340-236-0330, "reduction" is defined as any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating.

(4) The provisions of OAR 340-236-0300 through 340-236-0330 do not apply to any article, machine, equipment, or other contrivance used exclusively for the processing of food for human consumption.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: SA 30, f. 6-7-68, ef. 8-1-68; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0055

340-236-0320

Monitoring of Reduction Facilities

(1)(a) When requested by DEQ for the purpose of formulating plans in conjunction with industries who are or may be sources of air pollution, and to investigate sources of air pollution, monitoring data must be submitted for plant operational periods and must include:

(A) Continuous or at least hourly influent and effluent temperature readings on the condenser;

(B) Continuous or at least hourly temperature readings on the after-burner;

(C) Estimated weights of finished products processed in pounds per hour;

(D) Hours of operation per day; and

(E) A narrative description to accurately portray control practices, including the housekeeping measures employed.

(b) Except as otherwise required under the Oregon Public Records Law, ORS 192.410 to 192.505, when requested by the plant manager any information relating to processing or production must be kept confidential by DEQ and may not be disclosed or made available to competitors or their representatives in the rendering industry.

(2) Whenever a breakdown of operating facilities occurs or unusual loads or conditions are encountered that cause or may cause release of excessive and malodorous gases or vapors, DEQ must be immediately notified.

Stat. Auth.: ORS 468.020, 468A.025, 468A.050 & 468A.070
Stats. Implemented: ORS 468A.025, 468A.050 & 468A.070
Hist.: SA 30, f. 6-7-68, ef. 8-1-68; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0060

340-236-0330

Housekeeping of Plant and Plant Area

The plant facilities and premises are to be kept clean and free of accumulated raw material, products, and waste materials. The methods used for housekeeping must include, but not be limited to:

(1) A washdown at least once each working day, of equipment, facilities and building interiors that come in contact with raw or partially processed material, with steam or hot water and detergent or equivalent additive.

(2) All solid wastes must be stored in covered containers and disposed of daily in an incinerator or fill, approved by DEQ; or by contract with a company or municipal department providing such service.

(3) Disposal of liquid and liquid-borne waste in a manner approved by DEQ.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: SA 30, f. 6-7-68, ef. 8-1-68; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0065

Hot Mix Asphalt Plants

340-236-0400

Applicability

OAR 340-236-0400 through 340-236-0440 apply to hot mix asphalt plants.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 14-1999, f. & cert. ef. 10-14-99

340-236-0410

Control Facilities Required

(1) No person may 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. 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 particulate matter 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 percent removal efficiency when operated.

(2) No person may operate any hot mix asphalt plant, either portable or stationary, located within any special control area of the state without installing and operating systems or processes for the control of particulate emissions so as to comply with the emission limits established by the process weight table, OAR 340-236-8010, attached herewith and by reference made a part of this rule. Compliance is determined using DEQ Method 5. All source tests must be done using the DEQ Source Sampling Manual.

(3) Hot mix asphalt plants are subject to the emission limitations in OAR 340-208-0110(1), 340-226-0210, and 340-238-0060, as applicable.

(4) If requested by DEQ, the owner or operator must develop a fugitive emission control plan.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.070
Stats. Implemented: ORS 468A.025 & 468A.070
Hist.: DEQ 49, f. 2-9-73, ef. 3-1-73; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0110; DEQ 8-2007, f. & cert. ef. 11-8-07

340-236-0420

Other Established Air Quality Limitations

The emission limits established under OAR 340-236-0400 through 340-236-0440 are in addition to visible emission and other ambient air standards, established or to be established by the EQC, unless otherwise provided by rule.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 49, f. 2-9-73, ef. 3-1-73; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0115

340-236-0440

Ancillary Sources of Emission -- Housekeeping of Plant Facilities

(1) Ancillary air contamination sources from a hot mix asphalt plant and its facilities which emit air contaminants into the atmosphere such as, but not limited to, the drier openings, screening and classifying system, hot rock elevator, bins, hoppers, and pug mill mixer, must be controlled at all times so as to maintain the highest possible level of air quality and the lowest possible discharge of air contaminants.

(2) The handling of aggregate and truck traffic must be conducted at all times so as to minimize emissions into the atmosphere.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 49, f. 2-9-73, ef. 3-1-73; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0125

Solid Waste Landfills

340-236-0500

Emission Standards for Municipal Solid Waste Landfills

(1) Applicability. This rule applies to small and large municipal solid waste landfills in the following categories:

(a) Landfills that have accepted waste since 11/08/87;

(b) Landfills with no modifications after 5/30/91;

(c) Landfills that closed after 11/08/87 with no modifications after 5/30/91.

(2) General Requirements. Landfills subject to this rule must comply with 40 CFR Section 60.751 through 60.759, as adopted under OAR 340-238-0060, except as noted in Section 4 of this rule.

(3) Permitting requirements. Landfills subject to this rule must comply with Oregon Title V Operating Permit program requirements (Title V) as specified in OAR 340 divisions 218 and 220 except as noted in (c):

(a) Existing large landfills must submit a complete Oregon Title V Operating Permit application one year after EPA approves the 111(d) State Plan associated with this rule;

(b) Existing small landfills that are major sources as defined in OAR 340-200-0020 must submit a complete Title V Operating Permit application within one year of becoming a major source;

(c) The exemption from the Oregon Title V Operating Permit program in OAR 340-218-0020 for sources that are not major does not apply to sources subject to this rule.

(4) Reporting requirements. Landfills subject to this rule must comply with the following:

(a) Large landfills listed in Subsection (1)(a) through (c) must comply with the following:

(A) Submit an Initial Design Capacity Report and an Initial Nonmethane Organic Compound Report within 90 days of the effective date of this rule; and

(B) Submit an annual Nonmethane Organic Compound Report until nonmethane emissions are 50 Mg/year.

(b) Small landfills listed in subsection (1)(a) through (c) must submit an Initial Design Capacity Report and an Initial Nonmethane Organic Compound Report within 90 days of the effective date of this rule.

(5) Definitions. As used in this rule:

(a) "Closed municipal solid waste landfill" or “closed landfill” means a landfill in which solid waste is no longer being placed, and in which no additional solid wastes will be placed without first filing a notification of modification as prescribed under 40 CFR 60.7(a)(4). Once a notification of modification has been filed, and additional solid waste is placed in the landfill, the landfill is no longer closed. A landfill is considered closed after meeting the criteria of 40 CFR 258.60;

(b) "Effective date" means the date this rule is filed with the Secretary of State;

(c) "Existing municipal solid waste landfill" or “existing landfill” means a municipal solid waste landfill that began construction, reconstruction or modification before 5/30/91and has accepted waste at any time since 11/08/87 or has additional design capacity available for future waste deposition;

(d) "Large municipal solid waste landfill" or “large landfill” means a municipal solid waste landfill with a design capacity greater than or equal to 2.5 million megagrams or 2.5 million cubic meters;

(e) "Modification" means an action that results in an increase in the design capacity of the landfill;

(f) "Municipal solid waste landfill" or landfill” means an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. A municipal solid waste landfill may also receive other types of RCRA Subtitle D wastes such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of a municipal solid waste landfill may be separated by access roads and may be publicly or privately owned. A municipal solid waste landfill may be a new municipal solid waste landfill, an existing municipal solid waste landfill, or a lateral expansion (modification);

(g) "New municipal solid waste landfill" or “new landfill” means a municipal solid waste landfill that began construction, reconstruction or modification or began accepting waste on or after 5/30/91; and

(h) "Small municipal solid waste landfill" or “small landfill” means a municipal solid waste landfill with a design capacity less than 2.5 million megagrams or 2.5 million cubic meters.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.050
Stats. Implemented: ORS 468A.025, 468A.040 & 468A.050

Hist.: DEQ 8-1997, f. & cert. ef. 5-6-97; DEQ 22-1998, f. & cert. ef. 10-21-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0745

340-236-8010

Table-Process Weight Table

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

Stat. Auth.: ORS 468.020, 468A.025 & 468A.070
Stats. Implemented: ORS 468A.025 & 468A.070

DIVISION 240

RULES FOR AREAS WITH UNIQUE AIR QUALITY NEEDS

340-240-0010

Purpose

The purpose of this division is to address the air quality control needs of the Medford-Ashland AQMA and Grants Pass UGB (OAR 340-240-0100 through 340-240-0270), the La Grande UGB (340-240-0300 through 340-240-0360, the Lakeview UGB (340-240-0400 through 340-240-0440), and the Klamath Falls Nonattainment Area (340-240-0500 through 340-240-0630).

NOTE: These rules are included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025 & 468A.035
Hist.: DEQ 4-1978, f. & ef. 4-7-78; DEQ 22-1989, f. & cert. ef. 9-26-89; DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0005; DEQ 10-2012, f. & cert. ef. 12-11-12

340-240-0020

Emission Limitations

Emission limitations established herein and stated in terms of pounds per 1,000 square feet of production are to be computed on an hourly basis using the maximum 8 hour production capacity of the plant.

NOTE: These rules are included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.070
Stats. Implemented: ORS 468A.025 & 468A.070
Hist.: DEQ 3-1996, f. & cert. ef. 1-29-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0007; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-240-0030

Definitions

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

(1) "Air conveying system" means an air moving device, such as a fan or blower, associated ductwork, and a cyclone or other collection device, the purpose of which is to move material from one point to another by entrainment in a moving airstream.

(2) "Design criteria" means the numerical as well as verbal description of the basis of design, including but not necessarily limited to design flow rates, temperatures, humidities, contaminant descriptions in terms of types and chemical species, mass emission rates, concentrations, and specification of desired results in terms of final emission rates and concentrations, and scopes of vendor supplies and owner-supplied equipment and utilities, and a description of any operational controls.

(3) "Domestic waste" means combustible household waste, other than wet garbage, such as paper, cardboard, leaves, yard clippings, wood, or similar materials generated in a dwelling housing four (4) families or less, or on the real property on which the dwelling is situated.

(4) “Fireplace” is defined in OAR 340-262-0450.

(5) "Grants Pass Urban Growth Area" and "Grants Pass Area" means the area within the Grants Pass Urban Growth Boundary as shown on the Plan and Zoning Maps for the City of Grants Pass as of 1 February 1988.

(6) “Klamath Falls Nonattainment Area” means the area as defined in OAR 340-204-0010.

(7) "La Grande Urban Growth Area" means the area within the La Grande Urban Growth Boundary as shown on the Plan and Zoning Maps for the City of La Grande as of 1 October 1991.

(8) "Lakeview Urban Growth Area" means the area within the Lakeview Urban Growth Boundary as shown on the Plan and Zoning Maps for the Town of Lakeview as of 25 October 1993.

(9) "Open burning" means burning conducted in such a manner that combustion air and combustion products may not be effectively controlled including, but not limited to, burning conducted in open outdoor fires, burn barrels, and backyard incinerators.

(10) "Rebuilt boiler" means a physical change after April 29, 1988, to a wood-waste boiler or its air-contaminant emission control system which is not considered a modified source and for which the fixed, depreciable capital cost of added or replacement components equals or exceeds fifty percent of the fixed depreciable cost of a new component which has the same productive capacity.

(11) "Refuse" means unwanted material.

(12) "Refuse burning equipment" means a device designed to reduce the volume of solid, liquid, or gaseous refuse by combustion.

(13) "Wigwam waste burner" means a burner which consists of a single combustion chamber, has the general features of a truncated cone, and is used for the incineration of wastes.

(14) "Wood waste boiler" means equipment which uses indirect heat transfer from the products of combustion of wood waste to provide heat or power.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 4-1978, f. & ef. 4-7-78; DEQ 9-1979, f. & ef. 5-3-79; DEQ 3-1980, f. & ef. 1-28-80; DEQ 14-1981, f. & ef. 5-6-81; DEQ 22-1989, f. & cert. ef. 9-26-89; DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 4-1995, f. & cert. ef. 2-17-95; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 3-1996, f. & cert. ef. 1-29-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0010; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 10-2012, f. & cert. ef. 12-11-12

340-240-0050

Compliance Testing Requirements

(1) For demonstrating compliance with the standards in this division, testing must be done in accordance with the DEQ Source Sampling Manual.

(2) For demonstrating compliance with particulate standards, testing must be conducted using the following test methods, or alternative methods approved by DEQ:

(a) For wood waste boilers – DEQ Method 5. Results must be corrected to 12% CO2, as follows

(A) C(12% CO2) = C x 12/%CO2

(B) As used in paragraph (A):

C(12%CO2) = Particulate matter emission concentration corrected to 12% CO_2;

C = Particulate matter emission concentration as measured by Oregon DEQ Method 5; and

% CO2 = Percent CO2 in the exhaust gas, as measured by EPA Method 3 (or equivalent) during each particulate matter test run.

(b) For veneer dryers, wood material dryers, press and other process vents – DEQ Method 7; and

(c) For air conveying systems - DEQ Method 5 or 8.

(3) For demonstrating compliance with opacity standards, observations must be made in accordance with EPA Method 9 or continuous opacity monitoring systems certified in accordance with the DEQ Continuous Monitoring Manual.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.070
Stats. Implemented: ORS 468A.025 & 468A.070

The Medford-Ashland Air Quality Maintenance Area and the Grants Pass Urban Growth Area

340-240-0100

Applicability

OAR 340-240-0100 through 340-240-0250 apply in the Medford-Ashland Air Quality Maintenance Area (AQMA) and the Grants Pass Urban Growth Area (Area), except that OAR 340-240-0130, 340-240-0180, and 340-240-0190 apply only in the Medford-Ashland AQMA.

NOTE: These rules are included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025 & 468A.035
Hist.: DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0012; DEQ 1-2005, f. & cert. ef. 1-4-05

340-240-0110

Wood Waste Boilers

(1) No person may cause or permit the emission of particulate matter from any boiler with a heat input capacity greater than 35 million Btu/hour unless the boiler has been equipped with emission control devices which:

(a) Limits emissions of particulate matter to LAER as defined by DEQ at the time DEQ approves the control device; and

(b) Limits visible emissions such that opacity does not exceed 5% as a six minute average, unless the permittee demonstrates by source test that emissions can be limited to LAER at higher visible emissions, but in no case may emissions equal or exceed 10% opacity as a six minute average. Specific opacity limits will be included in the permit for each affected source.

(2) For boilers existing in the baseline period with a heat input capacity greater than 35 million Btu/hour, boiler mass emission limits for the purpose of establishing the facility's netting basis under OAR 340-222-0046 will be based on particulate matter emissions of 0.030 grains per dry standard cubic foot, corrected to 12% CO2.

(3) Rebuilt Boilers are subject to OAR 340-240-0110(1). Boiler mass emissions for purposes of OAR 340-222-0041 will be based on LAER at the time DEQ approves the rebuilt boiler.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 4-1978, f. & ef. 4-7-78; DEQ 29-1980, f. & ef. 10-29-80; DEQ 14-1986, f. & ef. 6-20-86; DEQ 22-1989, f. & cert. ef. 9-26-89; DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 4-1995, f. & cert. ef. 2-17-95; DEQ 22-1996, f. & cert. 10-22-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0015; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2005, f. & cert. ef. 1-4-05

340-240-0120

Veneer Dryer Emission Limitations

(1) No person may 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 (b) through (f):

(a)(A) A daily average operating opacity of five percent on more than two days within any 12-month period, with the days separated from each other by at least 30 days, as measured by EPA Method 9; and

(B) A maximum opacity of 10 percent at any time as measured by EPA Method 9, unless the permittee demonstrates by source test that it can achieve the emission limits in subsections (b) through (f) at higher visible emissions than specified in subsection (a) , 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;

(b) 0.30 pounds per 1,000 square feet of veneer dried (3/8" basis) for direct natural gas or propane fired veneer dryers;

(c) 0.30 pounds per 1,000 square feet of veneer dried (3/8" basis) for steam heated veneer dryers;

(d) 0.40 pounds per 1,000 square feet of veneer dried (3/8" basis) for direct wood fired veneer dryers 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;

(e) 0.45 pounds per 1,000 square feet of veneer dried (3/8" basis) for direct wood fired veneer dryers using fuel which has a moisture content greater than 20 percent by weight on a wet basis as measured by ASTM D4442-84; or

(f) In addition to subsections (d) and (e), 0.20 pounds per 1,000 pounds of steam generated in any boiler that exhausts its combustion gases to the veneer dryer.

(2) Exhaust gases from fuel burning equipment vented to the veneer dryer are exempt from OAR 340-228-0210.

(3) No person may operate a veneer dryer unless:

(a) The owner or operator has submitted a program and time schedule for installing an emission-control system which has been approved in writing by DEQ as being capable of complying with subsections (1)(a) through (f);

(b) The veneer dryer is equipped with an emission-control system which has been approved in writing by DEQ and is capable of complying with subsections (1)(a) through (f); or

(c) The owner or operator has demonstrated and DEQ has agreed in writing that the dryer is capable of being operated and is operated in continuous compliance with subsections (1)(a) through (f).

(4) Each veneer dryer must be maintained and operated at all times such that air contaminant generating processes and all contaminant control devices are at full efficiency and effectiveness so that the emission of air contaminants is kept at the lowest practicable levels.

(5) No person may willfully cause or permit the installation or use of any means, such as dilution, which, without resulting in a reduction in the total amount of air contaminants emitted, conceals an emission which would otherwise violate this rule.

(6) Where effective measures are not taken to minimize fugitive emissions, DEQ may require that the equipment or structures in which processing, handling and storage are done, be tightly closed, modified, or operated in such a way that air contaminants are minimized, controlled, or removed before discharge to the open air.

NOTE: These rules are included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.070
Stats. Implemented: ORS 468A.025 & 468A.070
Hist.: DEQ 22-1989, f. & cert. ef. 9-26-89; DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0021; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2005, f. & cert. ef. 1-4-05

340-240-0130

Air Conveying Systems (Medford-Ashland AQMA Only)

All air conveying systems emitting greater than 10 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.

NOTE: These rules are included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 4-1978, f. & ef. 4-7-78; DEQ 22-1989, f. & cert. ef. 9-26-89; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0025; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2005, f. & cert. ef. 1-4-05

340-240-0140

Wood Particle Dryers at Particleboard Plants

(1) No person may cause or permit the total emission of particulate matter from all wood particle dryers at a particleboard plant site to exceed 0.40 pounds per 1,000 square feet of board produced by the plant on a 3/4" basis of finished product equivalent.

(2) No person may 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. In no case are emissions allowed to equal or exceed 20 percent opacity as a six minute average. Specific opacity limits will be included in the permit for each affected source.

NOTE: These rules are included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

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

Hist.: DEQ 4-1978, f. & ef. 4-7-78; DEQ 14-1981, f. & ef. 5-6-81; DEQ 14-1986, f. & ef. 6-20-86; DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0030; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2005, f. & cert. ef. 1-4-05

340-240-0150

Hardboard Manufacturing Plants

(1) Emissions from hardboard plants excluding press vents. No person may cause or permit the total emissions of particulate matter from a hardboard plant, excluding press/cooling vents, to exceed 0.25 pounds per 1,000 square feet of hardboard produced on a 1/8" basis of finished product equivalent.

(2) Emissions from hardboard plants including press vents. No person is allowed to cause or permit the total emissions of particulate matter from a hardboard plant, including press/cooling vents, to exceed 0.55 pounds per 1,000 square feet of hardboard produced on a 1/8" basis of finished product equivalent.

(3) When calculating emissions for this rule, emissions from truck dump and storage areas, fuel burning equipment, and refuse burning equipment are not included.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 14-1981, f. & ef. 5-6-81; DEQ 14-1986, f. & ef. 6-20-86; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 4-1995, f. & cert. ef. 2-17-95; DEQ 2-1996, f. & cert. ef. 1-29-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0031; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2005, f. & cert. ef. 1-4-05

340-240-0160

Wigwam Waste Burners

No person owning or controlling any wigwam waste burner is allowed to cause or permit the operation of the wigwam waste burner.

NOTE: These rules are included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 4-1978, f. & ef. 4-7-78; DEQ 29-1980, f. & ef. 10-29-80; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0035; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-240-0180

Control of Fugitive Emissions (Medford-Ashland AQMA Only)

(1) All sawmills, plywood mills and veneer manufacturing plants, particleboard and hardboard plants, asphalt plants, rock crushers, animal feed manufacturers, and other major industrial facilities as identified by DEQ, must prepare and implement site-specific plans for the control of fugitive emissions.

(2) Fugitive emission-control plans must identify reasonable measures to prevent particulate matter from becoming airborne. Special care will be taken by the facility to avoid the migration of material onto the public road system. Such reasonable measures include, but are not limited to the following:

(a) The systematic paving of all unpaved roads and areas on which vehicular traffic occurs. Until an area is paved, subsection (2)(b) applies;

(b) Scheduled application of water, or other suitable chemicals on unpaved roads, log storage or sorting yards, materials stockpiles, and other surfaces which can create airborne dust. Dust suppressant material must not adversely affect water quality;

(c) Periodic sweeping or cleaning of paved roads and other areas as necessary to prevent migration of material onto the public road system;

(d) Full or partial enclosure of materials stockpiled in cases where application of water or suitable chemicals are not sufficient to prevent particulate matter from becoming airborne;

(e) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials;

(f) Adequate containment during sandblasting or other similar operations;

(g) Covering, at all times when in motion, open bodied trucks transporting materials likely to become airborne; and

(h) Procedures for the prompt removal of earthen material, dirt, dust, or other material from paved streets.

(3) Reasonable measures may include landscaping and using vegetation to reduce the migration of material onto public and private roadways.

(4) The facility owner or operator must supervise and control fugitive emissions and material that may become airborne caused by the activity of outside contractors delivering or removing materials at the site.

(5) The site-specific fugitive dust emissions control plan must be submitted to DEQ prior to or within 60 days of permit issuance or renewal. DEQ will approve or deny the plan within 30 days.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.040
Stats. Implemented: ORS 468A.025 & 468A.040
Hist.: DEQ 6-1983, f. & ef. 4-18-83; DEQ 22-1989, f. & cert. ef. 9-26-89; DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 4-1995, f. & cert. ef. 2-17-95; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ16-1998, f. & cert. ef. 9-23-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0043; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2005, f. & cert. ef. 1-4-05

340-240-0190

Requirement for Operation and Maintenance Plans (Medford-Ashland AQMA Only)

(1) Operation and Maintenance Plans must be prepared by all holders of permits other than a Basic ACDP. All sources subject to regular permit requirements are subject to operation and maintenance requirements.

(2) The purposes of the operation and maintenance plans are to:

(a) Reduce the number of upsets and breakdowns in particulate control equipment;

(b) Reduce the duration of upsets and downtimes; and

(c) Improve the efficiency of control equipment during normal operations.

(3) The operation and maintenance plans must consider, but not be limited to, the following:

(a) Personnel training in operation and maintenance;

(b) Preventative maintenance procedures, schedule and records;

(c) Logging of the occurrence and duration of all upsets, breakdowns and malfunctions which result in excessive emissions;

(d) Routine follow-up evaluation of upsets to identify the cause of the problem and changes needed to prevent a recurrence;

(e) Periodic source testing of pollution control units as required by the permit;

(f) Inspection of internal wear points of pollution control equipment during scheduled shutdowns; and

(g) Inventory of key spare parts.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 6-1983, f. & ef. 4-18-83; DEQ 22-1989, f. & cert. ef. 9-26-89; DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 4-1995, f. & cert. ef. 2-17-95; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 22-1996, f. & cert. 10-22-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0044; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2005, f. & cert. ef. 1-4-05

340-240-0210

Continuous Monitoring

(1) DEQ will require the installation and operation of instrumentation for measuring and recording emissions and/or the parameters which affect the emission of air contaminants from wood-waste fired boilers, veneer dryers, fiber dryers, and particle dryers to ensure that the sources and the air pollution control devices are operated at all times at their full efficiency and effectiveness so that the emission of air contaminants is kept at the lowest practicable level. The instrumentation must be periodically calibrated. The method and frequency of

calibration must be approved in writing by DEQ. Continuous monitoring equipment and operation must be in accordance with the DEQ Continuous Monitoring Manual. The recorded information must be kept for a period of at least one year and must be made available to DEQ upon request.

(2) At a minimum, the monitoring required under paragraph (1) must include:

(a) Continuous monitoring and monthly reporting of carbon monoxide concentration and oxygen concentration for any wood-waste fired boiler with a heat input capacity greater than 35 million BTU/hr or for any wood-waste boiler using a wet scrubber as pollution control device and steam production rate for any wood-waste fired boiler;

(b) Continuous monitoring and monthly reporting of pressure drop, scrubber water pressure, and scrubber water flow or other parameters deemed by DEQ to be equal or better indicators of proper operation of the wet scrubber used as pollution control device for any wood-waste fired boiler, veneer dryer, particle dryer, or fiber dryer; and

(c) Continuous monitoring and monthly reporting of opacity for any wood-waste fired boiler not controlled by a wet scrubber.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.050 & 468A.070
Stats. Implemented: ORS 468A.025, 468A.050 & 468A.070
Hist.: DEQ 4-1978, f. & ef. 4-7-78; DEQ 22-1989, f. & cert. ef. 9-26-89; DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 22-1996, f. & cert. 10-22-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0050; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2005, f. & cert. ef. 1-4-05

340-240-0220

Source Testing

(1) 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 frequencies:

(a) Wood Waste Boilers with heat input capacity greater than 35 million Btu/hour -- Once every year;

(b) Veneer Dryers -- Once every three years;

(c) Wood Particle Dryers at Hardboard and Particleboard Plants -- Once every year;

(d) Wood Waste Boilers with heat input capacity equal to or less than 35 million BTU/hour with dry emission control devices -- Once every three years.

(2) Source testing must begin at these frequencies within 90 days of the date by which compliance is to be achieved for each individual emission source.

(3) These source testing requirements will remain in effect unless waived in writing by DEQ because of adequate demonstration that the source is consistently operating at lowest practicable levels, or that continuous emission monitoring systems are producing equivalent information.

(4) Source tests on wood waste boilers must not be performed during periods of soot blowing, grate cleaning, or other abnormal operating conditions. The maximum steaming rate for the boiler may not exceed the average steam production rate measured during the source test by more than ten percent (10%).

(5) Source tests must be performed within 90 days of the startup of air pollution control systems.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.070
Stats. Implemented: ORS 468A.025 & 468A.070
Hist.: DEQ 4-1978, f. & ef. 4-7-78; DEQ 14-1986, f. & ef. 6-20-86; DEQ 22-1988, f. & cert. ef. 9-26-89; DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 22-1996, f. & cert. 10-22-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0055; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2005, f. & cert. ef. 1-4-05

340-240-0250

Open Burning

Open burning of domestic waste is prohibited on any day or at any time when DEQ advises fire permit issuing agencies that open burning is not allowed because of adverse meteorological or air quality conditions.

NOTE: These rules are included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.085
Stats. Implemented: ORS 468A.025 & 468A.085
Hist.: DEQ 4-1978, f. & ef. 4-7-78; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0070; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

La Grande Urban Growth Area

340-240-0300

Applicability

OAR 340-240-0300 through 340-240-0360 apply in the La Grande Urban Growth Area.

NOTE: These rules are included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025 & 468A.035
Hist.: DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0200

340-240-0320

Wood-Waste Boilers

No person may cause or permit the emission into the atmosphere from any wood-waste boiler that is located on a plant site where the total heat input capacity from all wood-waste boilers is greater than 35 million Btu/hr:

(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.

(2) Particulate matter in excess of 0.05 grains per standard cubic foot, corrected to 12 percent CO2.

NOTE: These rules are included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0210; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-240-0330

Wood Particle Dryers at Particleboard Plants

(1) No person may cause or permit the total emission of particulate matter from all wood particle dryers at a particleboard plant site to exceed 0.40 pounds per 1,000 square feet of board produced by the plant on a 3/4" basis of finished product equivalent.

(2) No person may 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.

NOTE: These rules are included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0330; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-240-0340

Hardboard Manufacturing Plants

No person may cause or permit the total emissions of particulate matter from all sources within a hardboard plant, other than press/cooling vents, in excess of 0.25 pounds per 1,000 square feet of hardboard produced on a 1/8" basis of finished product equivalent.

NOTE: These rules are included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0220; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-240-0350

Air Conveying Systems

(1) No person is allowed to cause or permit the emission of particulate matter in excess of 0.10 grains per standard cubic foot from any air conveying system emitting less than or equal to ten tons of particulate matter to the atmosphere during any 12-month period beginning on or after January 1, 1990 except as allowed by section (2).

(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.

(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 .

(4) No person may cause or permit the emission of any air contaminant which is equal to or greater than five percent opacity as a six minute average from any air conveying system subject to section (3).

NOTE: These rules are included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0225; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-240-0360

Fugitive Emissions

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.

NOTE: These rules are included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0230; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

The Lakeview Urban Growth Area

340-240-0400

Applicability

OAR 340-240-0400 through 340-240-0440 apply to the Lakeview Urban Growth Area.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025 & 468A.035
Hist.: DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0300; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-240-0410

Control of Fugitive Emissions

(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.

(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:

(a) Scheduled application of water or other suitable chemicals on unpaved roads, log storage or sorting yards, materials stockpiles, and other surfaces which can create airborne dust;

(b) Full or partial enclosure of materials stockpiled in cases where application of water, or chemicals are not sufficient to prevent particulate matter from becoming airborne;

(c) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials;

(d) Adequate containment during sandblasting or other similar operations;

(e) Covering, at all times when in motion, open bodied trucks transporting materials likely to become airborne; and

(f) Procedures for the prompt removal from paved streets of earthen material, dirt, dust, or other material which does or may become airborne.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0310; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-240-0420

Requirement for Operation and Maintenance Plans

(1) 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.

(2) The purposes of the operation and maintenance plans are to:

(a) Reduce the number of upsets and breakdowns in particulate control devices;

(b) Reduce the duration of upsets and downtimes; and

(c) Improve the efficiency of control devices during normal operations.

(3) The operation and maintenance plans must consider, but not be limited to, the following:

(a) Personnel training in operation and maintenance;

(b) Preventative maintenance procedures, schedule and records;

(c) Logging of the occurrence and duration of all upsets, breakdowns and malfunctions which result in excessive emissions;

(d) Routine follow-up evaluation of upsets to identify the cause of the problem and changes needed to prevent a recurrence;

(e) Periodic source testing of pollution control units as required by a permit;

(f) Inspection of internal wear points of pollution control devices during scheduled shutdowns; and

(g) Inventory of key spare parts.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.050
Stats. Implemented: ORS 468.020, 468A.025 & 468A.050
Hist.: DEQ-10-1995, f. & cert. ef. 5-1-95; DEQ 22-1996, f. & cert. 10-22-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0320; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-240-0430

Source Testing

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, the 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.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.070
Stats. Implemented: ORS 468.020, 468A.025 & 468A.070
Hist.: DEQ-10-1995, f. & cert. ef. 5-1-95; DEQ 22-1996, f. & cert. 10-22-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0330; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-240-0440

Open Burning

No open burning of domestic waste is allowed to be initiated on any day or at any time when the local air stagnation advisory forecasts adverse meteorological or air quality conditions.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.085
Stats. Implemented: ORS 468A.025 & 468A.085
Hist.: DEQ-10-1995, f. & cert. ef. 5-1-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0340; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

Klamath Falls Nonattainment Area

340-240-0510

Opacity Standard

(1) Except as provided in section (2), no person conducting a commercial or industrial activity may cause or permit the emission of any air contaminant into the atmosphere from any stationary source including fuel or refuse burning equipment, that exhibits equal to or greater than 20% opacity as a six minute average.

(2) Exceptions to section (1) include the following:

(a) This rule does not apply to fugitive emissions.

(b) For wood-fired boilers that were constructed or installed prior to June 1, 1970 and not modified since that time, visible emissions during grate cleaning operations must not equal or exceed 40% opacity as a six minute average except that:

(A) Beginning June 30, 2013, this exception will only apply if the owner or operator conducts the grate cleaning in accordance with a grate cleaning plan that has been approved by DEQ; and

(B) The owner or operator must prepare a grate cleaning plan in consultation with DEQ and submit the plan to DEQ by June 1, 2013.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 10-2012, f. & cert. ef. 12-11-12

340-240-0550

Requirements for New Sources When Using Residential Wood Fuel-Fired Device Offsets

(1) All new or modified sources subject to OAR 340 division 224 may opt to use wood fuel-fired device emission reductions to satisfy offset requirements;

(2) Offsets for decommissioning fireplaces and non-certified woodstoves (including fireplace inserts) must be obtained at the ratio specified in OAR 340-224-0530, as applicable. One ton of emission reductions from fireplaces and non-certified wood stoves offsets one ton of emissions from a proposed new or modified industrial point source proposed to be located inside or impacting the non-attainment area or maintenance area;

(3) Offsets must be obtained from within the Klamath Falls Nonattainment Area and Maintenance Area; and

(4) The emission reductions offsets must be approved by DEQ and comply with OAR 340-240-0560.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.040
Stats. Implemented: ORS 468A.025, 468A.035 & 468A.040
Hist.: DEQ 10-2012, f. & cert. ef. 12-11-12

340-240-0560

Real and Permanent $PM_{2.5}$ and PM_{10} Offsets

(1) For Klamath Falls and other designated areas when allowed under OAR 340-204-0320, annual emissions reductions offsets for $PM_{2.5}$ and PM_{10} are determined as follows:

(a) For fireplaces, the emission reductions offsets for decommissioning the fireplace and replacing it with a:

(A) Certified fireplace insert is 0.02 tons for each replaced device;

(B) Pellet stove insert is 0.03 tons for each replaced device; or

(C) Alternative non-wood burning heating system is 0.04 tons for each replaced device.

(b) For non-certified fireplace inserts, the emission reduction for replacing the heating device with a:

(A) Certified fireplace insert is 0.02 tons for each replaced device;

(B) Pellet stove is 0.04 tons for each replaced device; or

(C) Alternative non-wood burning heating system is 0.04 tons for each replaced device.

(c) For conventional (non-certified) woodstoves, the emission reduction for replacing the heating device with a:

(A) Certified woodstove (including both catalytic and non-catalytic designs) or certified fireplace insert is 0.03 tons for each replaced device; or

(B) Pellet stove is 0.05 tons for each replaced device; or

(C) Alternative non-wood burning heating system is 0.06 tons for each replaced device.

(d) For certified woodstoves (including both catalytic and non-catalytic designs), the emission reduction for replacing the heating device with a:

(A) Pellet stove is 0.03 tons for each replaced device; or

(B) Alternative non-wood burning heating system is 0.04 tons for each replaced device

(2) For the emission reductions identified in section (1) to be considered permanent, the person responsible for taking credit for the emission reductions must obtain and maintain the following records for at least 5 years from the date that the proposed industrial point source commences operation:

(a) The address of the residence where the emission reduction occurred;

(b) The date that the emission reduction was achieved;

(c) Purchase and installation records for certified woodstoves, certified inserts, or alternative non-wood burning heating systems;

(d) Records for permanently decommissioning fireplaces, if applicable; and

(e) Disposal records for non-certified woodstoves or fireplace inserts removed.

(3) The records identified in section (2) may be provided by a third party authorized and monitored by the DEQ to procure the emission reductions identified in section (1).

(4) All emission reductions must be achieved prior to startup of the proposed source using the emission reductions as offsets in the permitting action specified in OAR 340 division 224.

NOTE: As used in this rule, “Certified” includes catalytic and non-catalytic designs, unless otherwise specified.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.050
Stats. Implemented: ORS 468A.025, 468A.040 & 468A.050

Hist.: DEQ 10-2012, f. & cert. ef. 12-11-12

Klamath Falls Nonattainment Area Contingency Measures

340-240-0610

Continuous Monitoring for Industrial Sources

(1) The owner or operator of an Oregon Title V Operating Permit program source, as defined in OAR 340-200-0020, must install and operate instrumentation for measuring and recording emissions or the parameters that affect the emission of particulate matter from wood-fired boilers by June 1, 2015, to ensure that the sources and the air pollution control devices are operated at all times at their full efficiency and effectiveness so that the emission of particulate matter is kept at the lowest practicable level. Continuous monitoring equipment and operation must be in accordance with the DEQ Continuous Monitoring Manual.

(2) At a minimum, the monitoring required under paragraph (1) must include:

(a) Continuous monitoring of control device parameters for any wood-fired boiler.

(b) Continuous monitoring of opacity for any wood- fired boiler not controlled by a wet scrubber.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.070
Stats. Implemented: ORS 468A.025 & 468A.070
Hist.: DEQ 10-2012, f. & cert. ef. 12-11-12

DIVISION 242

RULES APPLICABLE TO THE PORTLAND AREA

Industrial Emission Management Program

340-242-0400

Applicability

(1) OAR 340-242-0430 through 340-242-0440 apply to all 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 .

(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 and are located within the Portland Metro area or outside the Portland Metro area but that will have a significant impact within the Portland Metro area.

NOTE: These rules are included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0700; DEQ 3-2007, f. & cert. ef. 4-12-07

340-242-0410

Definition of Terms

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

(1) "PSEL" means the Plant Site Emission Limit of an individual regulated pollutant specified in an Air Contaminant Discharge Permit or Title V permit issued to a source by DEQ, pursuant to OAR 340 division 216 or 218.

(2) "Unused PSEL" means the difference between a source's actual emissions and its permitted level or PSEL in 1990 or 1992, whichever is lower, as determined through DEQ's emission inventory data.

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

NOTE: These rules are included in the State of Oregon Clean Air Act Implementation that EQC adopted under OAR 340-200-0040.

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

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0710; DEQ 3-2007, f. & cert. ef. 4-12-07

340-242-0420

Unused PSEL Donation Program

(1) This program encourages owners or operators of VOC and NOx sources identified in OAR 340-242-0400(1) to donate unused PSEL to DEQ. Under this program, donations can be either permanent or temporary. For a source to participate in this program it must have entered into an agreement with DEQ prior to January 1, 2006.

(2) VOC sources donating at least 35 percent of their unused PSEL and NOx sources donating at least 50 percent of their unused PSEL will receive the following incentives and considerations from DEQ for participating in this program:

(a) Exemption from the Employee Commute Options (ECO) Program in OAR 340-242-0010 through 340-242-0290 for the duration of the Portland Ozone Maintenance plan;

(b) Priority permit processing for any required air quality permit;

(c) In accordance with OAR 340-242-0430 and 340-242-0440(1), priority use of up to 50 percent of any remaining growth allowance. This applies only to sources making permanent donations, pursuant to section (3); and

(d) Other considerations may be added to the donation agreement on a case-by-case basis, consistent with DEQ's rules and statutes.

(3) DEQ will adjust the PSEL of sources providing permanent donations to reflect the emissions donated. Permanent donations will result in adjustment to the source's baseline emission rate and PSEL, consistent with the definition of "major modification" under OAR 340-224-0025 and changes to PSELs required under 340-222-0035.

(4) Sources participating in this program must enter into a donation agreement with DEQ that identifies the commitments of both parties. Any such agreement is legally binding and enforceable.

NOTE: These rules are included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.040
Stats. Implemented: ORS 468A.025 & 468A.040
Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0720; DEQ 3-2007, f. & cert. ef. 4-12-07

340-242-0430

Industrial Growth Allowances

(1) This rule establishes industrial growth allowances for sources identified in OAR 340-242-0400. The amount of each growth allowance is defined in the SIP and is on file with DEQ.

(2) The owner or operator of a source subject to this division may obtain a portion of the respective growth allowance pursuant to OAR 340-242-0440.

(3) If no emissions remain in the respective growth allowance, the owner or operator must provide offsets as required under OAR 340 division 224.

NOTE: These rules are included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.040
Stats. Implemented: ORS 468A.025 & 468A.040
Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0730; DEQ 3-2007, f. & cert. ef. 4-12-07

340-242-0440

Industrial Growth Allowance Allocation

(1) The owner or operator of a source subject to this division may obtain a portion of any remaining emissions in the respective growth allowance in accordance with procedures described in the SIP that is on file with DEQ, and based on the following conditions:

(a) Access is on a first-come-first-served basis, based on the submittal date of a complete permit application;

(b) Unused PSEL donation sources that meet the donation criteria specified in OAR 340-242-0420(2) have priority access to their respective growth allowance as a "tie-breaker" over non-donation sources;

(c) Except as provided below, no single source may receive an emissions allocation of more than 1,000 tons of either VOC or NOx or more than 50% of any remaining growth allowance; and

(d) A single source must apply to the EQC to receive more than 1,000 tons of VOC or NOx, but in no case more than 50% of the remaining growth allowance. To apply, sources must submit air quality and other information as required by DEQ justifying its request and must include information on significant economic, employment, or other benefits to the Portland area that will result from the proposed source, and the availability of emissions offsets. DEQ will evaluate ozone levels and expected trends to determine whether the proposed facility poses any risk to maintaining compliance with the ozone air quality standard prior to making a recommendation to the EQC regarding the source application.

(2) The amount of the CO growth allowance that can be allocated is identified in the Portland Area Carbon Monoxide Maintenance Plan, Section 4.58 of Volume 2 of the SIP on file with DEQ.

NOTE: These rules are included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.040
Stats. Implemented: ORS 468A.025 & 468A.040
Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0740; DEQ 10-2004, f. & cert. ef. 12-15-04; DEQ 3-2007, f. & cert. ef. 4-12-07

Gasoline Vapors from Gasoline Transfer and Dispensing Operations

340-242-0500

Purpose and Applicability

(1) Gasoline vapors contribute to the formation of ozone. OAR 340-242-0500 through 340-242-0520 require the control of gasoline vapors from gasoline dispensing operations.

(2) OAR 340-242-0500 through 340-242-0520 apply to gasoline dispensing facilities located within Clackamas, Multnomah and Washington Counties.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 7-1991, f. & cert. ef. 5-7-91 (and corrected 6-7-91); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 16-1996, f. & cert. ef. 8-14-96; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0400; DEQ 1-2011, f. & cert. ef. 2-24-11

340-242-0510

Definitions

The definitions in OAR 340-200-0020, 340-204-0010 and this rule apply in OAR 340-242-0500 through 340-242-0520. If the same term is defined in this rule and OAR 340-200-0020 or 340-204-0010, the definition in this rule applies in OAR 340-242-0500 through 340-242-0520.

(1) "Equivalent control" means the use of alternate operational and/or equipment controls for the reduction of gasoline vapor emissions, that have been approved by DEQ, such that the aggregate emissions of gasoline vapor from the facility do not exceed those from the application of defined reasonably available control technology.

(2) "Gasoline" means any petroleum distillate having a Reid vapor pressure of four pounds per square inch (28 kilopascals) or higher, used as a motor fuel.

(3) "Gasoline dispensing facility" means any site where gasoline is dispensed to motor vehicle, boat, or airplane gasoline tanks from stationary storage tanks.

(4) "Annual throughput" means the amount of gasoline transferred into or dispensed from a gasoline dispensing facility during 12 consecutive months.

(5) "Stage I vapor collection system" means a system where gasoline vapors are forced from a tank into a vapor-tight holding system or vapor control system through direct displacement by the gasoline being loaded.

(6) "Stage II vapor collection system" means a system where at least 90 percent, by weight, of the gasoline vapors that are displaced or drawn from a vehicle fuel tank during refueling are transferred to a vapor-tight holding system or vapor control system.

(7) "Substantially modified" means a modification of an existing gasoline-dispensing facility which involves the addition of one or more new stationary gasoline storage tanks or the repair, replacement or reconditioning of an existing tank.

(8) "Vapor control systems" means a system that prevents emissions to the outdoor atmosphere from exceeding 4.7 grains per gallon (80 grams per 1,000 liters) of petroleum liquid loaded.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 7-1991, f. & cert. ef. 5-7-91 (and corrected 6-7-91); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 16-1996, f. & cert. ef. 8-14-96; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0401

340-242-0520

General Provisions

(1) No owner and/or operator of a gasoline-dispensing facility may transfer or allow the transfer of gasoline into a motor vehicle fuel tank at gasoline-dispensing facilities located in Clackamas, Multnomah or Washington Counties whose annual throughput exceeds 600,000 gallons, unless the gasoline-dispensing facility is equipped with a stage II vapor collection system which must be approved by DEQ before it is installed.

[**NOTE**: Underground piping requirements are described in OAR 340-150-0300 and 40 CFR 280.20(d). Systems installed according to Petroleum Equipment Institute Publication RP100, "Recommended Practices for Installation of Underground Liquid Storage Systems" or American Society of Mechanical Engineers Standard B31.4 "Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids" are considered approved systems.]

(2) Owners and/or operators of gasoline-dispensing facilities subject to stage II vapor collection requirements must:

(a) Install all necessary stage II vapor collection and control systems, and make any modifications necessary to comply with the requirements;

(b) Provide adequate training and written instructions to the operator of the affected gasoline-dispensing facility and the gasoline transport vehicle;

(c) Replace, repair or modify any worn or ineffective component or design element to ensure the vapor-tight integrity and efficiency of the stage II vapor collection systems; and

(d) Connect and ensure proper operation of the stage II vapor collection systems whenever gasoline is being loaded, unloaded or dispensed.

(3) Approval of a stage II vapor collection system by DEQ does not relieve the owner and/or operator of the responsibility to comply with other applicable codes and regulations pertaining to fire prevention, weights and measures and safety matters.

(4) Regarding installation and testing of piping for stage II vapor collection systems:

(a) Piping must be installed in accordance with standards in OAR 340 division 150;

(b) Piping must be installed by a licensed installation service provider pursuant to OAR 340 division 160; and

(c) Piping must be tested prior to being placed into operation by an installation or tank tightness testing service provider licensed pursuant to OAR 340 division 160.

(5) Test methods are based on methods used in other states with established stage II programs. See DEQ, Operations Division, for copies of the approved test methods.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 7-1991, f. & cert. ef. 5-7-91 (and corrected 6-7-91); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 25-1994, f. & cert. ef. 11-22-94; DEQ 16-1996, f. & cert. ef. 8-14-96; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0402; DEQ 15-2008, f. & cert. ef 12-31-08

Motor Vehicle Refinishing

340-242-0600

Applicability

OAR 340-242-0600 through 340-242-0630 apply to any person who owns, leases, operates or controls a motor vehicle refinishing facility in the Portland AQMA.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025 & 468A.035
Hist.: DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 7-1999, f. 5-21-99, cert. ef. 7-12-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0700

340-242-0610

Definitions

The definitions in OAR 340-200-0020, 340-204-0010 and this rule apply in 340-242-0600 through 340-242-0630. If the same term is defined in this rule and OAR 340-200-0020 or 340-204-0010, the definition in this rule applies in 340-242-0600 through 340-242-0630.

(1) "High volume, low pressure spray", or "HVLP" means equipment used to apply coatings with a spray device which operates at a nozzle air pressure between 0.1 and 10 pounds per square inch gravity (psig).

(2) "Motor vehicle" means a vehicle that is self-propelled or designed for self-propulsion as defined in ORS 801.360.

(3) "Motor vehicle refinishing" means the application of surface coating to on-road motor vehicles or non-road motor vehicles, or their existing parts and components, except Original Equipment Manufacturer (OEM) coatings applied at manufacturing plants.

(4) "Motor vehicle refinishing coating" means any coating designed for, or represented by the manufacturer as being suitable for motor vehicle refinishing.

(5) "Motor vehicle refinishing facility" means a location at which motor vehicle refinishing is performed.

(6) "Non-road motor vehicle" means any motor vehicle other than an on-road motor vehicle. "Non-Road Motor Vehicle" includes, but is not limited to, fixed load vehicles, farm tractors, farm trailers, all-terrain vehicles, and golf carts as these vehicles are defined in ORS Chapter 801.

(7) "On-road motor vehicle" means any motor vehicle which is required to be registered under ORS 803.300 or exempt from registration under 803.305(5), 803.305(6), or 803.305(15) through 803.305(19). "On-Road Motor Vehicle" includes, but is not limited to: passenger cars, trucks, vans, motorcycles, mopeds, motor homes, truck tractors, buses, tow vehicles, trailers other than farm trailers, and camper shells.

(8) "Public highway" means every public way, road, street, thoroughfare and place, including bridges, viaducts and other structures open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right.

(9) "Vehicle" means any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 16-1996, f. & cert. ef. 8-14-96; DEQ 7-1999, f. 5-21-99, cert. ef. 7-12-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0710

340-242-0620

Requirements for Motor Vehicle Refinishing in Portland AQMA

Except as provided in section (3), persons performing motor vehicle refinishing of on-road motor vehicles within the Portland AQMA must:

(1) Clean any spray equipment, including paint lines, in a device which:

(a) Minimizes solvent evaporation during the cleaning, rinsing, and draining operations;

(b) Recirculates solvent during the cleaning operation so the solvent is reused; and

(c) Collects spent solvent to be available for proper disposal or recycling; and

(2) Apply motor vehicle refinishing coatings by one of the following methods:

(a) High Volume Low Pressure spray equipment, operated and maintained in accordance with the manufacturer's recommendations;

(b) Electrostatic application equipment, operated and maintained in accordance with the manufacturer's recommendations;

(c) Dip coat application;

(d) Flow coat application;

(e) Brush coat application;

(f) Roll coat application;

(g) Hand-held aerosol cans; or

(h) Any other coating application method which can be demonstrated to effectively control VOC emissions, and which has been approved in writing by DEQ.

(3) This rule is not applicable to any person who performs motor vehicle refinishing without compensation, and who performs refinishing on two or fewer on-road motor vehicles, or portions thereof, in any calendar year.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025 & 468A.035
Hist.: DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 7-1999, f. 5-21-99, cert. ef. 7-12-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0740

340-242-0630

Inspecting and Testing Requirements

The owner or operator of any facility subject to OAR 340-242-0600 through 340-242-0630 must, at any reasonable time, make the facility available for inspection by DEQ.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468.095, 468A.025 & 468A.035
Hist.: DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 7-1999, f. 5-21-99, cert. ef. 7-12-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0760

DIVISION 244

OREGON FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM

General Provisions for Stationary Sources

340-244-0040

List of Hazardous Air Pollutants

For purposes of this division the EQC adopts by reference the pollutants, including groups of substances and mixtures, listed in section 112(b), as Hazardous Air Pollutants (Table 1).

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

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 13-1993, f. & cert. ef. 9-24-93; DEQ 2-1996, f. & cert. ef. 1-2-96; DEQ 20-1997, f. & cert. ef. 9-25-97; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-0130; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 13-2006, f. & cert. ef. 12-22-06

Emission Standards for Gasoline Dispensing Facilities

340-244-0232

Purpose

This rule establishes emission limitations and management practices for hazardous air pollutants and volatile organic compounds emitted from the loading of gasoline storage tanks and dispensing of fuel at gasoline dispensing facilities. This rule also establishes requirements to demonstrate compliance with the emission limitations and management practices.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 15-2008, f. & cert. ef 12-31-08

340-244-0234

Affected Sources

(1) The affected source to which the emission standards apply is each GDF. The affected source includes each gasoline cargo tank during the delivery of product to a GDF and also includes each storage tank.

(2) The emissions standards in OAR 340-244-0236 through 340-244-0252 do not apply to agricultural operations as defined in ORS 468A.020. Agricultural operations are however required to comply with the Gasoline Dispensing NESHAP, if applicable (40 CFR part 63 subpart CCCCCC).

(3) All GDFs must comply with the requirements of OAR 340-244-0240.

(4) The owner or operator of a GDF must comply with the requirements of OAR 340-244-0242 for the following gasoline storage tanks:

(a) All tanks with a capacity of 250 gallons or more located at GDFs:

(A) Whose annual throughput is480,000 gallons of gasoline or more;

(B) Whose monthly throughput is 100,000 gallons of gasoline or more; or

(C) In Clackamas, Multnomah, or Washington County whose annual throughput is 120,000 gallons of gasoline or more.

(b) All tanks with a capacity of 1,500 gallons or more located at GDFs in the Portland AQMA, Medford AQMA, or Salem-Keizer in the SKATS.

(5) The owner or operator of a GDF must comply with the requirements of OAR 340-244-0242(4) for any gasoline storage tank equipped with a vapor balance system.

(6) An affected source must, upon request by DEQ or the EPA Administrator, demonstrate its annual or monthly throughput. For new or reconstructed affected sources, as specified in OAR 340-244-0236(2) and (3), recordkeeping to document monthly throughput must begin upon startup of the affected source. For existing sources, as specified in OAR 340-244-0236(4), recordkeeping to document monthly throughput must begin on January 10, 2008. For existing sources that are subject only because they load gasoline into fuel tanks other than those in motor vehicles, as defined in OAR 340-244-0030, recordkeeping to document monthly throughput must begin on Jan. 24, 2011. Records required under this section must be kept for a period of 5 years.

(7) The owner or operator of an affected source, as defined in section (1), is not required to obtain an Oregon Title V Operating Permit as a result of being subject to OAR 340-244-0236 through 340-244-0252. However, the owner or operator of an affected source must still apply for and obtain an Oregon Title V Operating Permit if meeting one or more of the applicability criteria found in OAR 340-218-0020.

(8) The loading of aviation gasoline storage tanks at airports, and the subsequent transfer of aviation gasoline within the airport, is not subject to OAR 340-244-0236 through 340-244-0252, except in the Portland AQMA, Medford AQMA, Salem-Keizer in the SKATS, and Clackamas, Multnomah, and Washington Counties. In these geographic areas, aviation gasoline is subject to OAR 340-244-0236 through 340-244-0252.

(9) Monthly throughput is the total volume of gasoline loaded into, or dispensed from, all the gasoline storage tanks located at a single affected GDF. If an area source has two or more GDFs at separate locations within the area source, each GDF is treated as a separate affected source.

(10) If the affected source’s throughput ever exceeds an applicable throughput threshold, the affected source will remain subject to the requirements for sources above the threshold, even if the affected source throughput later falls below the applicable throughput threshold.

(11) The dispensing of gasoline from a fixed gasoline storage tank at a GDF into a portable gasoline tank for the on-site delivery and subsequent dispensing of the gasoline into the fuel tank of a motor vehicle or other gasoline-fueled engine or equipment used within the area source is only subject to OAR 340-244-0240(1).

(12) For any affected source subject to the provisions of OAR 340-244-0232 through 340-244-0252 and another federal rule, the owner or operator may elect to comply only with the more stringent provisions of the applicable rules. The owner or operator of an affected source must consider all provisions of the rules, including monitoring, recordkeeping, and reporting. The owner or operator of an affected source must identify the affected source and provisions with which the owner or operator of an affected source will comply in the Notification of Compliance Status required under OAR 340-244-0246. The owner or operator of an affected source also must demonstrate in the Notification of Compliance Status that each provision with which the owner or operator of an affected source will comply is at least as stringent as the otherwise applicable requirements in OAR 340-244-0232 through 340-244-0252. The owner or operator of an affected source is responsible for making accurate determinations concerning the more stringent provisions, and noncompliance with this rule is not excused if it is later determined that your determination was in error, and, as a result, the owner or operator of an affected source is violating OAR 340-244-0232 through 340-244-0252. Compliance with this rule is the owner's or operator's responsibility and the Notification of Compliance Status does not alter or affect that responsibility.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 4-2013, f. & cert. ef. 3-27-13

340-244-0236

Affected Equipment or Processes

(1) The emission sources to which this rule applies are gasoline storage tanks and associated equipment components in vapor or liquid gasoline service at new, reconstructed, or existing GDF that meet the criteria specified in OAR 340-244-0234. Pressure/vacuum vents on gasoline storage tanks and the equipment necessary to unload product from cargo tanks into the storage tanks at GDF are covered emission sources.

(2) An affected source is a new affected source if construction commenced on the affected source after Nov. 9, 2006, and the applicability criteria in OAR 340-244-0234 are met at the time operation commenced.

(3) An affected source is reconstructed if meeting the criteria for reconstruction as defined in 40 CFR 63.2.

(4) An affected source is an existing affected source if it is not new or reconstructed.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 1-2011, f. & cert. ef. 2-24-11

340-244-0238

Compliance Dates

(1) For a new or reconstructed affected source, the owner or operator must comply with the standards in OAR 340-244-0240 and 340-244-0242, as applicable, no later than Jan. 10, 2008 or upon startup, whichever is later, except as follows:

(a) The owner or operator of a new or reconstructed GDF must comply with OAR 340-244-0240(1)(b) and (c) no later than July 1, 2009 or upon startup, whichever is later.

(b) For tanks located at a GDF with average monthly throughput of less than 10,000 gallons of gasoline, the owner or operator must comply with the standards in OAR 340-244-0240(3) no later than Dec. 13, 2009.

(c) For tanks located at a GDF with average monthly throughput less than 100,000 gallons of gasoline and not listed in OAR 340-244-0234(4)(a)(C) or (4)(b), must comply with OAR 340-244-0242, as applicable, no later than Dec. 13, 2009 or upon startup, whichever is later.

(d) The owner or operator of a GDF subject to Table 2 of OAR 340-244-0242 must comply no later than Sep. 23, 2008 or upon startup, whichever is later.

(2) For an existing affected source, the owner or operator must comply with the standards in OAR 340-244-0240 and 340-244-0242, as applicable, by no later than Jan. 10, 2011, except as follows:

(a) For tanks with a capacity between 1,500 and 40,000 gallons and located in the Portland AQMA, Medford AQMA, or Salem SATS, the owner or operator must comply with the standards in OAR 340-244-0240(3) and 340-244-0242 no later than Dec. 13, 2008.

(b) For tanks located at an affected source located in Clackamas, Multnomah, or Washington County, whose annual throughput exceeds 120,000 gallons, the owner or operator must comply with the standards in OAR 340-244-0240(3) and 340-244-0242 no later than Dec. 13, 2008.

(c) The owner or operator of an existing GDF must comply with OAR 340-244-0240(1)(b) and (c) no later than July 1, 2009 or upon startup, whichever is later.

(3) For an existing affected source that becomes subject to the control requirements in OAR 340-244-0242 because of an increase in the monthly throughput, as specified in OAR 340-244-0234(4), the owner or operator must comply with the standards OAR 340-244-0242 no later than 3 years after the affected source becomes subject to the control requirements in OAR 340-244-0242.

(4) The initial compliance demonstration test required under OAR 340-244-0244(1)(a) and (b) must be conducted as specified in subsections (4)(a) and (b).

(a) For a new or reconstructed affected source, the owner or operator must conduct the initial compliance test upon installation of the complete vapor balance system.

(b) For an existing affected source, the owner or operator must conduct the initial compliance test as specified in paragraph (4)(b)(A) or (B) of this rule.

(A) For vapor balance systems installed on or before Dec. 15, 2009 at a GDF whose average monthly throughput is 100,000 gallons of gasoline or more, the owner or operator must test no later than 180 days after the applicable compliance date specified in section (2) or (3).

(B) For vapor balance systems installed after Dec. 15, 2009, the owner or operator must test upon installation of a complete vapor balance system or a new gasoline storage tank.

(C) For a GDF whose average monthly throughput is less than or equal to 100,000 gallons of gasoline, the owner or operator is only required to test upon installation of a complete vapor balance system or a new gasoline storage tank.

(5) If the GDF is subject to the control requirements in OAR 340-244-0232 through 340-244-0252 only because it loads gasoline into fuel tanks other than those in motor vehicles, as defined in OAR 340-244-0030, the owner or operator of the GDF must comply with the standards in OAR 340-244-0232 through 340-244-0252 as specified in subsections (5)(a) and (b).

(a) If the GDF is an existing facility, the owner or operator of the GDF must comply by Jan. 24, 2014.

(b) If the GDF is a new or reconstructed facility, the owner or operator of the GDF must comply by the dates specified in paragraphs (5)(b)(A) and (B).

(A) If startup of the GDF is after Dec. 15, 2009, but before January 24, 2011, the owner or operator of the GDF must comply no later than Jan. 24, 2011.

(B) If startup of the GDF is after Jan. 24, 2011, the owner or operator of the GDF must comply upon startup of the GDF.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

[ED. NOTE: Table referenced are available from the agency. Click here for PDF copy of tables.]

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 4-2013, f. & cert. ef. 3-27-13

Emissions Limitations and Management Practices

340-244-0239

General Duties to Minimize Emissions

Each owner or operator of an affected source must comply with the requirements of sections (1) and (2).

(1) The owner or operator of an affected source must, at all times, operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to DEQ and the EPA Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

(2) The owner or operator of an affected source must keep applicable records and submit reports as specified in OAR 340-244-0248(4) and 340-244-0250(2).

Stat. Auth.: ORS 468.020, 468A.025 & 468A.050
Stats. Implemented: ORS 468A.025 & 468A.050
Hist.: DEQ 4-2013, f. & cert. ef. 3-27-13

340-244-0240

Work Practice and Submerged Fill Requirements

(1) The owner or operator of a GDF must not allow gasoline to be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. Measures to be taken include, but are not limited to, the following:

(a) Minimize gasoline spills;

(b) Do not top off or overfill vehicle tanks. If a person can confirm that a vehicle tank is not full after the nozzle clicks off, such as by checking the vehicle's fuel tank gauge, the person may continue to dispense fuel using best judgment and caution to prevent a spill;

(c) Post a sign at the GDF instructing a person filling up a motor vehicle to not top off the vehicle tank;

(d) Clean up spills as expeditiously as practicable;

(e) Cover all open gasoline containers and all gasoline storage tank fill-pipes with a gasketed seal when not in use;

(f) Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.

(g) Ensure that cargo tanks unloading at the GDF comply with subsections (1)(a) through (e).

(2) Any cargo tank unloading at a GDF equipped with a functional vapor balance system must connect to the vapor balance system whenever gasoline is being loaded.

(3) Except as specified in section (4), the owner or operator of a GDF must only load gasoline into storage tanks at the facility by utilizing submerged filling, as defined in OAR 340-244-0030, and as specified in subsection (3)(a), (3)(b), or (3)(c). The applicable distances in subsections (3)(a) and (3)(b) must be measured from the point in the opening of the submerged fill pipe that is the greatest distance from the bottom of the storage tank.

(a) Submerged fill pipes installed on or before Nov. 9, 2006, must be no more than 12 inches from the bottom of the storage tank.

(b) Submerged fill pipes installed after Nov. 9, 2006, must be no more than 6 inches from the bottom of the storage tank.

(c) Submerged fill pipes not meeting the specifications of subsection (3)(a) or (3)(b) are allowed if the owner or operator of a GDF can demonstrate that the liquid level in the tank is always above the entire opening of the fill pipe. Documentation providing such demonstration must be made available for inspection by DEQ and the EPA Administrator during the course of a site visit.

(4) Gasoline storage tanks with a capacity of less than 250 gallons are not subject to the submerged fill requirements in section (3).

(5) The owner or operator of a GDF must submit the applicable notifications as required under OAR 340-244-0246.

(6) The owner or operator of a GDF must have records available within 24 hours of a request by DEQ or the EPA Administrator to document gasoline throughput.

(7) The owner or operator of a GDF must comply with the requirements of this rule by the applicable dates specified in OAR 340-244-0238.

(8) Portable gasoline containers that meet the requirements of 40 CFR part 59 subpart F are considered acceptable for compliance with subsection (1)(e).

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 4-2013, f. & cert. ef. 3-27-13

340-244-0242

Vapor Balance Requirements

(1) Except as provided in section (2), the owner or operator of a gasoline storage tank listed in OAR 340-244-0234(4), must meet the requirements in either subsection (1)(a) or (1)(b).

(a) Each management practice in Table 2 of OAR 340-244-0242 that applies to the GDF.

(b) If, prior to Jan. 10, 2008, the owner or operator of a GDF operates a vapor balance system at the GDF that meets the requirements of either paragraph (1)(b)(A) or (1)(b)(B), the owner or operator of a GDF will be deemed in compliance with this section.

(A) Achieves emissions reduction of at least 90 percent.

(B) Operates using management practices at least as stringent as those in Table 2 of OAR 340-244-0242 .

(2) Gasoline storage tanks equipped with floating roofs or the equivalent are not subject to the control requirements in section (1).

(3) The owner or operator of a cargo tank unloading at a GDF must comply with the requirements of OAR 340-244-0240(1) and management practices in Table 3 of OAR 340-244-0242.

(4) The owner or operator of a GDF subject to section (1) or having a gasoline storage tank equipped with a vapor balance system, must comply with the following requirements on and after the applicable compliance date in OAR 340-244-0238:

(a) When loading a gasoline storage tank equipped with a vapor balance system, connect and ensure the proper operation of the vapor balance system whenever gasoline is being loaded.

(b) Maintain all equipment associated with the vapor balance system to be vapor tight and in good working order.

(c) In order to ensure that the vapor balance equipment is maintained to be vapor tight and in good working order, have the vapor balance equipment inspected on an annual basis to discover potential or actual equipment failures.

(d) Replace, repair or modify any worn or ineffective component or design element within 24 hours to ensure the vapor-tight integrity and efficiency of the vapor balance system. If repair parts must be ordered, either a written or verbal order for those parts must be initiated within 2 working days of detecting such a leak. Such repair parts must be installed within 5 working days after receipt.

(5) The owner or operator of a GDF subject to section (1) must also comply with the following requirements:

(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.

(d) The owner or operator of a GDF must have records available within 24 hours of a request by DEQ or the EPA Administrator to document gasoline throughput.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

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

Stat. Auth.: ORS 468.020, 468A.025 & 468A.050
Stats. Implemented: ORS 468A.025 & 468A.050
Hist.: DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 4-2013, f. & cert. ef. 3-27-13

Testing and Monitoring Requirements

340-244-0244

Testing and Monitoring Requirements

(1) Each owner or operator of a GDF, at time of installation, as specified in OAR 340-244-0238(4), of a vapor balance system required under OAR 340-244-0242(1)(a), and every 3 years thereafter at a GDF with monthly throughput of 100,000 gallons of gasoline or more, must comply with the requirements in subsections (1)(a) and (b).

(a) The owner or operator of a GDF must demonstrate compliance with the leak rate and cracking pressure requirements, specified in item 1(g) of Table 2 of OAR 340-244-0242, for pressure-vacuum vent valves installed on gasoline storage tanks using the test methods identified in paragraph (1)(a)(A) or (B).

(A) California Air Resources Board Vapor Recovery Test Procedure TP–201.1E,—Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, adopted Oct. 8, 2003 (incorporated by reference, see 40 CFR 63.14).

(B) Use alternative test methods and procedures in accordance with the alternative test method requirements in 40 CFR 63.7(f).

(b) The owner or operator of a GDF must demonstrate compliance with the static pressure performance requirement, specified in item 1(h) of Table 2 of OAR 340-244-0242, for the vapor balance system by conducting a static pressure test on the gasoline storage tanks using the test methods identified in paragraph (1)(b)(A), (1)(b)(B), or (1)(b)(C).

(A) California Air Resources Board Vapor Recovery Test Procedure TP–201.3,—Determination of 2-Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities, adopted April 12, 1996, and amended March 17, 1999 (incorporated by reference, see 40 CFR 63.14).

(B) Use alternative test methods and procedures in accordance with the alternative test method requirements in 40 CFR 63.7(f).

(C) Bay Area Air Quality Management District Source Test Procedure ST–30—Static Pressure Integrity Test—Underground Storage Tanks, adopted Nov. 30, 1983, and amended Dec. 21, 1994 (incorporated by reference, see 40 CFR 63.14).

(2) Each owner or operator of a GDF, choosing, under the provisions of 40 CFR 63.6(g), to use a vapor balance system other than that described in Table 2 of OAR 340-244-0242, must demonstrate to DEQ or upon request by the EPA Administrator, the equivalency of their vapor balance system to that described in Table 2 of OAR 340-244-0242 using the procedures specified in subsections (2)(a) through (c).

(a) The owner or operator of a GDF must demonstrate initial compliance by conducting an initial performance test on the vapor balance system to demonstrate that the vapor balance system achieves 95 percent reduction using the California Air Resources Board Vapor Recovery Test Procedure TP-201.1, -- Volumetric Efficiency for Phase I Vapor Recovery Systems, adopted April 12, 1996, and amended Feb. 1, 2001, and Oct. 8, 2003, incorporated by reference, see 40 CFR 63.14.

(b) The owner or operator of a GDF must, during the initial performance test required under subsection (2)(a), determine and document alternative acceptable values for the leak rate and cracking pressure requirements specified in item 1(g) of Table 2 of OAR 340-244-0242 and for the static pressure performance requirement in item 1(h) of Table 2 of OAR 340-244-0242.

(c) The owner or operator of a GDF must comply with the testing requirements specified in section (1).

(3) Conduct of performance tests. Performance tests must be conducted under such conditions as DEQ or the EPA Administrator specifies to the owner or operator of a GDF based on representative performance, i.e., performance based on normal operating conditions, of the affected source. Upon request by DEQ or the EPA Administrator, the owner or operator of a GDF must make available such records as may be necessary to determine the conditions of performance tests.

(4) Owners and operators of gasoline cargo tanks subject to the provisions of Table 3 of OAR 340-244-0242 must conduct annual certification testing according to the vapor tightness testing requirements found in 40 CFR 63.11092(f).

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

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

Stat. Auth.: ORS 468.020, 468A.025 & 468A.070
Stats. Implemented: ORS 468A.025 & 468A.070
Hist.: DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 4-2013, f. & cert. ef. 3-27-13

Notifications, Records, and Reports

340-244-0246

Notifications

(1) Each owner or operator of a GDF subject to the control requirements in OAR 340-244-0240(3) must comply with subsections (1)(a) through (c).

(a) The owner or operator of a GDF must submit an Initial Notification that the owner or operator is subject to the Gasoline Dispensing Facilities NESHAP by May 9, 2008, or at the time the owner or operator becomes subject to the control requirements in OAR 340-244-0240(3), unless the owner or operator meets the requirements in subsection (1)(c). If the owner or operator of a GDF is subject to the control requirements in OAR 340-244-0240(3) only because the owner or operator loads gasoline into fuel tanks other than those in motor vehicles, as defined on OAR 340-244-0030, the owner or operator must submit the initial notification by May 24, 2011. The Initial Notification must contain the information specified in paragraphs (1)(a)(A) through (D). The notification must be submitted to EPA's Region 10 Office and DEQ as specified in 40 CFR 63.13.

(A) The name and address of the owner and the operator.

(B) The address, i.e., physical location, of the GDF.

(C) The volume of gasoline loaded into all storage tanks or on the volume of gasoline dispensed from all storage tanks during the previous twelve months.

(D) A statement that the notification is being submitted in response to the Gasoline Dispensing Facilities NESHAP and identifying the requirements in OAR 340-244-0240(1) through (3) that apply to the owner or operator of a GDF.

(b) The owner or operator of a GDF must submit a Notification of Compliance Status to EPA's Region 10 Office and DEQ, as specified in 40 CFR 63.13, within 60 days of the applicable compliance date specified in OAR 340-244-0238, unless the owner or operator meets the requirements in subsection (1)(c). The Notification of Compliance Status must be signed by a responsible official who must certify its accuracy, must indicate whether the source has complied with the requirements of OAR 340-244-0232 through 340-244-0252, and must indicate whether the facility's monthly throughput is calculated based on the volume of gasoline loaded into all storage tanks or on the volume of gasoline dispensed from all storage tanks. If the facility is in compliance with the requirements of OAR 340-244-0232 through 340-244-0252 at the time the Initial Notification required under subsection (1)(a) of this rule is due, the Notification of Compliance Status may be submitted in lieu of the Initial Notification provided it contains the information required under subsection (1)(a).

(c) If, prior to Jan. 10, 2008, the owner or operator of a GDF is operating in compliance with an enforceable State rule or permit that requires submerged fill as specified in OAR 340-244-0240(3), the owner or operator is not required to submit an Initial Notification or a Notification of Compliance Status under subsection (1)(a) or (b).

(2) Each owner or operator of a GDF subject to the control requirements in OAR 340-244-0242 must comply with subsections (2)(a) through (e).

(a) The owner or operator of a GDF must submit an Initial Notification that the owner or operator is subject to the Gasoline Dispensing Facilities NESHAP by May 9, 2008, or at the time the owner or operator becomes subject to the control requirements in OAR 340-244-0242. If the owner or operator of a GDF is subject to the control requirements in OAR 340-244-0242 only because the owner or operator loads gasoline into fuel tanks other than those in motor vehicles, as defined on OAR 340-244-0030, the owner or operator must submit the initial notification by May 24, 2011. The Initial Notification must contain the information specified in paragraphs (2)(a)(A) through (C). The notification must be submitted to EPA's Region 10 Office and DEQ as specified in 40 CFR 63.13.

(A) The name and address of the owner and the operator.

(B) The address, i.e., physical location, of the GDF.

(C) The volume of gasoline loaded into all storage tanks or on the volume of gasoline dispensed from all storage tanks during the previous twelve months.

(D) A statement that the notification is being submitted in response to the Gasoline Dispensing Facilities NESHAP and identifying the requirements in OAR 340-244-0242 that apply to the owner or operator of a GDF.

(b) The owner or operator of a GDF must submit a Notification of Compliance Status to EPA's Regional 10 Office and DEQ, as specified in 40 CFR 63.13, in accordance with the schedule specified in 40 CFR 63.9(h). The Notification of Compliance Status must be signed by a responsible official who must certify its accuracy, must indicate whether the source has complied with the requirements of OAR 340-244-0232 through 340-244-0252, and must indicate whether the facility's monthly throughput is calculated based on the volume of gasoline loaded into all storage tanks or on the volume of gasoline dispensed from all storage tanks. If the facility is in compliance with the requirements OAR 340-244-0232 through 340-244-0252 at the time the Initial Notification required under subsection (2)(a) is due, the Notification of Compliance Status may be submitted in lieu of the Initial Notification provided it contains the information required under subsection (2)(a).

(c) If, prior to January 10, 2008, the owner or operator of a GDF satisfies the requirements in both paragraphs (2)(c)(A) and (B), the owner or operator is not required to submit an Initial Notification or a Notification of Compliance Status under subsections (2)(a) or (b).

(A) The owner or operator of a GDF operates a vapor balance system at the gasoline dispensing facility that meets the requirements of either subparagraphs (2)(c)(A)(i) or (ii).

(i) Achieves emissions reduction of at least 90 percent.

(ii) Operates using management practices at least as stringent as those in Table 2 of OAR 340-244-0242.

(B) The GDF is in compliance with an enforceable State rule or permit that contains requirements of subparagraphs (2)(c)(A)(i) and (ii).

(d) The owner or operator of a GDF must submit a Notification of Performance Test, as specified in 40 CFR 63.9(e), prior to initiating testing required by OAR 340-244-0244(1) and (2).

(e) The owner or operator of a GDF must submit additional notifications specified in 40 CFR 63.9, as applicable.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

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

Stat. Auth.: ORS 468.020, 468A.025 & 468A.050
Stats. Implemented: ORS 468A.025 & 468A.050
Hist.: DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 4-2013, f. & cert. ef. 3-27-13

340-244-0248

Recordkeeping Requirements

(1) Each owner or operator of a GDF must keep the following records:

(a) Records of all tests performed under OAR 340-244-0244(1) and (2);

(b) Records related to the operation and maintenance of vapor balance equipment required under OAR 340-244-0242. Any vapor balance component defect must be logged and tracked by station personnel using forms provided by DEQ or a reasonable facsimile.

(c) Records of total throughput volume of gasoline, in gallons, for each calendar month.

(d) Records of permanent changes made at the GDF and vapor balance equipment which may affect emissions.

(2) Records required under section (1) must be kept for a period of 5 years and must be made available for inspection by DEQ and the EPA Administrator during the course of a site visit.

(3) Each owner or operator of a gasoline cargo tank subject to the management practices in Table 3 of OAR 340-244-0242 must keep records documenting vapor tightness testing for a period of 5 years. Documentation must include each of the items specified in 40 CFR 63.11094(b)(2)(i) through (viii). Records of vapor tightness testing must be retained as specified in either subsection (3)(a) or (b).

(a) The owner or operator of a gasoline cargo tank must keep all vapor tightness testing records with the cargo tank.

(b) As an alternative to keeping all records with the cargo tank, the owner or operator of a gasoline cargo tank may comply with the requirements of paragraphs (3)(a)(A) and (B).

(A) The owner or operator of a gasoline cargo tank may keep records of only the most recent vapor tightness test with the cargo tank and keep records for the previous 4 years at their office or another central location.

(B) Vapor tightness testing records that are kept at a location other than with the cargo tank must be instantly available (e.g., via e-mail or facsimile) to DEQ and the EPA Administrator during the course of a site visit or within a mutually agreeable time frame. Such records must be an exact duplicate image of the original paper copy record with certifying signatures.

(4) Each owner or operator of a GDF must keep records as specified in subsections (4)(a) and (b).

(a) Records of the occurrence and duration of each malfunction of operation, i.e., process equipment, or the air pollution control and monitoring equipment.

(b) Records of actions taken during periods of malfunction to minimize emissions in accordance with OAR 340-244-0239(1), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

[ED. NOTE: Table referenced is not included in rule text. Click here for PDF copy of table.]

Stat. Auth.: ORS 468.020, 468A.025 & 468A.050
Stats. Implemented: ORS 468A.025 & 468A.050
Hist.: DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 4-2013, f. & cert. ef. 3-27-13

340-244-0250

Reporting Requirements

(1) Each owner or operator of a GDF subject to the management practices in OAR 340-244-0242 must report to DEQ and the EPA Administrator the results of all volumetric efficiency tests required under OAR 340-244-0244(1) and (2). Reports submitted under this rule must be submitted within 180 days of the completion of the performance testing.

(2) Annual report. Each owner or operator of a GDF that has monthly throughput of 10,000 gallons of gasoline or more must report, by February 15 of each year, the following information, as applicable.

(a) The total throughput volume of gasoline, in gallons, for each calendar month.

(b) A summary of changes made at the facility on vapor recovery equipment which may affect emissions.

(c) List of all major maintenance performed on pollution control devices.

(d) The number, duration, and a brief description of each type of malfunction which occurred during the previous calendar year and which caused or may have caused any applicable emission limitation to be exceeded.

(e) A description of actions taken by the owner or operator of a GDF during a malfunction to minimize emissions in accordance with OAR 340-244-0239(1), including actions taken to correct a malfunction.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.050
Stats. Implemented: ORS 468A.025 & 468A.050
Hist.: DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 4-2013, f. & cert. ef. 3-27-13

DIVISION 246

OREGON STATE AIR TOXICS PROGRAM

340-246-0230

Safety Net Source Air Toxics Emissions Reduction Measures in Permit

(1) Public Participation. DEQ will hold public informational meetings to discuss proposed air toxics emissions reduction measures. After the informational meetings, DEQ will provide at least 40-days notice before holding a public hearing to collect official comments on the proposed air toxics emissions reduction measures.

(2) Permit or Permit Modification. After considering public comments, DEQ will propose air toxics emissions reduction measures to be placed in the source's permit, according to the reopening process for Oregon Title V permits in OAR 340-218-0200 or Oregon Title V Permit issuance in 340-218-0120 or Department Initiated Permit Modifications in 340-216-0084 or Air Contaminant Discharge Permit issuance in 340-216-0066.

Stat. Auth.: ORS 468.020, 468A. 025, 468A.040& 468A.310
Stats. Implemented: ORS 468A.025, 468A.040 & 468A.310
Hist.: DEQ 15-2003, f. & cert. ef. 11-3-03; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

DIVISION 262

HEAT SMART PROGRAM FOR RESIDENTIAL WOODSTOVES AND OTHER SOLID FUEL HEATING DEVICES

340-262-0450

Definitions

The definitions in OAR 340-200-0020 and this rule apply to this division. If OAR 340-0200-0020 and this rule define the same term, the definition in this rule applies to this division.

(1) “Antique woodstove” means a woodstove built before 1940 that has an ornate construction and a current market value substantially higher than a common woodstove manufactured during the same period.

(2) “Central wood-fired furnace” means an indoor, wood-fired furnace that is thermostatically controlled, has a dedicated cold air inlet and dedicated hot air outlet, and is connected to heating ductwork for the entire residential structure.

(3) “CFR” means Code of Federal Regulations.

(4) "Consumer" means a person who buys a solid fuel burning device for personal use.

(5) "Cookstove" means an indoor wood-burning appliance designed for the primary purpose of cooking food.

(6) "Dealer" means a person that sells solid fuel burning devices to retailers or other dealers for resale. For the purpose of this Division, a dealer that is also an Oregon retailer will be considered to be only a retailer.

(7) “DEQ” means Oregon Department of Environmental Quality.

(8) "Destroy" means to demolish or decommission to the extent that restoration or reuse as a heating device is impossible.

(9) “EPA” means United States Environmental Protection Agency.

(10) “EQC” means Environmental Quality Commission.

(11) "Federal Regulations" means 40 CFR, part 60 subpart AAA as in effect on July 1, 2010.

(12) "Fireplace" means a site-built or factory-built masonry fireplace that is designed to be used with an open combustion chamber and that is without features to control air-to-fuel ratios.

(13) “Hydronic heater” means a fuel-burning device which may be equipped with a heat storage unit, and which is designed to:

(a) Burn wood or other automatically fed fuels such as wood pellets, shelled corn, and wood chips;

(b) Be installed according to the manufacturer’s specifications either indoors or outdoors; and

(c) Heat building space and/or water via the distribution, typically through pipes, of a fluid heated in the device, typically water or a water/antifreeze mixture.

(14) "Manufacturer" means a person who designs a solid fuel burning device, constructs a solid fuel burning device or constructs parts for solid fuel burning devices.

(15) “Masonry heater” means a site-built or site-assembled, solid fueled heating device constructed of structural masonry mass used to store heat from intermittent fires burned rapidly in the structure’s firebox and slow release the heat to the site. Such solid-fueled heating device must meet the design and construction specifications set forth in ASTM E 1602-03, "Guide for Construction of Solid Fuel Burning Masonry Heaters."

(16) "New solid fuel burning device" or “new device” means a solid fuel burning device defined under ORS 468A.485(4)(a) that has not been sold, bargained, exchanged, given away, acquired secondhand, or otherwise had its ownership transferred from the person who first acquired it from a retailer.

(17) "PM10" means particulate matter less than 10 microns.

(18) “PM2.5” means particulate matter less than 2.5 microns.

(19) "Pellet stove" means a heating device that uses wood pellets, or other biomass fuels designed for use in pellet stoves, as its primary source of fuel.

(20) “Phase 1 emission level qualified model” is a model of a hydronic heater that achieves an average emission level of 0.60 lbs/million Btu heat input or less for all fuel types listed in the owner’s manual and/or mentioned in marketing/sales materials, as acknowledged by EPA in writing to the manufacturer as part of EPA’s acceptance of the model as a qualified model.

(21) “Phase 2 emission level qualified model” is a model of a hydronic heater that achieves an average emissions level of 0.32 lbs/million Btu heat output or less for all fuel types listed in the owner’s manual and/or mentioned in marketing/sales materials, and that did not exceed 18.0 grams/hr of fine particles in any individual test run that was used in the calculation of the average, as acknowledged by EPA in writing to the manufacturer as part of EPA’s acceptance of the model as a qualified model pursuant to the EPA Hydronic Heater Program Phase 2 Partnership Agreement.

(22) “Residential structure” has the meaning given that term in ORS 701.005.

(23) "Retailer" means a person engaged in the sale of solid fuel burning devices directly to consumers.

(24) “Solid fuel burning device” or “device” means a woodstove or any other device that burns wood, coal or other nongaseous or non-liquid fuels for aesthetic, space-heating or water-heating purposes in or for a private residential structure or a commercial establishment and that has a heat output of less than one million British thermal units per hour. Solid fuel burning device does not include:

(a) Fireplaces;

(b) Antique stoves;

(c) Pellet stoves;

(d) Masonry heaters;

(e) Central, wood-fired furnaces;

(f) Saunas; and

(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.

(25) “Trash burner” means any equipment that is used to dispose of waste by burning and has not been issued an air quality permit under ORS 468A.040.

(26) “Treated wood” means wood of any species that has been chemically impregnated, painted or similarly modified to prevent weathering and deterioration.

(27) "Used solid fuel burning device" or “used device” means a solid fuel burning device that has been sold, bargained, exchanged, given away, or otherwise has had its ownership transferred.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025, 468A.035 & 468A.460 through 468A.515
Hist.: DEQ 2-2011, f. 3-10-11, cert. ef. 3-15-11; DEQ 7-2011(Temp), f. & cert. ef. 6-24-11 thru 12-19-11; Administrative correction, 2-6-12; DEQ 1-2012, f. & cert. ef. 5-17-12

DIVISION 264

RULES FOR OPEN BURNING

340-264-0010

How to Use These Open Burning Rules

(1) This division classifies all open burning into one of seven classes: Agricultural; Commercial; Construction; Demolition (which includes land clearing); Domestic (which includes burning commonly called "backyard burning" and burning of yard debris); Industrial; or Slash. Except for field burning within the Willamette Valley regulated through OAR 340 division 266 and slash burning administered by the forest practices smoke management plan of the Oregon Department of Forestry, this division prescribes requirements for and prohibitions of open burning for every location in the state. Generally, if a class of open burning is not specifically prohibited in a given location, then it is authorized subject to OAR 340-264-0050 and 340-264-0060 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal. In addition, some practices specifically mentioned in OAR 340-264-0040 are exempted from this division.

(2) Organization of rules:

(a) OAR 340-264-0020 is the Policy statement of the EQC setting forth the goals of this division;

(b) OAR 340-264-0030 contains definitions of terms that have specialized meanings within the context of this division;

(c) OAR 340-264-0040 lists specific types of open burning and practices that are not governed by this division;

(d) OAR 340-264-0050 lists general requirements that usually apply to any open burning governed by this division;

(e) OAR 340-264-0060 lists general prohibitions that apply to most open burning;

(f) OAR 340-264-0070 establishes the open burning schedule based on air quality and meteorological conditions as required by ORS 468A.570;

(g) OAR 340-264-0075 allows the delegation of some or all of the open burning authority to be administered by a local jurisdiction;

(h) OAR 340-264-0078 contains the legal description of Open Burning Control Areas and maps that generally depict these areas;

(i) OAR 340-264-0080 indexes each county of the state to a specific rule giving specific restrictions for each class of open burning applicable in the county;

(j) OAR 340-264-0100 through 340-264-0170 are rules that give specific restrictions to open burning for each class of open burning in the counties named in each rule;

(k) OAR 340-264-0180 provides for a letter permit authorization for open burning under certain circumstances in which open burning otherwise would be prohibited.

(3) Use of this division will be made easier by the following procedure:

(a) Read OAR 340-264-0050 and 340-264-0060 to understand general requirements and prohibitions that apply to all burning governed by this division;

(b) In OAR 340-264-0030 read the definitions of Agricultural, Commercial, Construction, Demolition, Domestic and Industrial open burning plus the definitions of land clearing and yard debris to determine the type of burning of concern. Also read OAR 340-264-0040 to determine if the type of burning is exempted from this division;

(c) Locate the rule in OAR 340-264-0100 through 340-264-0170 that governs the county in which burning is to take place. OAR 340-264-0090 is an index to the county rules;

(d) Read the sections of the county rules that apply to the type of burning to be accomplished;

(e) If not prohibited by this division, obtain a fire permit from the fire district, county court or county commissioners before conducting any burning;

(f) If the type of burning proposed is prohibited by this division, refer to OAR 340-264-0180, Letter Permits, for a possible alternative.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.575 & 468A.595
Stats. Implemented: ORS 468A.025, 468A.555 through 468A.620, 477.515 & 477.520
Hist.: DEQ 27-1981, f. & ef. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0022; DEQ 21-2000, f. & cert. ef. 12-15-00

340-264-0020

Policy

In order to restore and maintain the quality of the air resources of the state in a condition as free from air pollution as is practicable, consistent with the overall public welfare of the state, it is the policy of the EQC:

(1) To eliminate open burning disposal practices where alternative disposal methods are feasible and practicable;

(2) To encourage the development of alternative disposal methods;

(3) To emphasize resource recovery;

(4) To regulate specified types of open burning;

(5) To encourage utilization of the highest and best practicable burning methods to minimize emissions where other disposal practices are not feasible; and

(6) To require specific programs and timetables for compliance with this division.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.575 & 468A.595
Stats. Implemented: ORS 468A.025, 468A.555 through 468A.620, 477.515 & 477.520
Hist.: DEQ 123, f. & ef. 10-20-76; DEQ 27-1981, f. & ef. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0025

340-264-0030

Definitions

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

(1) "Agricultural burning for disease or pest control" means open burning of waste infected or infested with a disease or pest for which the County Extension Service or Oregon Department of Agriculture identify as having no other practicable control.

(2) "Agricultural operation" means an activity on land currently used or intended to be used primarily for the purpose of obtaining a profit in money by raising, harvesting and selling crops or by raising and selling livestock or poultry, or the produce thereof, which activity is necessary to serve that purpose. Agricultural operation also means activities conducted by not-for-profit agricultural research organizations, which activities are necessary to serve that purpose. It does not include the construction and use of dwellings customarily provided in conjunction with the agricultural operation.

(3) "Agricultural open burning" means the open burning of any agricultural waste, except as provided in OAR 340-264-0040(5).

(4) "Agricultural waste" means any waste material generated or used by an agricultural operation, excluding those materials described in OAR 340-264-0060(3).

(5) "Animal disease emergency" means the occurrence of a disease that the Oregon Department of Agriculture determines has potentially serious economic implications for the livestock industries of this state.

(6) "Auxiliary combustion equipment" includes, but is not limited to fans.

(7) "Combustion promoting materials" include, but are not limited to, propane, diesel oil, or jellied diesel.

(8) "Commercial open burning" means the open burning of any commercial waste.

(9) "Commercial waste" means:

(a) Any material except:

(A) Agricultural waste;

(B) Construction waste;

(C) Demolition waste;

(D) Domestic waste;

(E) Industrial waste; and

(F) Slash.

(b) Examples of commercial waste are waste material from offices, wholesale or retail yards and outlets, warehouses, restaurants, mobile home parks, domestic waste removed from the property of origin, and dwellings containing more than four family living units, such as apartments, condominiums, hotels, motels or dormitories.

(10) "Construction open burning" means the open burning of any construction waste.

(11) "Construction waste" means any waste material generally used for, resulting from or produced by a building or construction project. Examples of construction waste are wood, lumber, paper, crating and packing materials processed for or used during construction, materials left after completion of construction, and materials collected during cleanup of a construction site.

(12) "Daylight hours" means the time between 7:30 a.m. and two hours before sunset.

(13)"Demolition open burning" means the open burning of demolition waste.

(14) "Demolition waste" means any material resulting from or produced by the complete or partial destruction or tearing down of any man-made structure, or the clearing of any site for land improvement or cleanup, excluding yard debris (domestic waste) and agricultural waste.

(15) "Domestic open burning" means the open burning of any domestic waste.

(16) "Domestic waste" means household waste material, which includes paper, cardboard, clothing, yard debris, or other material generated in or around a dwelling of four-or-fewer-family-living units, or on the real property appurtenant to the dwelling. Such waste materials generated in or around a dwelling of more than four-family-living units are commercial wastes. Once domestic waste is removed from the property of origin, it becomes commercial waste.

(17) "Fire hazard" means the presence or accumulation of combustible material of such nature and in sufficient quantity that its continued existence constitutes an imminent and substantial danger to life, property, public welfare, or adjacent lands.

(18) "Hazard to public safety" means fires that burn prohibited materials or result in smoke that substantially impairs visibility on a roadway.

(19)"Industrial open burning" means the open burning of any industrial waste.

(20) "Industrial waste" means any waste material, including process waste, produced as the direct result of any manufacturing or industrial process.

(21) "Land clearing" means the removal of trees, brush, logs, stumps, debris or man- made structures for the purpose of site clean-up or site preparation. All waste material generated by land clearing is demolition waste except those materials included in the definitions of agricultural wastes, yard debris (domestic waste), and slash.

(22) "Letter permit" means an authorization issued pursuant to OAR 340-264-0180 to burn select materials at a defined site and under certain conditions.

(23) "Local jurisdiction" means:

(a) The local fire permit issuing authority; or

(b) The local governmental entity having authority to regulate by law or ordinance.

(24) "Nuisance" means a substantial and unreasonable interference with another's use and enjoyment of real property, or the substantial and unreasonable invasion of a right common to members of the general public.

(25) "Open burning" means:

(a) Burning in open, outdoor fires;

(b) Burning in burn barrels; and

(c) Any other outdoor burning when combustion air is not effectively controlled and combustion products are not effectively vented through a stack or chimney.

(26) "Open burning control area" means an area established to control specific open burning practices or to maintain specific open burning standards that may be more stringent than those established for other areas of the state. Open burning control areas in the state are described in OAR 340-264-0078.

(27) "Population" means the annual population estimate of incorporated cities within the State of Oregon issued by the Center for Population Research and Census, Portland State University, Portland, Oregon.

(28) "Slash" means forest debris or woody vegetation to be burned that is related to the management of forest land used for growing and harvesting timber.

(29) "Special open burning control area" means an area in the Willamette Valley where DEQ restricts the practice of open burning. These areas are described in OAR 340-264-0078(6).

(30) "Ventilation index" means a number calculated by DEQ relating to the ability of the atmosphere to disperse regulated pollutants. The ventilation index is the product of the measured or estimated meteorological mixing depth in hundreds of feet and the measured or estimated average wind speed in knots through the mixed layer.

(31) "Waste" includes any useless or discarded materials. Each waste is categorized in this division as one of the following types:

(a) Agricultural;

(b) Commercial;

(c) Construction;

(d) Demolition;

(e) Domestic;

(f) Industrial; or

(g) Slash.

(32) "Yard debris" means wood, needle or leaf materials from trees, shrubs or plants from the real property appurtenant to a dwelling of not more than four family living units so long as such debris remains on the property of origin. Once yard debris is removed from the property of origin, it becomes commercial waste. Yard debris is included in the definition of domestic waste.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.575 & 468A.595
Stats. Implemented: ORS 468A.025, 468A.555 through 468A.620, 477.515 & 477.520
Hist.: DEQ 123, f. & ef. 10-20-76; DEQ 23-1979, f. & ef. 7-5-79; DEQ 27-1981, f. & ef. 9-8-81; DEQ 10-1984, f. 5-29-84, ef. 6-16-84; DEQ 21-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0030; DEQ 21-2000, f. & cert. ef. 12-15-00

340-264-0040

Exemptions, Statewide

Except for the provisions contained in OAR 340-264-0050 and 340-264-0060, this division does not apply to:

(1) Recreational fires and ceremonial fires, for which a fire is appropriate.

(2) Barbecue equipment used in connection with any residence.

(3) Fires set or permitted by any public agency when such fire is set or permitted in the performance of its official duty for the purpose of weed abatement, prevention or elimination of a fire hazard, or a hazard to public health or safety, or for instruction of employees in the methods of fire fighting, which in the opinion of the public agency is necessary. Every effort will be made by the public agency to conduct this burning during good smoke dispersal conditions and specifically avoiding periods during Air Pollution Advisories. The agency will adjust its schedule for setting such fires for better smoke dispersal if necessary. Open burning fires otherwise exempt from the requirements of this division are still subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshall.

(4) Agricultural open burning pursuant to ORS 468A.020. Agricultural open burning is still subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(5) Open field burning, propane flaming, and stack and pile burning in the Willamette Valley between the crests of the Cascade and Coast Ranges pursuant to OAR 340 division 266, Rules for Field Burning.

(6) Slash burning on forest land or within one-eighth mile of forest land permitted under the Oregon Smoke Management Program regulated by the Department of Forestry pursuant to ORS 477.515.

(7) Fires set pursuant to permit for the purpose of instruction of employees of private industrial concerns in methods of fire fighting, or for civil defense instruction.

(8) Fires set for the purpose of disposal of dry tumbleweed plants, typically Russian Thistle and Tumbleweed Mustard plants, that have been broken off, and rolled about, by the wind.

(9) Agricultural burning for disease or pest control when the fire is set or authorized in writing by the Department of Agriculture.

(10) When caused by an authorized representative of the Department of Agriculture, open burning of carcasses of animals that have died or been destroyed because of an animal disease emergency.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.575 & 468A.595
Stats. Implemented: ORS 468A.020, 468A.025, 468A.555 through 468A.620, 477.515 & 477.520
Hist.: DEQ 123, f. & ef. 10-20-76; DEQ 23-1979, f. & ef. 7-5-79; DEQ 27-1981, f. & ef. 9-8-81; DEQ 10-1984, f. 5-29-84, ef. 6-16-84; DEQ 6-1992, f. & cert. ef. 3-11-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0035; DEQ 21-2000, f. & cert. ef. 12-15-00; DEQ 12-2008, f. & cert. ef. 9-17-08; DEQ 10-2012, f. & cert. ef. 12-11-12

340-264-0050

General Requirements Statewide

This rule applies to all open burning, unless expressly limited by any other rule, regulation, permit, ordinance, order or decree of the EQC or other agency having jurisdiction:

(1) The following persons are considered a responsible person for open burning in violation of this rule:

(a) Each person who is in ownership, control or custody of the real property on which open burning occurs, including any tenant thereof;

(b) Each person who is in ownership, control or custody of the material that is burned; and

(c) Any person who causes or allows open burning to be initiated or maintained.

(d) For purposes of this rule, a public agency in its official capacity that has issued the permit for burning is not considered a responsible person.

(2) A responsible person, or an expressly authorized agent, must constantly attend all open burning. This person must be capable of and have the necessary equipment for extinguishing the fire. This person also must completely extinguish the fire before leaving it.

(3) A responsible person must promptly extinguish any burning that is in violation of any rule of the Commission or of any permit issued by DEQ, unless DEQ has given written approval to such responsible person to use auxiliary combustion equipment or combustion promoting materials to minimize smoke production, and the responsible person complies with the requirements in the written approval. However, nothing in this section authorizes any violation of OAR 340-264-0060(2) or (3).

(4) To promote efficient burning and prevent excessive emissions of smoke, a responsible person must:

(a) Assure that all combustible material is dried to the extent practicable. This includes covering the combustible material when practicable to protect the material from moisture in any form, including precipitation or dew. However, nothing in this section authorizes any violation of OAR 340-264-0060(2) or (3);

(b) Loosely stack or windrow the combustible material to eliminate dirt, rocks and other noncombustible material and promote an adequate air supply to the burning pile, and provide the necessary tools and equipment to accomplish this;

(c) Periodically re-stack or feed the burning pile, insure that combustion is essentially completed and smoldering fires are prevented, and provide the necessary tools and equipment to accomplish this.

(5) Notwithstanding OAR 340-264-0040(4), each person sanitizing perennial or annual grass seed crops by open burning in counties outside the Willamette Valley must pay DEQ $4 for each acre burned:

(a) DEQ may contract with counties, rural fire protection districts, or other responsible individuals for the collection of the fees;

(b) All fees collected under this section must be deposited in the State Treasury to the credit of the Department of Agriculture Service Fund.

(6) Open burning in compliance with this division does not exempt any person from any civil or criminal liability for consequences or damages resulting from such burning, nor does it exempt any person from complying with any other applicable law, ordinance, regulation, rule, permit, order, or decree of this or any other governmental entity having jurisdiction.

(7) If any commercial, construction, or demolition debris burning allowed in OAR 340-264-0100 through 340-264-0170 violates OAR 340-264-0060(2), the open burning must be immediately extinguished. Any future burning of this material or similar material by the responsible person is prohibited unless DEQ issues a letter permit pursuant to OAR 340-264-0180.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.575 & 468A.595
Stats. Implemented: ORS 468A.025, 468A.555 through 468A.620, 477.515 & 477.520
Hist.: DEQ 123, f. & ef. 10-20-76; DEQ 23-1979, f. & ef. 7-5-79; DEQ 27-1981, f. & ef. 9-8-81; DEQ 6-1992, f. & cert. ef. 3-11-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0040; DEQ 21-2000, f. & cert. ef. 12-15-00

340-264-0060

General Prohibitions Statewide

This rule applies to all open burning, unless expressly limited by any other rule, regulation, permit, ordinance, or order or decree of the EQC or other agency having jurisdiction:

(1) The following persons are strictly liable for open burning in violation of this rule:

(a) Each person who is in ownership, control or custody of the real property on which open burning occurs, including any tenant thereof;

(b) Each person who is in ownership, control or custody of the material that is burned; and

(c) Any person who causes or allows open burning to be initiated or maintained.

(2) No person may cause or allow to be initiated or maintained any open burning that creates a nuisance or a hazard to public safety.

(3) No person may cause or allow to be initiated or maintained any open burning of any wet garbage, plastic, asbestos, wire insulation, automobile part, asphalt, petroleum product, petroleum treated material, rubber product, animal remains, or animal or vegetable matter resulting from the handling, preparation, cooking, or service of food or of any other material which normally emits dense smoke or noxious odors.

(4) No person may cause or allow to be initiated or maintained any open burning of any material in any part of the state on any day or at any time if DEQ has notified the State Fire Marshal that such open burning is prohibited because of meteorological or air quality conditions pursuant to OAR 340-264-0070.

(5) No agency may issue any fire permit authorizing any open burning of any material at any location on any day or at any time if DEQ has notified the State Fire Marshal that such open burning is prohibited because of meteorological or air quality conditions. If an agency issues a permit in violation of this rule, the permit does not excuse any person from complying with this section.

(6) No person may cause or allow to be initiated or maintained any open burning authorized by this division during hours other than specified by DEQ.

(7) No person may cause or allow to be initiated or maintained any open burning at any solid waste disposal site unless authorized by a Solid Waste Permit issued pursuant to OAR 340-093-0050.

(8) No person may cause or allow to be initiated or maintained any open burning of debris removed from the property of origin unless the person receives a letter permit pursuant to OAR 340-264-0180. A letter permit is not required to burn agricultural waste removed from the property of origin provided the waste remains under control of the same responsible person.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.575 & 468A.595
Stats. Implemented: ORS 459.205, 468A.025, 468A.555 through 468A.620, 477.515 & 477.520
Hist.: DEQ 27-1981, f. & ef. 9-8-81; DEQ 10-1984, f. 5-29-84, ef. 6-16-84; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 9-1996, f. & cert. ef. 7-10-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0042; DEQ 21-2000, f. & cert. ef. 12-15-00

340-264-0070

Open Burning Conditions

Pursuant to ORS 468A.570, 476.380, 477.520 and 478.960, the following open burning conditions apply:

(1) Mandatory Prohibition Based on Adverse Air Quality Conditions:

(a) DEQ will notify the State Fire Marshal that all open burning is prohibited in all or a specified part of the state when DEQ declares:

(A) A particulate or sulfur dioxide alert pursuant to OAR 340-206-0030(2);

(B) A particulate or sulfur dioxide warning pursuant to OAR 340-206-0030(3); or

(C) An emergency for any air contaminant pursuant to OAR 340-206-0030(4).

(b) All open burning is prohibited until DEQ notifies the State Fire Marshal that the episode and prohibition are terminated.

(2) Discretionary Prohibition or Limitation Based on Meteorological Conditions:

(a) DEQ may notify the State Fire Marshal that all or specified types of open burning are prohibited or limited in all or any specified parts of the state based on any one or more of the following criteria affecting that part of the state:

(A) An air stagnation event as determined by DEQ;

(B) The daily maximum ventilation index calculated by DEQ for Willamette Valley Open Burning Control Areas or Umpqua Basin Open Burning Control Area is less than 200;

(C) The daily maximum ventilation index calculated by DEQ for the Rogue Basin Open Burning Control Area is less than 400 for all regulated open burning;

(D) DEQ determines there is poor ventilation;

(E) For regulation of burning of yard debris in urban areas, the amount of precipitation expected during the day; or

(F) Any other relevant factor.

(b) Such prohibitions or limits remain in effect until DEQ notifies the State Fire Marshal that the prohibition or limitation has been terminated;

(c) In deciding whether to prohibit or limit open burning pursuant to this section, DEQ will consider:

(A) The policy of the state set forth in ORS 468A.010;

(B) The relevant criteria set forth in ORS 468A.025(2);

(C) The extent and types of materials available to be burned;

(D) In the case of Agricultural open burning, the recommendations received from any local agricultural smoke management organization; and

(E) Any other relevant factor.

(d) In deciding whether to prohibit or limit any open burning pursuant to this section DEQ must give first priority to the burning of perennial grass seed crop used for grass seed production, second priority for annual grass seed crop used for grass seed production, third priority to grain crop burning, and fourth priority to all other burning.

(3) Unless prohibited or limited pursuant to section (1) or (2), open burning will be allowed only during daylight hours, and must be conducted consistent with the other rules in this division and the requirements and prohibitions of local jurisdiction and the State Fire Marshal.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.575 & 468A.595
Stats. Implemented: ORS 468A.025, 468A.555 through 468A.620, 477.515 & 477.520
Hist.: DEQ 27-1981, f. & ef. 9-8-81; DEQ 10-1984, f. 5-29-84, ef. 6-16-84; DEQ 21-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0043; DEQ 21-2000, f. & cert. ef. 12-15-00

340-264-0075

Delegation of Authority

Whenever DEQ finds that any city, county, fire protection district, forest protection district or state agency is capable of effectively administering the issuance and/or enforcement of permits under any or all of the open burning authority outlined within this division and is desirous of doing so, DEQ may delegate powers necessary for the issuance and/or enforcement of open burning permits to that entity. DEQ, upon finding that the entity is not effectively administering the program, may withdraw such delegation.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020& 468A.575
Stats. Implemented: ORS 468A.575
Hist.: DEQ 21-2000, f. & cert. ef. 12-15-00

340-264-0078

Open Burning Control Areas

Generally, areas around the more densely populated locations in the state and valleys or basins that restrict atmospheric ventilation are designated "Open Burning Control Areas". The practice of open burning may be more restrictive in open burning control areas than in other areas of the state. The specific open burning restrictions associated with these open burning control areas are listed in OAR 340-264-0100 through 340-264-0170 by county. The general locations of open burning control areas are depicted in Figures 2 through 5. The open burning control areas of the state are defined as follows:

(1) All areas in or within three miles of the incorporated city limit of all cities with a population of 4,000 or more.

(2) The Coos Bay Open Burning Control Area is located in Coos County with boundaries as generally depicted in Figure 3 Coos Bay Open Burning Control Area. The area is enclosed by a line beginning at a point approximately 4-1/2 miles WNW of the City of North Bend, at the intersection of the north boundary of T25S, R13W, and the coastline of the Pacific Ocean; thence east to the NE corner of T25S, R12W; thence south to the SE corner of T26S, R12W; thence west to the intersection of the south boundary of T26S, R14W and the coastline of the Pacific Ocean, thence northerly and easterly along the coastline of the Pacific Ocean to its intersection with the north boundary of T25S, R13W, the point of beginning.

(3) The Rogue Basin Open Burning Control Area is located in Jackson and Josephine Counties with boundaries as generally depicted in Figure 4 Rogue Basin Open Burning Control Area. The area is enclosed by a line beginning at a point approximately 4-1/2 miles NE of the City of Shady Cove at the NE corner of T34S, R1W, Willamette Meridian, thence south along the Willamette Meridian to the SW corner of T37S, R1W; thence east to the NE corner of T38S, R1E; thence south to the SE corner of T38S, R1E; thence east to the NE corner of T39S, R2E; thence south to the SE corner of T39S, R2E; thence west to the SW corner of T39S, R1E; thence NW along a line to the NW corner of T39S, R1W; thence west to the SW corner of T38S, R2W; thence north to the SW corner of T36S, R2W; thence west to the SW corner of T36S, R4W; thence south to the SE corner of T37S, R5W; thence west to the SW corner of T37S, R6W; thence north to the NW corner of T36S, R6W; thence east to the SW corner of T35S, R1W; thence north to the NW corner of T34S, R1W; thence east to the point of beginning.

(4) The Umpqua Basin Open Burning Control Area is located in Douglas County with boundaries as generally depicted in Figure 5 Umpqua Basis Open Burning Control Area. The area is enclosed by a line beginning at a point approximately four miles ENE of the City of Oakland, Douglas County, at the NE corner of T25S, R5W, Willamette Meridian, thence south to the SE corner of T25S, R5W; thence east to the NE Corner of T26S, R4W; thence south to the SE corner of T27S, R4W; thence west to the SE corner of T27S, R5W; thence south to the SE corner of T30S, R5W; thence west to the SW corner of T30S, R6W; thence north to the NW corner of T29S, R6W; thence west to the SW corner of T28S, R7W thence north to the NW corner of T27S, R7W; thence east to the NE corner of T27S, R7W; thence north to the NW corner of T26, R6W; thence east to the NE corner of T26S, R6W; thence north to the NW corner of T25S, R5W; thence east to the point of beginning.

(5) The boundaries of the Willamette Valley Open Burning Control Area are generally depicted in Figure 1 Willamette Valley Open Burning Control Area and Figure 2 Open Burning Control Areas. The area includes all of Benton, Clackamas, Linn, Marion, Multnomah, Polk, Washington and Yamhill Counties and that portion of Lane County east of Range 7 West.

(6) The Klamath Basin Open Burning Control Area is located in Klamath County with boundaries generally depicted in Figure 6 Klamath Basin Open Burning Control Area. The area is enclosed by a line beginning at the corner common to northwest corner of Section 31, Township 37 South, Range 9 East of the Willamette Meridian and southwest corner of Section 30 T37S, R9E W.M.; thence east approximately two miles to the northeast corner of Section 32; thence south approximately four miles to the southeast corner of Section 17, T38S, R9E W.M.; thence east approximately one mile to the southwest corner of Section 15,; thence north approximately one mile to the northwest corner of Section 15; thence east approximately 2 miles to the northeast corner of Section 14; thence south approximately one mile to the northwest corner of section 24; thence east approximately one mile to the northeast corner of Section 24; thence south approximately three miles to the southeast corner of Section 36; thence east approximately four miles to the northeast corner of Section 3, T39S, R10E W.M.; thence south approximately three miles to the southeast corner of Section 15; thence west approximately two miles to the southwest corner of Section16; thence south approximately two miles to the southeast corner of Section 29; thence west approximately five miles to the southwest corner of Section 27, T39S, R9E; thence north approximately one mile to the northeast corner of Section 27; thence west approximately four miles to the southwest corner of Section 24, T39S R8E; thence north approximately two

miles to the northeast corner of Section 13; thence west approximately one mile to the southwest corner of Section 11; thence north approximately four miles to the northwest corner of Section 26 T38S, R8E; thence west one mile to the southwest corner of Section 22; thence north approximately one mile to the northwest corner of Section 22; thence west approximately one mile to the southwest corner of Section 16; thence north approximately one mile to the northeast corner of Section 16; thence west approximately one mile to the southwest corner of Section 8; thence north approximately two miles to the northwest corner of Section 5; thence east to the northeast corner of Section 1; thence north approximately one mile to the point of beginning.

(7) "Special Open Burning Control Areas" are established around cities within the Willamette Valley Open Burning Control Area. The boundaries of these special open burning control areas are determined as follows:

(a) Any area in or within three miles of the boundary of any city of more than 1,000 but less than 45,000 population;

(b) Any area in or within six miles of the boundary of any city of 45,000 or more population;

(c) Any area between areas established by this rule where the boundaries are separated by three miles or less;

(d) Whenever two or more cities have a common boundary, the total population of these cities will determine the applicability of subsection (a) or (b) and the municipal boundaries of each of the cities must be used to determine the limit of the special open burning control area.

(8) A domestic burning ban area around the Portland metropolitan area is generally depicted in Figure 1A Metropolitan Area Backyard Burning Boundaries. This area encompasses parts of the special control area in Clackamas, Multnomah and Washington Counties. Specific boundaries are listed in OAR 340-264-0120(5), 340-264-0130(5) and 340-264-0140(5). Domestic burning is prohibited in this area except as allowed pursuant to 340-264-0180.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

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

Stat. Auth.: ORS 468.020, ORS 468A.025, 468A.575 & 468A.595
Stats. Implemented: ORS 468A.025, 468A.555 through 468A.620, 477.515 & 477.520
Hist.: DEQ 27-1981, f. & ef. 9-8-81; DEQ 10-1984, f. 5-29-84, ef. 6-16-84; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0115; DEQ 21-2000, f. & cert. ef. 12-15-00, Renumbered from 340-264-0200; DEQ 10-2012, f. & cert. ef. 12-11-12

340-264-0080

County Listing of Specific Open Burning Rules

Except as otherwise provided, in addition to the general requirements and prohibitions listed in OAR 340-264-0050 and 340-264-0060, specific prohibitions of agricultural, commercial, construction, demolition, domestic, and industrial open burning are listed in separate rules for each county. The following list identifies the rule containing prohibitions of specific types of open burning applicable to a given county:

(1) Baker County — OAR 340-264-0100.

(2) Benton County — OAR 340-264-0110.

(3) Clackamas County — OAR 340-264-0120.

(4) Clatsop County — OAR 340-264-0100.

(5) Columbia County — OAR 340-264-0150.

(6) Coos County — OAR 340-264-0170.

(7) Crook County — OAR 340-264-0100.

(8) Curry County — OAR 340-264-0100.

(9) Deschutes County — OAR 340-264-0100.

(10) Douglas County — OAR 340-264-0170.

(11) Gilliam County — OAR 340-264-0100.

(12) Grant County — OAR 340-264-0100.

(13) Harney County — OAR 340-264-0100.

(14) Hood River County — OAR 340-264-0100.

(15) Jackson County — OAR 340-264-0170.

(16) Jefferson County — OAR 340-264-0100.

(17) Josephine County — OAR 340-264-0170.

(18) Klamath County — OAR 340-264-0175.

(19) Lake County — OAR 340-264-0100.

(20) Lane County — OAR 340-264-0160.

(21) Lincoln County — OAR 340-264-0100.

(22) Linn County — OAR 340-264-0110.

(23) Malheur County — OAR 340-264-0100.

(24) Marion County — OAR 340-264-0110.

(25) Morrow County — OAR 340-264-0100.

(26) Multnomah County — OAR 340-264-0130.

(27) Polk County — OAR 340-264-0110.

(28) Sherman County — OAR 340-264-0100.

(29) Tillamook County — OAR 340-264-0100.

(30) Umatilla County — OAR 340-264-0100.

(31) Union County — OAR 340-264-0100.

(32) Wallowa County — OAR 340-264-0100.

(33) Wasco County — OAR 340-264-0100.

(34) Washington County — OAR 340-264-0140.

(35) Wheeler County — OAR 340-264-0100.

(36) Yamhill County — OAR 340-264-0110.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.575 & 468A.595
Stats. Implemented ORS 468A.025, 468A.555 through 468A.620, 477.515 & 477.520
Hist.: DEQ 123, f. & ef. 10-20-76; DEQ 23-1979, f. & ef. 7-5-79; DEQ 1-1981(Temp), f. & ef. 1-9-81; DEQ 7-1981(Temp), f. & ef. 2-17-81; DEQ 8-1981(Temp), f. & ef. 3-13-81; DEQ 27-1981, f. & ef. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0045; DEQ 21-2000, f. & cert. ef. 12-15-00; DEQ 10-2012, f. & cert. ef. 12-11-12

Open Burning Requirements

340-264-0100

Baker, Clatsop, Crook, Curry, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Lincoln, Malheur, Morrow, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco and Wheeler Counties

Open burning requirements for the counties of Baker, Clatsop, Crook, Curry, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Lincoln, Malheur, Morrow, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco and Wheeler:

(1) Industrial open burning is prohibited, except as provided in OAR 340-264-0180.

(2) Agricultural open burning is allowed subject to OAR 340-264-0050(5) and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(3) Commercial open burning:

(a) Commercial open burning is prohibited within Lincoln County except as provided in OAR 340-264-0180.

(b) Commercial open burning is allowed outside of open burning control areas subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal. Commercial open burning, unless authorized pursuant to OAR 340-264-0180, is prohibited within three miles of the corporate city limits of the following open burning control areas. In addition, commercial open burning is prohibited in any area meeting the test in OAR 340-264-0078(1):

(c) In Baker County, the City of Baker City;

(d) In Clatsop County, the Cities of Astoria, Seaside and Warrenton;

(e) In Crook County, the City of Prineville;

(f) In Curry County, the City of Brookings;

(g) In Deschutes County, the Cities of Bend and Redmond;

(h) In Hood River County, the City of Hood River;

(i) In Jefferson County, the City of Madras;

(j) In Malheur County, the City of Ontario;

(k) In Tillamook County, the City of Tillamook;

(l) In Umatilla County, the Cities of Hermiston, Milton-Freewater and Pendleton;

(m) In Union County, the City of La Grande;

(n) In Wasco County, the City of The Dalles.

(4) Construction and demolition open burning outside of an open burning control area is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-264-0050, 340-264-0060, and 340-264-0070. Construction and demolition open burning, unless authorized pursuant to OAR 340-264-0180, is prohibited within three miles of the corporate city limits of the following open burning control areas. In addition, construction and demolition burning is prohibited in any area meeting the standard in OAR 340-264-0078(1):

(a) In Baker County, the City of Baker City;

(b) In Clatsop County, the Cities of Astoria, Seaside and Warrenton;

(c) In Crook County, the City of Prineville;

(d) In Curry County, the City of Brookings;

(e) In Deschutes County, the Cities of Bend and Redmond;

(f) In Hood River County, the City of Hood River;

(g) In Jefferson County, the City of Madras;

(h) In Lincoln County, the Cities of Lincoln City and Newport;

(i) In Malheur County, the City of Ontario;

(j) In Tillamook County, the City of Tillamook;

(k) In Umatilla County, the Cities of Hermiston, Milton-Freewater and Pendleton;

(l) In Union County, the City of La Grande;

(m) In Wasco County, the City of The Dalles.

(5) Domestic open burning is allowed subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, and OAR 340-264-0050, 340-264-0060 and 340-264-0070.

(6) Slash burning on forest land within open burning control areas not regulated by the Department of Forestry under the Smoke Management Plan is prohibited, except as provided in OAR 340-264-0180.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.575 & 468A.595
Stats. Implemented: ORS 468A.025, 468A.555 through 468A.620, 477.515 & 477.520
Hist.: DEQ 27-1981, f. & ef. 9-8-81; DEQ 6-1992, f. & cert. ef. 3-11-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0055; DEQ 21-2000, f. & cert. ef. 12-15-00; DEQ 10-2012, f. & cert. ef. 12-11-12

340-264-0110

Benton, Linn, Marion, Polk, and Yamhill Counties

Open burning requirements for Benton, Linn, Marion, Polk, and Yamhill Counties that form a part of the Willamette Valley Open Burning Control Area described in OAR 340-264-0078:

(1) Industrial open burning is prohibited, except as provided in OAR 340-264-0180.

(2) Agricultural open burning is allowed, subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(3) Commercial open burning is prohibited, except as provided in OAR 340-264-0180.

(4) Construction and Demolition open burning is allowed outside of special open burning control areas, subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-264-0050, 340-264-0060 and 340-264-0070. Unless authorized pursuant to 340-264-0180, construction and demolition open burning is prohibited within special open burning control areas, including the following:

(a) Areas in or within six miles of the corporate city limit of:

(A) In Benton County, the City of Corvallis;

(B) In Marion County, the Cities of Salem and Keizer;

(C) In Polk County, the City of Salem.

(b) Areas in or within three miles of the corporate city limit of:

(A) In Benton County, the Cities of Albany, and Philomath;

(B) In Linn County, the Cities of Albany, Brownsville, Harrisburg, Lebanon, Lyons, Mill City, Tangent and Sweet Home;

(C) In Marion County the Cities of Aumsville, Gervais, Hubbard, Jefferson, Mill City, Mt. Angel, Silverton, Stayton, Sublimity, Turner and Woodburn;

(D) In Polk County, the Cities of Dallas, Falls City, Independence, Monmouth and Willamina;

(E) In Yamhill County, the Cities of Amity, Carlton, Dayton, Dundee, Lafayette, McMinnville, Newberg, Sheridan and Willamina.

(c) Any areas that meet the test in OAR 340-264-0078(6).

(5) Domestic open burning:

(a) As generally depicted in Figure 1 Willamette Valley Open Burning Control Area of OAR 340-264-0078, domestic open burning is prohibited in the special open burning control areas named in section (4), except open burning of yard debris is allowed beginning March first and ending June 15th, inclusive, and beginning Oct. 1st and ending Dec. 15th, inclusive, subject to OAR 340-264-0050 and 340-264-0060 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal;

(b) Domestic open burning is allowed outside of special open burning control areas named in section (4), subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal;

(c) No person may cause or allow to be initiated or maintained any domestic open burning other than during daylight hours, unless otherwise specified by DEQ pursuant to OAR 340-264-0070.

(6) Slash burning on forest land within special open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

[ED. NOTE: Figures referenced are not included in the rule text. Click here for PDF copy of figures.]

Stat. Auth.: ORS 468.020, ORS 468A.025, 468A.575 & 468A.595
Stats. Implemented: ORS 468A.025, 468A.555 through 468A.620, 477.515 & 477.520
Hist.: DEQ 27-1981, f. & ef. 9-8-81; DEQ 10-1984, f. 5-29-84, ef. 6-16-84; DEQ 6-1992, f. & cert. ef. 3-11-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0060; DEQ 21-2000, f. & cert. ef. 12-15-00

340-264-0120

Clackamas County

Open burning requirements for Clackamas County:

(1) Industrial open burning is prohibited, except as provided in OAR 340-264-0180.

(2) Agricultural open burning is allowed, subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(3) Commercial open burning is prohibited, except as may be provided by OAR 340-264-0180.

(4) Construction and demolition open burning is allowed outside of special open burning control areas, subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal. Unless authorized pursuant to OAR 340-264-0180, Construction and demolition open burning is prohibited within the following:

(a) Areas in or within six miles of the corporate city limits of Gladstone, Gresham, Happy Valley, Lake Oswego, Milwaukie, Oregon City, Portland, Rivergrove, Tualatin, West Linn and Wilsonville;

(b) Areas in or within three miles of the corporate city limits of Canby, Estacada, Molalla and Sandy.

(c) Any areas that meet the test in OAR 340-264-0078(7).

(5) Domestic open burning:

(a) Those areas where domestic burning is always prohibited (unless authorized under OAR 340-264-0180): Beginning at the trisection of the Clackamas-Multnomah-Washington County Line; thence east and then northerly and then east following the Clackamas-Multnomah County Line to the intersection with the northwest corner of Section 27, T1S, R2E; thence south to the midpoint of the western boundary of Section 3, T2S, R2E; thence on a line east approximately 1/4 of a mile; thence south to the southern boundary of Section 3, T2S, R2E and the corner of Camp Withycombe (Oregon National Guard); thence west approximately 1/4 mile to the midpoint of the southern boundary of Section 3, T2S, R2E; thence on a line south to the Clackamas River and the Metro Boundary as defined in Oregon Revised Statutes (ORS) Chapter 268.125; thence following the Metro Boundary first southerly and then westerly to the intersection with the Willamette River, excepting that portion listed in subsection (b)(2); thence northeasterly along the Willamette River to the confluence with the Tualatin River; thence northwesterly along the Tualatin River to the intersection with U.S. Interstate Highway 205 (I-205); thence westerly along I-205 to the intersection with the Clackamas-Washington County Line; thence north along the Clackamas-Washington County Line to the trisection of the Clackamas-Multnomah-Washington County Line, the point of beginning.

(b) Those areas where domestic open burning is prohibited except for the burning of yard debris between March 1 and June 15, and between October 1 and December 15, subject to OAR 340-264-0050 through 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshall, are the areas that lie within both Clackamas County and the Metro Boundary and are not included in paragraph (a). Specifically, those areas are listed as follows:

(A) The area beginning at the point on the Clackamas-Washington County Line where it is intersected by I-205; thence easterly along I-205 to the intersection with the Tualatin River; thence southeasterly along the Tualatin

River to the confluence with the Willamette River; thence southerly along the Willamette River to the intersection with the northern boundary of Section 15, T3S, R1E; thence west to the northwest corner of Section 15, T3S, R1E; thence north to the northwest corner of section 10, T3S, R1E; thence west to the northwest corner of Section 9, T3S, R1E; thence north to the northwest corner of Section 4, T3S, R1E; thence west to the intersection with the Clackamas-Washington County Line; thence north to the intersection with I-205, the point of beginning.

(B) The area bounded by Henrici Road on the south; Highway 213 on the west; Beaver Creek Road on the east; and the southern boundary of Clackamas Community College on the north.

(C) The area beginning at the point where the Clackamas-Multnomah County Line intersects the northwest corner of Section 27, T1S, R2E; thence south to the midpoint of the western boundary of Section 3, T2S, R2E; thence on a line east approximately 1/4 of a mile; thence south to the southern boundary of Section 3, T2S, R2E and the corner of Camp Withycombe; thence west 1/4 mile to the midpoint of the southern boundary of Section 3, T2S, R2E; thence on a line south to the Clackamas River; thence easterly along the Clackamas River to the intersection with the western boundary of Section 18, T2S, R3E; thence north to the northwest corner of Section 18, T2S, R3E; thence east to the northwest corner of Section 14, T2S, R3E; thence north to the northwest corner of Section 11, T2S, R3E; thence east to the intersection with Epperson Road; thence north-northwesterly along Epperson Road to the intersection with the Clackamas-Multnomah County Line at the northern boundary of Section 29, T1S, R2E; thence west along the county line to the northwest corner of Section 27, T1S, R2E, the point of beginning.

(c) Domestic open burning is allowed in all other areas of Clackamas County, subject to OAR 340-264-0050 and 340-264-0060 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(d) No person may cause or allow to be initiated or maintained any domestic open burning other than during daylight hours unless specified by DEQ pursuant to OAR 340-264-0070.

(6) Slash burning on forest land within special open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, ORS 468A.025, 468A.575 & 468A.595
Stats. Implemented: ORS 468A. 025, 468A.555 through 468A.620, 477.515 & 477.520
Hist.: DEQ 27-1981, f. & ef. 9-8-81; DEQ 10-1984, f. 5-29-84, ef. 6-16-84; DEQ 6-1992, f. & cert. ef. 3-11-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1995, f. & cert. ef. 5-25-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0065; DEQ 21-2000, f. & cert. ef. 12-15-00

340-264-0130

Multnomah County

Open burning requirements for Multnomah County:

(1) Industrial open burning is prohibited, except as provided in OAR 340-264-0180.

(2) Agricultural open burning is allowed, subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(3) Commercial open burning is prohibited, except as provided in OAR 340-264-0180.

(4) Construction and demolition open burning, unless authorized pursuant to OAR 340-264-0180, is prohibited west of the Sandy River but is allowed east of the Sandy River, subject to 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(5) Domestic open burning:

(a) Those areas where open burning is always prohibited (unless authorized by 340-264-0180):

(A) The area encompassed by the line beginning at the point where the Multnomah, Clackamas, and Washington County lines meet at a trisection; thence east and then north and then east along the Multnomah-Clackamas County Line to the intersection with SE 162nd Avenue; thence north along SE 162nd Avenue to the intersection with SE Foster Road; thence southeasterly along SE Foster Road to the intersection with Jenne Road; thence northeasterly along Jenne Road to the intersection with SE 174th Avenue; thence north along SE 174th Avenue to the intersection with SE Marie Street; thence east along SE Marie Street to the intersection with SE 182nd Avenue; thence north along SE 182nd Avenue and continuing north as SE 182nd Avenue merges into SE 181st Avenue and then turns into NE 181st Avenue to the intersection with NE Sandy Boulevard; thence easterly along NE Sandy Boulevard to the intersection with NE 185th Drive; thence north along NE 185th Drive to the intersection with Marine Drive; thence continuing on a line due north to the Columbia River and the state line; thence following the Columbia River and the state line; thence following the Columbia River and the state line to the confluence of the Columbia and the Willamette Rivers; thence along the Willamette River to the Confluence with the Multnomah Channel and the Portland City Limits; thence following the Portland City Limits generally southerly to the intersection with Section 27, T1N, R1W and the Multnomah-Washington County Line; thence following the Multnomah-Washington County Line southwesterly and then south to the trisection of the Multnomah-Clackamas-Washington County Line, the point of beginning.

(B) All areas in northwest Multnomah County that are not contained within a Fire Protection District.

(C) The Burlington Water District.

(b) Those areas where domestic open burning is prohibited, except for the burning of yard debris between March 1 and June 15, and between Oct. 1 and Dec. 15 and subject to OAR 340-264-0050 through 340-264-0070 and the requirements and prohibitions of local jurisdictions and the State Fire Marshall, are the areas within Multnomah County that lie west of the Sandy River and are not included in OAR 340-264-0130(5)(a).

(c) Domestic open burning is allowed east of the Sandy River, subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(d) No person may cause or allow to be initiated or maintained any domestic open burning other than during daylight hours unless otherwise specified by DEQ pursuant to OAR 340-264-0070.

(6) Slash burning on forest land within special open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.575 & 468A595
Stats. Implemented: ORS 468A.025, 468A.555 through 468A.620, 477.515 & 477.520
Hist.: DEQ 27-1981, f. & ef. 9-8-81; DEQ 10-1984, f. 5-29-84, ef. 6-16-84; DEQ 6-1992, f. & cert. ef. 3-11-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1995, f. & cert. ef. 5-25-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0070; DEQ 21-2000, f. & cert. ef. 12-15-00

340-264-0140

Washington County

Open burning requirements for Washington County:

(1) Industrial open burning is prohibited, except as provided in OAR 340-264-0180.

(2) Agricultural open burning is allowed, subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(3) Commercial open burning is prohibited, except as may be provided by OAR 340-264-0180.

(4) Construction and Demolition open burning, unless authorized pursuant to OAR 340-264-0180, is prohibited in all incorporated areas and areas within rural fire protection districts. Construction and demolition open burning is allowed in all other areas subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(5) Domestic open burning:

(a) The area where open burning is always prohibited (unless authorized by OAR 340-264-0180): Beginning at the point where U.S. Interstate Highway 205 (I-205) intersects the Washington-Clackamas County Line; thence west along I-205 to the Tualatin City Limits; thence following along the Tualatin City Limits westerly, southerly, westerly and northerly to the intersection with U.S. Highway 99; thence northerly along U.S. Highway 99 to the intersection with the Metro Boundary as defined in Oregon Revised Statutes (ORS) Chapter 268.125; thence following the Metro Boundary generally northerly and westerly to the intersection with the Tualatin Valley Highway; thence westerly along the Tualatin Valley Highway to the intersection with the western boundary of Section 11, T1S, R2W; thence north to the northwest corner of Section 2, T1S, R2W; thence east to the northwest corner of Section 2, T1S, R2W; thence north to the intersection with U.S. Highway 26; thence northwesterly along U.S. Highway 26 to the intersection with Cornelius Pass Road; thence northeasterly along Cornelius Pass Road to the intersection with the northern boundary of Section 23, T1N, R2W; thence east approximately 1/5 mile along the northern boundary of section 23, T1N, R2W to the southernmost point of the Orchard; thence north following the eastern boundary of the Orchard to the intersection with West Union Road; thence southeasterly and then easterly along West Union Road approximately 1.1 miles to a point approximately 1/4 mile west of the eastern boundary of Section 24, T1N, R2W; thence north on a line approximately 1000 feet; thence northeasterly on a line approximately 1/4 mile to the intersection of NW 185th Avenue and NW Springville Road; thence northeasterly along NW Springville Road approximately 1/4 mile to the one-quarter point of the northern boundary of Section 19, T1N, R1W; thence north approximately 400 feet; thence east to the intersection with NW 185th Avenue; thence north along 185th Avenue approximately 800 feet to the one-quarter point of the western boundary of Section 18, T1N, R1W; thence gradually northeasterly such that the Rock Creek Campus of Portland Community College is within the boundary approximately 1/2 mile to the midpoint of Section 18, T1N, R1W; thence south following the eastern boundary of the Rock Creek Campus of Portland Community College and continuing on a line due south to the intersection with NW Springville Road and the southern boundary of Section 18, T1N, R1W; thence northeasterly along NW Springville Road to the intersection with the Washington-Multnomah County

Line; thence following the Washington County line southeasterly and then southerly to the point where the Washington-Clackamas County Line intersects I-205, the point of beginning.

(b) Those areas where domestic open burning is prohibited, except for the burning of yard debris between March 1 and June 15, and between Oct. 1 and Dec. 15, subject to OAR 340-264-0050 through 340-262-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshall:

(A) All incorporated areas in Washington County not listed in OAR 340-264-0140(5)(a) or 340-264-0140(5)(c).

(B) All unincorporated areas within municipal or rural fire districts.

(c) Those areas where domestic burning is allowed, subject to OAR 340-264-0050, and 340-264-0060 and the requirements and prohibitions of local jurisdictions and the State Fire Marshall:

(A) The area enclosed by a line beginning at the point where Highway 26 intersects the western boundary of Section 24, T2N, R4W; thence north to the northwest corner of Section 13, T2N, R4W; thence east to the midpoint of the northern boundary of Section 16, T2N, R3W; thence on a line south to the middle of Section 21, T2N, R3W; thence east to the intersection with the midpoint of the western boundary of Section 22, T2N, R3W; thence south to the southwest corner of Section 22, T2N, R3W; thence continuing south to the northern boundary of Washington County Donation Land Claim (DLC) #44; thence southeast and east following the northern boundary of Washington County DLC #44 to the eastern boundary of Washington County DLC #44; thence southwesterly along the eastern boundary of DLC #44 to the intersection with DLC Plot #76; thence continuing southwesterly along the eastern boundary of DLC #76 to the intersection with the Burlington Northern Railroad Line; thence northwesterly along the Burlington Northern Railroad Line to the intersection with the southern boundary of Section 32, T2N, R4W; thence west to the southwest corner of Section 36, T2N, R4W; thence north to the point where Highway 26 intersects the western boundary of Section 24, T2N, R4W, the point of beginning.

(B) All unincorporated areas of Washington County outside of municipal or rural fire districts.

(d) No person may cause or allow to be initiated or maintained any domestic open burning other than during daylight hours between 7:30 a.m. and two hours before sunset unless otherwise specified by DEQ pursuant to OAR 340-264-0070.

(6) Slash burning on forest land within special open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, ORS 468A.025, 468A.575 & 468A.595
Stats. Implemented: ORS 468A.025, 468A.555 through 468A.620, 477.515 & 477.520
Hist.: DEQ 27-1981, f. & ef. 9-8-81; DEQ 10-1984, f. 5-29-84, ef. 6-16-84; DEQ 6-1992, f. & cert. ef. 3-11-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1995, f. & cert. ef. 5-25-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0075; DEQ 21-2000, f. & cert. ef. 12-15-00

340-264-0150

Columbia County

Open burning requirements for Columbia County:

(1) Industrial open burning is prohibited unless authorized pursuant to OAR 340-264-0180.

(2) Agricultural open burning is allowed subject to OAR 340-264-0050(5) and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(3) Commercial open burning is prohibited unless authorized pursuant to OAR 340-264-0180.

(4) Construction and demolition open burning:

(a) Unless authorized pursuant to OAR 340-264-0180, construction and demolition open burning is prohibited within three miles of the open burning control areas of Clatskanie, Rainier, St. Helens, Scappoose, and Vernonia and any other area that meets the standard in OAR 340-264-0078(1);

(b) Construction and demolition open burning is allowed in all other parts of Columbia County subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(5) Domestic open burning is allowed subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(6) Slash burning on forest land within open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.575 & 468A.595
Stats. Implemented: ORS 468A.025, 468A.555 through 468A.620, 477.515 & 477.520
Hist.: DEQ 27-1981, f. & ef. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0080; DEQ 21-2000, f. & cert. ef. 12-15-00

340-264-0160

Lane County

Open burning requirements for Lane County. That portion of Lane County east of Range 7 West, Willamette Meridian, forms a part of the Willamette Valley Open Burning Control Area as generally described in OAR 340-264-0078(5) and depicted in Figure 2 Open Burning Control Areas:

(1) The rules and regulations of LRAPA apply to all open burning in Lane County, provided such rules are no less stringent than the provisions of this division. LRAPA may not regulate agricultural open burning.

(2) Industrial open burning is prohibited unless authorized pursuant to OAR 340-264-0180.

(3) Agricultural open burning is allowed subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(4) Commercial open burning, unless authorized pursuant to OAR 340-264-0180, is prohibited in Lane County east of Range 7 West Willamette Meridian and in or within three miles of the city limit of Florence on the coast. Commercial open burning is allowed in the remaining areas of Lane County, subject to OAR 340-264-0050 and 340-264-0060 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(5) Construction and demolition open burning, unless authorized pursuant to OAR 340-264-0180, is prohibited within all fire districts and other areas specified in this section but is allowed elsewhere in Lane County, subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal. Areas where open burning of construction and demolition waste is prohibited include:

(a) Bailey-Spencer RFPD;

(b) Coburg RFPD;

(c) Cottage Grove/South Lane Fire District;

(d) Creswell RFPD;

(e) Dexter RFPD except that portion east of the Willamette Meridian;

(f) Eugene RFPD No. 1;

(g) Goshen RFPD;

(h) Junction City Fire District;

(i) Junction City RFPD;

(j) Lane County Fire District #1;

(k) Lane RFPD No. 1 outside the Eugene-Springfield Urban Growth Boundary;

(l) Lowell RFPD;

(m) Marcola RFPD;

(n) McKenzie RFPD outside the Eugene-Springfield Urban Growth Boundary;

(o) Monroe RFPD that portion within Lane County;

(p) Oakridge RFPD;

(q) Pleasant Hill RFPD;

(r) Santa Clara RFPD outside the Eugene-Springfield Urban Growth Boundary;

(s) Westfir RFPD;

(t) Willakenzie RFPD;

(u) Zumwalt RFPD.

(6) Domestic open burning:

(a) Domestic open burning outside the fire districts listed in section (5) is allowed subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal;

(b) Domestic open burning is prohibited within all fire districts listed in section (5) except that open burning of yard debris is allowed subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal;

(c) Refer to LRAPA open burning rules for specific seasons and hours for domestic open burning.

(7) Slash burning on forest land within special open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

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

Stat. Auth.: ORS 468.020, 468A.025, 468A.135, 468A.140, 468A.155, 468A.575 & 468A.595
Stats. Implemented: ORS 468A.025, 468A.100 through 468A.180, 468A.555 through 468A.620, 477.515 & 477.520
Hist.: DEQ 27-1981, f. & ef. 9-8-81; DEQ 10-1984, f. 5-29-84, ef. 6-16-84; DEQ 6-1992, f. & cert. ef. 3-11-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0085; DEQ 21-2000, f. & cert. ef. 12-15-00

340-264-0170

Coos, Douglas, Jackson and Josephine Counties

Open burning requirements for Coos, Douglas, Jackson and Josephine Counties:

(1) Open burning control areas:

(a) The Coos Bay open burning control area, as described in OAR 340-264-0078(2) and generally depicted in Figure 3 Coos Bay Open Burning Control Area of OAR 340-264-0078, is located in Coos County;

(b) The Umpqua Basin open burning control area, as described in OAR 340-264-0078(4), and generally depicted in Figure 5 Umpqua Basis Open Burning Control Area of OAR 340-264-0078, is located in Douglas County;

(c) The Rogue Basin open burning control area, as described in OAR 340-264-0078(3) and generally depicted in Figure 4 Rogue Basin Open Burning Control Area of OAR 340-264-0078, is located in Jackson and Josephine Counties.

(2) Industrial open burning is prohibited unless authorized pursuant to OAR 340-264-0180.

(3) Agricultural open burning is allowed subject to OAR 340-264-0050(5) and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(4) Commercial open burning is prohibited within the Coos Bay, Umpqua Basin and Rogue Basin open burning control areas and within three miles of the corporate city limits of Coquille, Reedsport and other areas that meet the standard in OAR 340-264-0078(1), unless authorized pursuant to OAR 340-264-0180. Commercial open burning is allowed in all other areas of these counties subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(5) Construction and demolition open burning is prohibited within the Coos Bay, Umpqua Basin and Rogue Basin open burning control areas and within three miles of the corporate city limits of Coquille, Reedsport and other areas that meet the standard within OAR 340-264-0078(1), unless authorized pursuant to OAR 340-264-0180. Construction and demolition open burning is allowed in other areas of these counties subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(6) Domestic open burning is allowed subject to OAR 340-264-0050, 340-264-0060, 340-264-0070 and section (7), and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(7) Slash burning on forest land within open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

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

Stat. Auth.: ORS 468.020, 468A.025, 468A.575 & 468A.595
Stats. Implemented: ORS 468A.025, 468A.555 through 468A.620, 477.515 & 477.520
Hist.: DEQ 27-1981, f. & ef. 9-8-81; DEQ 21-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0090; DEQ 21-2000, f. & cert. ef. 12-15-00

340-264-0175

Klamath County

Open burning requirements for Klamath County:

(1) Open burning control areas: The Klamath Basin open burning control area as generally described in OAR 340-264-0078(6) and depicted in Figure 6 is located in Klamath County.

(2) Industrial open burning is prohibited unless authorized pursuant to OAR 340-264-0180.

(3) Agricultural open burning is allowed subject to OAR 340-264-0050(5) and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(4) Commercial open burning is prohibited within the Klamath Basin open burning control areas and within three miles of the corporate city limits of other areas that meet the standard in OAR 340-264-0078(1), unless authorized pursuant to OAR 340-264-0180. Commercial open burning is allowed in all other areas of this

county subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(5) Construction and Demolition open burning is prohibited within the Klamath Basin open burning control areas and within three miles of the corporate city limits of other areas that meet the standard within OAR 340-264-0078(1), unless authorized pursuant to 340-264-0180. Construction and Demolition open burning is allowed in other areas of these counties subject to 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(6) Domestic open burning is allowed subject to OAR 340-264-0050, 340-264-0060, 340-264-0070 and section (7) of this rule, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(7) Slash burning on forest land within open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

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

Stat. Auth.: ORS 468.020. 468A.025, 468A.575 & 468A.595
Stats. Implemented: ORS 468A.025, 468A.555 through 468A.620, 477.515 & 477.520
Hist.: DEQ 10-2012, f. & cert. ef. 12-11-12

340-264-0180

Letter Permits

(1) Open Burning of commercial, industrial, slash, construction or demolition waste on a singly occurring or infrequent basis or the open burning of yard debris that is otherwise prohibited, may be permitted by a letter permit issued by DEQ in accordance with this rule and subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal. OAR 340-014-0025 and 340 OAR division 216 do not apply.

(2) A letter permit may only be issued on the basis of a written application for disposal of material by burning that has been approved by DEQ. Each application for a letter permit must contain the following items:

(a) The quantity and type of material proposed to be burned;

(b) A listing of all alternative disposal methods and potential costs that have been identified or investigated;

(c) The expected amount of time that will be required to complete the burning (not required for yard debris);

(d) The methods proposed to be used to insure complete and efficient combustion of the material;

(e) The location of the proposed burning site;

(f) A diagram showing the proposed burning site and the structures and facilities inhabited or used in the vicinity including distances thereto;

(g) The expected frequency of the need to dispose of similar materials by burning in the future;

(h) If the application is for prescribed burning of standing vegetation for the purpose of creating or restoring wetlands or for promoting or enhancing habitat for indigenous species of plants or animals, the application must also include a citation to the federal or state law or program requiring or authorizing such conversion or enhancement. The application must also include a statement from the appropriate agency responsible for implementing the law or program that open burning is the most practicable alternative for the conversion or enhancement;

(i) Any other information that the applicant considers relevant or DEQ may require;

(j) For open burning of yard debris:

(A) A "Hardship Permit Application" completed on a form supplied by DEQ; and

(B) Either payment of the appropriate fee pursuant to section (10) or a "waiver request" completed on a form supplied by DEQ.

(3) Upon receipt of a written application, DEQ may approve the application if it is satisfied that:

(a) The applicant has demonstrated that all reasonable alternatives have been explored and no practicable alternative method for disposal of the materials exists; and

(b) The proposed burning will not cause or contribute to significant degradation of air quality.

(c) For locations within Clackamas, Columbia, Multnomah and Washington counties, where open burning is otherwise prohibited, the following conditions must also be met. Letter permits may be issued only for disposing of:

(A) Material resulting from emergency occurrences, including but not limited to, floods, storms or oil spills;

(B) Material originating as yard debris that has been collected and stored by governmental jurisdictions, provided that no other reasonable means of disposal are available;

(C) Yard debris excluding grass clippings and leaf piles, on the property of a private residence where the inability to burn creates a significant hardship due to:

(i) An economic burden because the estimated cost of alternative means of yard debris disposal presents a financial hardship in relation to household income and expenses of the applicant;

(ii) A physical handicap, personal disability, chronic illness, substantial infirmity or other physical limitation substantially inhibiting the ability of the applicant to process or transport yard debris; or

(iii) Inaccessibility of yard debris, where steepness of terrain or remoteness of the debris site makes access by processing or transportation equipment unreasonable.

(4) DEQ may deny an application for a letter permit or revoke or suspend an issued letter permit on any of the following grounds:

(a) Any material misstatement or omission in the application or a history of such misstatements or omissions by the applicant;

(b) Any actual or projected violation of any statute, rule, regulation, order, permit, ordinance, judgment or decree.

(5) In making its determination under section (3), DEQ may consider:

(a) The conditions of the airshed of the proposed burning;

(b) The other air pollution sources in the vicinity of the proposed burning;

(c) The availability of other methods of disposal, and special circumstances or conditions that may impose a hardship on an applicant;

(d) The frequency of the need to dispose of similar materials in the past and expected in the future;

(e) The applicant's prior violations, if any;

(f) The projected effect upon persons and property in the vicinity; and

(g) Any other relevant factor.

(6) Each letter permit issued by DEQ pursuant to section (2) must contain at least the following elements:

(a) The location where burning is permitted to take place;

(b) The number of actual calendar days on which burning is permitted to take place, not to exceed seven. Burning pursuant to a permit for yard debris must be limited to three days per season unless satisfactory justification for more burning is provided by the applicant;

(c) The period during which the permit is valid, not to exceed a period of 30 consecutive days, except a permit for yard debris. The actual period in the permit must be specific to the needs of the applicant. DEQ may issue specific letter permits for shorter periods;

(d) A letter permit for yard debris is valid for a single burning season or for both the spring and fall burning seasons during a calendar year, as appropriate to the application and the fee paid pursuant to the schedule in section (10). The spring burning is from March 1 to June 15, inclusive, and the fall burning season is from Oct. 1 to Dec. 15, inclusive;

(e) Equipment and methods required to be used by the applicant to insure that the burning is accomplished in the most efficient manner over the shortest period of time to minimize smoke production;

(f) The limitations, if any, based on meteorological conditions required before burning may occur. Open burning under permits for yard debris must be limited to the hours and times that limit seasonal domestic yard debris burning permitted in the county where the burning under the letter permit is to occur;

(g) Reporting requirements for both starting the fire each day and completion of the requested burning, (optional for permits for yard debris);

(h) A statement that OAR 340-264-0050 and 340-264-0060 are fully applicable to all burning under the permit;

(i) Such other conditions as DEQ considers to be desirable.

(7) Regardless of the conditions contained in any letter permit, each letter permit, except permits for yard debris, will not be valid for more than 30 consecutive calendar days of which a maximum of seven can be used for burning. DEQ may issue specific letter permits for shorter periods.

(8) Letter permits are not renewable. Any request to conduct additional burning requires a new application and a new permit.

(9) No person may violate any condition, limitation, or term of a letter permit.

(10) All applications for a letter permit for yard debris must be accompanied by a permit fee payable to DEQ, or approved delegated authority, and become non-refundable upon issuance of the permit. The fee to be submitted is:

(a) For a single burning season, spring or fall — $20;

(b) For a calendar year — $30.

(11) DEQ may waive the single season permit fee if the applicant shows that the cost of the yard debris permit presents an extreme financial hardship in relation to the household income and expenses of the applicant.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.575 & 468A.595
Stats. Implemented: ORS 468A.025, 468A.555 through 468A.620, 477.515 & 477.520
Hist.: DEQ 27-1981, f. & ef. 9-8-81; DEQ 10-1984, f. 5-29-84, ef. 6-16-84; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0100; DEQ 21-2000, f. & cert. ef. 12-15-00

DIVISION 268

EMISSION REDUCTION CREDITS

340-268-0010

Applicability and Jurisdiction

(1) This division applies to any person who wishes to create or bank an emission reduction credit in the state.

(2) Subject to the requirements in this division and OAR 340-200-0010(3), LRAPA is designated by the EQC to implement the rules in this division within its area of jurisdiction.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468A
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 14-1999, f. & cert. ef. 10-14-99; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

340-268-0020

Definitions

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

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A.025
Hist.: DEQ 14-1999, f. & cert. ef. 10-14-99

340-268-0030

Emission Reduction Credits

Any person who reduces emissions by implementing more stringent controls than required by a permit or an applicable regulation may create an emission reduction credit. Emission reduction credits must be created and banked within two years from the time of actual emission reduction.

(1) Creating Emission Reduction Credits. Emission reductions can be considered credits if all of the following requirements are met:

(a) The reduction is permanent due to continuous overcontrol, curtailment or shutdown of an existing activity or device;

(b) The reduction is in terms of actual emissions reduced at the source. The amount of the creditable reduction is the difference between the contemporaneous (any consecutive 12 calendar month period during the prior 24 calendar months) pre-reduction actual (or allowable, whichever is less) emissions and the post-reduction allowable emissions from the subject activity or device;

(c) The reduction is either:

(A) Enforceable by DEQ through permit conditions or rules adopted specifically to implement the reduction that make increases from the activity or device creating the reduction a violation of a permit condition; or

(B) The result of a physical design that makes such increases physically impossible.

(d) The reduction is surplus. Emission reductions must be in addition to any emissions used to attain or maintain AAQS in the SIP;

(e) Sources in violation of air quality emission limitations may not create emission reduction credits from those emissions that are or were in violation of air quality emission limitations;

(f) 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 credited as emission reduction credits as long as all conditions of a creditable emission reduction credit are met.

(2) Banking of Emission Reduction Credits.

(a) The life of emission reduction credits may be extended through the banking process as follows:

(A) Emission reduction credits may be banked for ten years from the time of actual emission reduction.

(B) Requests for emission reduction credit banking must be submitted within the 2 year (24 calendar months) contemporaneous time period immediately following the actual emission reduction. (The actual emission reduction occurs when the airshed experiences the reduction in emissions, not when a permit is issued or otherwise changed).

(b) Banked emission reduction credits are protected during the banked period from rule required reduction, if DEQ receives the emission reduction credit banking request before DEQ submits a notice of a proposed rule or plan development action for publication in the Secretary of State's bulletin. The EQC may reduce the amount of any banked emission reduction credit that is protected under this section, if the EQC determines the reduction is necessary to attain or maintain an ambient air quality standard.

(c) Emission reductions must be in the amount of ten tons per year or more to be creditable for banking, except as follows:

(A) In the Medford-Ashland AQMA, PM10 emission reductions must be at least 3 tons per year.

(B) In Lane County, LRAPA may adopt lower levels.

(C) In the Klamath Falls nonattainment area and the Lakeview UGB, PM2.5 emission reductions must be at least 1 ton per year.

(d) Emission reduction credits will not expire pending DEQ taking action on a timely banking request unless the 10 year period available for banking expires.

(3) Using Emission Reduction Credits: Emission reduction credits may be used for:

(a) Netting actions within the source that generated the credit, through a permit modification; or

(b) Offsets pursuant to the NSR program, OAR 340 division 224.

(4) 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 NSR program under OAR 340-224-0500 though 340-224-0540.

(5) Unused Emission Reduction Credits.

(a) Emission reduction credits that are not used, and for which DEQ does not receive a request for banking within the contemporaneous time period, will become unassigned emissions for purposes of the PSEL and are no longer available for use as external offsets.

(b) Emission reduction credits that are not used prior to the expiration date of the credit will revert to the source that generated the credit and will be treated as unassigned emissions for purposes of the PSEL pursuant to OAR 340-222-0055 and are no longer available for use as external offsets.

(6) Emission Reduction Credit (ERC) Permit:

(a) DEQ tracks ERC creation and banking through the permitting process. The holder of ERCs must maintain either an ACDP, Title V permit, or an ERC Permit.

(b) DEQ issues ERC Permits for anyone who is not subject to the ACDP or Title V programs that requests an ERC or an ERC to be banked.

(c) An ERC permit will only contain conditions necessary to make the emission reduction enforceable and track the credit.

(d) Requests for emission reduction credit banking must be submitted in writing to DEQ and contain the following documentation:

(A) A detailed description of the activity or device controlled or shut down;

(B) Emission calculations showing the types and amounts of actual emissions reduced, including pre-reduction actual emission and post-reduction allowable emission calculations;

(C) The date or dates of actual reductions;

(D) The procedure that will render such emission reductions permanent and enforceable;

(E) Emission unit flow parameters including but not limited to temperature, flow rate and stack height;

(F) Description of short and long term emission reduction variability, if any.

(e) Requests for emission reduction credit banking must be submitted to DEQ within two years (24 months) of the actual emissions reduction. DEQ must approve or deny requests for emission reduction credit banking before they are effective. In the case of approvals, DEQ issues a permit to the owner or operator defining the terms of such banking. DEQ insures the permanence and enforceability of the banked emission reductions by including appropriate conditions in permits and, if necessary, by recommending appropriate revisions to the SIP.

(f) DEQ provides for the allocation of emission reduction credits in accordance with the uses specified by the holder of the emission reduction credits. The holder of ERCs must notify DEQ in writing when they are transferred to a new owner or site. Any use of emission reduction credits must be compatible with local comprehensive plans, statewide planning goals, and state laws and rules.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040, 468A.135, 468A.155 & 468A.310
Stats. Implemented: ORS 468A.025, 468A.040, 468A.135, 468A.155 & 468A.310
Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0265; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1980 10-14-99; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01