**DIVISION 200**

**GENERAL AIR POLLUTION PROCEDURES AND DEFINITIONS**

**General**

**340-200-0020**

**General Air Quality Definitions**

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

 (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.

(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.

 (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.

 (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.

 (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;

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 (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;

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(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;

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 (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.

 (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.

 (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 (CO2e) = 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 = 1 ton per year

(t) Single HAP = 1 ton per year

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

 (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.

 (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.

(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.

(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.

 (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.

 (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.

(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 = 49 tons per year

(t) Single HAP = 9 tons per year

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

(73) "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.

(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.

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

 (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."

 (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 the standards pursuant to 40 CFR 51.110. Maintenance areas are designated by the EQC according to division 204.

 (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.

 (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.

 (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.

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

 (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.

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

 (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.

(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.

 (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.

(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.

(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.

(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 (CO2e) = 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

 (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).

 (172) “State New Source Review” or “State NSR” means the new source review process and requirements applicable to sources that are not subject to Major NSR. The requirements for State NSR are provided in OAR 340-224-0010 and 340-224-0200 through 340-224-0270.

(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.

 (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.

 (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.

 (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.

(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.

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

**DIVISION 204**

**DESIGNATION OF AIR QUALITY AREAS**

**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.

**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.

**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.

**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.

**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 compose 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, or

(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, that existed prior to June 1, 1970 and have not been modified since May 31, 1970:

(a) If located outside a special control area, visible emissions must not equal or exceed:

(A) 40 percent opacity through December 31, 2019; and

(B) 20 percent opacity on and after January 1, 2020

(b) If located inside a special control area, visible emissions must not equal or exceed 20 percent opacity.

(4) For sources, other than wood-fired boilers, installed, constructed, or modified on or after June 1, 1970, visible emissions must not exceed 20 percent opacity.

(5) For wood-fired boilers that existed prior to June 1, 1970 and have not been modified since May 31, 1970, visible emissions must not equal or exceed:

(a) 40 percent opacity through December 31, 2019, with the exception that visible emissions may equal or exceed 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) 20 percent opacity on or after January 1, 2020, with one or more of the following exceptions:

(A) Visible emissions may equal or exceed 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 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; and

(C) DEQ may approve, at the owner’s or operator’s request, a boiler specific limit greater than 20 percent opacity, but not to equal or exceed 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 [INSERT SOS FILING DATE OF RULES], visible emissions must not equal or exceed 20 percent opacity with the exception that visible emissions may equal or exceed 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 [INSERT SOS FILING DATE OF RULES], emissions must not equal or exceed 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.

**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 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 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.

**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.

**Clackamas, Columbia, Multnomah, and Washington Counties**

 **REPEALED 30 SECOND OPACITY**

**DIVISION 210**

**STATIONARY SOURCE NOTIFICATION REQUIREMENTS**

**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.

**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.

**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.

**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.

**DIVISION 214**

**STATIONARY SOURCE REPORTING REQUIREMENTS**

**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.

**DIVISION 216**

**AIR CONTAMINANT DISCHARGE PERMITS**

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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 the emissions, in aggregate, are greater than 10 tons for any regulated pollutant based on 100 hours of operation – 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.

**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.

**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.

**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, OAR 340-224-0010 through 340-224-0070 and OAR 340-224-0500 through 340-224-0540, but have emissions increases above the significant emissions rate are subject to the requirements of State NSR, OAR 340-224-0010 through 340-224-0038, 340-224-0245 through 340-224-0270 and OAR 340-224-0500 through 340-224-0540. 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, OAR 340-224-0010 through 340-224-0070 and OAR 340-224-0500 through 340-224-0540, 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.

**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.

**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 340-216-8010may 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.

**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.

**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.

**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.

**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.

**340-216-8010**

**Table 1 — Activities and Sources**

[ED. NOTE: Tables referenced are not included in rule text. [Click here for PDF copy of table(s)](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/_340_tables/340-216-8010_6-26-14.pdf).]

**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.

[ED. NOTE: Tables referenced are not included in rule text. [Click here for PDF copy of table(s)](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/_340_tables/340-216-8020_6-26-14.pdf).]

**Oregon Department of Environmental Quality**

**Table 1 – 340-216-8010**

**Activities and Sources**

The following source categories must obtain a permit as required by OAR 340-216-0020 Applicability and Jurisdiction.

**Part A: Basic ACDP**

1 Autobody repair or painting shops painting more than 25 automobiles in a year and that are located inside the Portland AQMA.

2 Concrete manufacturing including redimix and CTB, both stationary and portable, more than 5,000 but less than 25,000 cubic yards per year output.

3 Crematory incinerators with less than 20 tons/year material input.

4 Natural gas and propane fired boilers, with or without #2 diesel oil backup; with “backup” meaning less than 10,000 gallons of fuel per year, with individual capacity ratings of 10 or more MMBTU but less than 30 MMBTU/hour heat input and constructed after June 9, 1989.

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

6 Rock, concrete or asphalt crushing, both stationary and portable, more than 5,000 tons/year but less than 25,000 tons/year crushed.

7 Surface coating operations whose actual or expected usage of coating materials is greater than 250 gallons per month but does not exceed 3,500 gallons per year, excluding sources that exclusively use non-VOC and non-HAP containing coatings, e.g., powder coating operations.

**Part B: General, Simple or Standard ACDP**

1 Aerospace or aerospace parts manufacturing subject to RACT as regulated by OAR 340 division 232.

2 Aluminum, copper, and other nonferrous foundries subject to an area source NESHAP under OAR 340 division 244.

3 Aluminum production – primary.

4 Ammonia manufacturing.

5 Animal rendering and animal reduction facilities.

6 Asphalt blowing plants.

7 Asphalt felts or coating manufacturing.

8 Asphaltic concrete paving plants, both stationary and portable.

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

10 Battery separator manufacturing.

11 Lead-acid battery manufacturing and re-manufacturing.

12 Beet sugar manufacturing.

13 Boilers and other fuel burning equipment equal to or greater than 10 MMBTU/hour heat input each, except exclusively natural gas and propane fired boilers, with or without #2 diesel backup, less than 30 MMBTU/hour each .

14 Building paper and buildingboard mills.

15 Calcium carbide manufacturing.

16 Can or drum coating subject to RACT as regulated by OAR 340 division 232.2

17 Cement manufacturing.

18 Cereal preparations and associated grain elevators 10,000 or more tons/year throughput.1

19 Charcoal manufacturing.

20 Chlorine and alkali manufacturing.

21 Chrome plating and anodizing subject to a NESHAP under OAR 340 division 244.

22 Clay ceramics manufacturing subject to an area source NESHAP under OAR 340 division 244.

23 Coffee roasting, roasting 30 or more green tons per year.

24 Concrete manufacturing including redimix and CTB, both stationary and portable, 25,000 or more cubic yards per year output.

25 Crematory incinerators 20 or more tons/year material input.

26 Degreasing operations, halogenated solvent cleanings subject to a NESHAP under OAR 340 division 244.

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

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

29 Ferroalloy production facilities subject to an area source NESHAP under OAR 340 division 244.

30 Flatwood coating regulated by OAR division 232.2

31 Flexographic or rotogravure printing subject to RACT under OAR 340 division 232.2

32 Flour, blended and/or prepared and associated grain elevators 10,000 or more tons/year throughput.1

33 Galvanizing and pipe coating, except galvanizing operations that use less than 100 tons of zinc/year.

34 Bulk gasoline plants, bulk gasoline terminals, and pipeline facilities.

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

36 Glass and glass container manufacturing subject to a NSPS under OAR 340 division 238 or a NESHAP under OAR 340 division 244.

37 Grain elevators used for intermediate storage 10,000 or more tons/year throughput.1

38 Reserved.

39 Gray iron and steel foundries, malleable iron foundries, steel investment foundries, steel foundries 100 or more tons/year metal charged, not elsewhere identified.

40 Gypsum products manufacturing.

41 Hardboard manufacturing, including fiberboard.

42 Hospital sterilization operations subject to an area source NESHAP under OAR 340 division 244.

43 Incinerators with two or more tons per day capacity.

44 Lime manufacturing.

45 Liquid storage tanks subject to RACT under OAR 340 division 232.2

46 Magnetic tape manufacturing.

47 Manufactured home, mobile home and recreational vehicle manufacturing.

48 Marine vessel petroleum loading and unloading subject to RACT under OAR 340 division 232.

49 Metal fabrication and finishing operations subject to an area source NESHAP under OAR 340 division 244, excluding facilities that meet all the following:

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

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

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

50 Millwork manufacturing, including kitchen cabinets and structural wood members, 25,000 or more board feet/maximum 8 hour input.

51 Molded container manufacturing.

52 Motor coach manufacturing.

53 Motor vehicle and mobile equipment surface coating operations subject to an area source NESHAP under OAR 340 division 244, excluding motor vehicle surface coating operations painting less than 10 vehicles per year or using less than 20 gallons of coating and 20 gallons of methylene chloride containing paint stripper per year, mobile equipment surface coating operations using less than 20 gallons of coating and 20 gallons of methylene chloride containing paint stripper per year, and motor vehicle surface coating operations registered pursuant to OAR 340-210-0100(2).

54 Natural gas and oil production and processing and associated fuel burning equipment.

55 Nitric acid manufacturing.

56 Nonferrous metal foundries 100 or more tons/year of metal charged.

57 Organic or inorganic chemical manufacturing and distribution with ½ or more tons per year emissions of any one criteria pollutant, sources in this category with less than ½ ton/year of each criteria pollutant are not required to have an ACDP.

58 Paint and allied products manufacturing subject to an area source NESHAP under OAR 340 division 244.

59 Paint stripping and miscellaneous surface coating operations subject to an area source NESHAP under OAR 340 division 244, excluding paint stripping and miscellaneous surface coating operations using less than 20 gallons of coating and 20 gallons of methylene chloride containing paint stripper per year.

60 Paper or other substrate coating subject to RACT under OAR 340 division 232.2

61 Particleboard manufacturing, including strandboard, flakeboard, and waferboard.

62 Perchloroethylene dry cleaning operations subject to an area source NESHAP under OAR 340 division 244, excluding perchloroethylene dry cleaning operations registered pursuant to OAR 340-210-0100(2).

63 Pesticide manufacturing 5,000 or more tons/year annual production.

64 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.

65 Plating and polishing operations subject to an area source NESHAP under OAR 340 division 244.

66 Plywood manufacturing and/or veneer drying.

67 Prepared feeds manufacturing for animals and fowl and associated grain elevators 10,000 or more tons per year throughput.

68 Primary smelting and/or refining of ferrous and non-ferrous metals.

69 Pulp, paper and paperboard mills.

70 Rock, concrete or asphalt crushing, both stationary and portable, 25,000 or more tons/year crushed.

71 Sawmills and/or planing mills 25,000 or more board feet/maximum 8 hour finished product.

72 Secondary nonferrous metals processing subject to an Area Source NESHAP under OAR 340 division 244.

73 Secondary smelting and/or refining of ferrous and nonferrous metals.

74 Seed cleaning and associated grain elevators 5,000 or more tons/year throughput.1

75 Sewage treatment facilities employing internal combustion engines for digester gasses.

76 Soil remediation facilities, both stationary and portable.

77 Steel works, rolling and finishing mills.

78 Surface coating in manufacturing subject to RACT under OAR 340 division 232.2

79 Surface coating operations with actual emissions of VOCs before add on controls of 10 or more tons/year.

80 Synthetic resin manufacturing.

81 Tire manufacturing.

82 Wood furniture and fixtures 25,000 or more board feet/maximum 8 hour input.

83 Wood preserving (excluding waterborne).

84 All other sources, both stationary and portable, not listed herein that DEQ determines an air quality concern exists or one which would emit significant malodorous emissions.

85 All other sources, both stationary and portable, not listed herein which would have actual emissions, if the source were to operate uncontrolled, of 5 or more tons per year of direct PM2.5 or PM10 if located in a PM2.5 or PM10 nonattainment or maintenance area, or 10 or more tons per year of any single criteria pollutant if located in any part of the state.

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

87 Stationary internal combustion engines if:

 a. For emergency generators and firewater pumps, the aggregate engine horsepower rating is greater than 30,000 horsepower; or

 b. For any individual non-emergency or non-fire pump engine, the engine is subject to 40 CFR part 63, subpart ZZZZ and is rated at 500 horsepower or more, excluding two stroke lean burn engines, engines burning exclusively landfill or digester gas, and four stroke engines located in remote areas; or

 c. For any individual non-emergency engine, the engine is subject to 40 CFR part 60, subpart IIII and:

 A. The engine has a displacement of 30 liters or more per cylinder; or

 B. The engine has a displacement of less than 30 liters per cylinder and is rated at 500 horsepower or more and the engine and control device are either not certified by the manufacturer to meet the NSPS or not operated and maintained according to the manufacturer’s emission-related instructions; or

 d. For any individual non-emergency engine, the engine is subject to 40 CFR part 60, subpart JJJJ and is rated at 500 horsepower or more and the engine and control device are either not certified by the manufacturer to meet the NSPS or not operated and maintained according to the manufacturer’s emission-related instructions.

88 All other portable sources not listed herein for which DEQ determines that:

 a. An air quality concern exists;

 b. The source would emit significant malodorous emissions; or

 c. The source would have actual emissions, if the source were to operate uncontrolled, of 5 or more tons per year of direct PM2.5 or PM10 if located in a PM2.5 or PM10 nonattainment or maintenance area, or 10 or more tons per year of any single criteria pollutant if located in any part of the state.

89 Pathological waste incinerators.

**1**  Applies only to Special Control Areas

**2** Portland AQMA, Medford-Ashland AQMA or Salem-Keizer in the SKATS only

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

**Part C: Standard ACDP**

1 Incinerators for PCBs, other hazardous wastes, or both.

2 All sources that DEQ determines have emissions that constitute a nuisance.

3 All sources electing to maintain the source’s netting basis.

4 All sources that request a PSEL equal to or greater than the SER for a regulated pollutant.

5 All sources having the potential to emit more than 100 tons of any regulated pollutant, except GHG, in a year.

6 All sources having the potential to emit more than 10 tons of a single hazardous air pollutant in a year.

7 All sources having the potential to emit more than 25 tons of all hazardous air pollutants combined in a year.

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| **pansm.tiff****Oregon Department of Environmental Quality****Table 2 – 340-216-8020****Air Contaminant Discharge Permits** |
| **Part 1. Initial Permitting Application Fees: (in addition to first annual fee)** |
| a. Short Term Activity ACDP | $3,600.00 |
| b. Basic ACDP | $144.00 |
| c. Assignment to General ACDP 1 | $1,440.00 |
| d. Simple ACDP | $7,200.00 |
| e. Construction ACDP | $11,520.00 |
| f. Standard ACDP | $14,400.00 |
| g. Standard ACDP (Major NSR or Type A State NSR) | $50,400.00 |
| 1. DEQ may waive the assignment fee for an existing source requesting to be assigned to a General ACDP because the source is subject to a newly adopted area source NESHAP as long as the existing source requests assignment within 90 days of notification by DEQ. |
| **Part 2. Annual Fees: (Due date 12/11 for 1/1 to 12/31 of the following year)** |
| a. Short Term Activity ACDP | $NA |
| b. Basic ACDP | $432.00 |
| c. General ACDP | (A) Fee Class One | $864.00 |
|  | (B) Fee Class Two | $1,555.00 |
|  | (C) Fee Class Three | $2,246.00 |
|  | (D) Fee Class Four | $432.00 |
|  | (E) Fee Class Five | $144.00 |
|  | (F) Fee Class Six | $288.00 |
| d. Simple ACDP | (A) Low Fee | $2,304.00 |
|  | (B) High Fee | $4,608.00 |
| e. Standard ACDP |  | $9,216.00 |
| f. Greenhouse Gas Reporting, as required by OAR 340, Division 215 |  | 12.5% of the applicable annual fee in Part 2 |
| 1.DEQ may extend the payment due date for dry cleaners or gasoline dispensing facilities until March 1st. |
| **Part 3. Specific Activity Fees:** |
| a. Non-Technical Permit Modification 1 | $432.00 |
| b. Basic Technical Permit Modification | $432.00 |
| c. Simple Technical PermitModification | $1,440.00 |
| d. Moderate Technical PermitModification | $7,200.00 |
| e. Complex Technical PermitModification | $14,400.00 |
| f. Major NSR or Type A State NSR Permit Modification | $50,400.00 |
| g. Modeling Review (outside Major NSR or Type A State NSR) | $7,200.00 |
| h. Public Hearing at Source's Request | $2,880.00 |
| i. State MACT Determination | $7,200.00 |
| j. Compliance Order Monitoring 2 | $144.00/month |
| 1. For gasoline dispensing facilities, a portion of these fees will be used to cover the fees required for changes of ownership in OAR 340-150-0052(4).2. This is a one time fee payable when a compliance order is established in a permit or a DEQ order containing a compliance schedule becomes a final order of DEQ and is based on the number of months DEQ will have to oversee the order. |

**Part 4. Late Fees:**

a. 8-30 days late 5%

b. 31-60 days late 10%

c. 61 or more days late 20%

**DIVISION 222**

**STATIONARY SOURCE PLANT SITE EMISSION LIMITS**

**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.

**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.

**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.

**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 greenhouse gases is subject to the requirements of NSR in OAR 340 division 224 only if the criteria in OAR 340-224-0010(7) 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 [INSERT SOS FILING DATE OF RULES];

(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 [INSERT SOS FILING DATE OF RULES] 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.

**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.

**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 [INSERT SOS FILING DATE OF RULES], 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 [INSERT SOS FILING DATE OF RULES], 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 [INSERT SOS FILING DATE OF RULES], 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.

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

**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, 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.

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

**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.

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

**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.

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

**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.

**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 SIC code as at least one of the primary SIC codes of the individual sources.

(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 may only be included in the combined source’s netting basis if that individual source has a primary or secondary SIC code that is the same as the primary or a secondary 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 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.

**DIVISION 224**

**NEW SOURCE REVIEW**

**340-224-0010**

**Applicability, General Prohibitions, General Requirements and Jurisdiction**

(1) Except as provided in subsection (7), 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.

(2) 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. State NSR actions under subsection (a) are categorized as Type A State NSR, and actions under subsection (b) are categorized as Type B State NSR.

(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 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, other than GHGs, equal to or greater than the SER; or

(B) Increasing emissions of a regulated pollutant, other than GHGs, to an amount that is equal to or greater than the SER over the netting basis.

(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 other than GHGs, 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 an air contaminant discharge permit (ACDP) issued by DEQ authorizing such construction and operation.

(7) OAR 340 division 224 applies to GHGs only as follows:

(a) 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 its GHG emissions prior to construction or operation:

(A) Construction of a new federal major source after May 1, 2011 and the source has the potential to emit GHGs equal to or greater than the SER;

(B) A major modification undertaken after May 1, 2011 for a regulated pollutant other than GHGs at an existing federal major source and the source also has a major modification for GHGs; or

(C) A major modification undertaken after May 1, 2011 for a regulated pollutant other than GHGs 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 and the source also has a major modification for GHGs.

 (b) GHGs are not subject to the 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.

(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.

**340-224-0025**

**Major Modification**

(1) Except as provided in section (5), "major modification" means a change at a source described in section (2) or (3) 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 NSR permitting action for that regulated pollutant that allowed for a change to the netting basis under OAR 340-222-0046(3)(e).

(2) 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 since the later of the dates in subsections (1)(a) through (1)(c), as applicable for each pollutant, is equal to or greater than the SER. For purposes of this paragraph, emission increases must be determined as required in section (3).

(3) Calculation of emission increases for the purposes of subsection (2)(b) must be made as specified in this section.

(a) Calculations of emission increases must account for all accumulated increases in actual emissions due to physical changes and changes in the method of operation occurring at the source since the later of the dates in subsections (1)(a) through (1)(c) as applicable for each pollutant;

(b) Emissions from categorically insignificant activities, aggregate insignificant emissions, and fugitive emissions must be included in the calculations;

(c) Any calculations in this section that result in a negative number will be counted as zero;

(d) The pre-change emission rate 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, that took effect before either the date the owner or operator begins actual construction of the project, or the date a complete permit application is received by DEQ for a permit action subject to this division, whichever is earlier;

(e) For a unit that was included in a prior NSR action that was capable of changing the netting basis, and undertakes or previously undertook a physical change or change in the method of operation since the most recent NSR action that was capable of changing the netting basis, the emission increase equals the post-change PTE minus the emission rate approved in the most recent NSR action that was capable of changing the netting basis;

(f) For a unit that was installed after the baseline period and was not included in a prior NSR action that was capable of changing the netting basis, the emission increase equals the post-change PTE minus zero;

(g) For a unit that existed during the baseline period and was not included in a prior NSR action that was capable of changing the netting basis, and undertakes or previously undertook a physical change or change in the method of operation, the emission increase equals the unit’s post-change PTE minus the unit’s baseline emission rate;

(h) For a unit that existed during the baseline period and was not included in a prior NSR action that was capable of changing the netting basis, and is not undertaking and did not previously undertake a physical change or change in the method of operation, and is increasing emissions to support a physical change or change in the method of operation elsewhere in the facility by making increased use of existing capacity, the emission increase equals the unit’s post-change expected emission rate minus the unit’s baseline emission rate, where, for the purpose of this subsection, expected emission rate means, at a minimum, the emission rate necessary to support the facility’s maximum post-change operating rate unless a unit-specific emission limit is requested;

(i) For purposes of this section:

(A) 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.

(B) 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).

(4) For 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 action under OAR 340 division 224, any change, including production increases, that 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 for any regulated pollutant for which the source is a major source in nonattainment, reattainment, or maintenance areas.

(a) This section does not apply to PM2.5 and greenhouse gases.

(b) Changes to the PSEL solely due to the availability of more accurate and reliable emissions information are exempt from being considered an increase under this section.

(5) Major modifications for ozone precursors or PM2.5 precursors also constitute major modifications for ozone and PM2.5, respectively.

(6) The following are not major modifications:

(a) Except as provided in section (3), 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.

(7) When more accurate or reliable emissions information becomes available, a recalculation of the PSEL, netting basis, and increases/decreases in emissions must be performed to determine whether a major modification has occurred.

**NOTE:** This rule was moved verbatim from OAR 340-200-0020(71) and amended.

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

**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 under OAR 340-224-0010 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 section (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 under OAR 340-224-0010; 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.

**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 under OAR 340-224-0010 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 under OAR 340-224-0010 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.

**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-020-0040.

**340-224-0038**

**Fugitive and Secondary Emissions**

For sources subject to Major NSR or Type A State NSR under OAR 340-224-0010, 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 NSR under OAR 340-224-0010. Once a source is subject to NSR under OAR 340-224-0010, 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.

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

**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 under OAR 340-224-0010 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.

**Major New Source Review**

**340-224-0045**

**Requirements for Sources in Sustainment Areas**

Within a designated sustainment area, a source subject to Major NSR under OAR 340-224-0010 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.

**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 under OAR 340-224-0010 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.

**340-224-0055**

**Requirements for Sources in Reattainment Areas** Within a designated reattainment area, a source subject to Major NSR under OAR 340-224-0010 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.

**340-224-0060**

**Requirements for Sources in Maintenance Areas**

Within a designated maintenance area, a source subject to Major NSR under OAR 340-224-0010 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.

**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 under OAR 340-224-0010 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.

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

**State New Source Review**

**340-224-0245**

**Requirements for Sources in Sustainment Areas**

Within a designated sustainment area, a source subject to State NSR under OAR 340-224-0010 must meet the following requirements for each sustainment pollutant:

(1) Air Quality Protection:

(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.

**340-224-0250**

**Requirements for Sources in Nonattainment Areas**

Within a designated nonattainment area, a source subject to State NSR under OAR 340-224-0010 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.

**340-224-0255**

**Requirements for Sources in Reattainment Areas**

Within a designated reattainment area, a source subject to State NSR under OAR 340-224-0010 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.

**340-224-0260**

**Requirements for Sources in Maintenance Areas**

Within a designated maintenance area, a source subject to State NSR under OAR 340-224-0010 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.

**340-224-0270**

**Requirement for Sources in Attainment and Unclassified Areas**

Within a designated attainment or unclassified area, a source subject to State NSR under OAR 340-224-0010 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.

**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.

**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 determined in concert with 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.

**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 340-225-0010(10) and (11) and OAR 340-225-0090(1) and amended.

**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-020-0040.

**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 in 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. Priority sources are specified under OAR 340-204-0320.

(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 major PM10 sources or major PM10 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) and (C);

(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 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

(C) Demonstrate that the impacts of the emission increases above the source’s netting basis, 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 paragraphs (b)(B) and (b)(C):

(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.

**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 -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.

**DIVISION 225**

**AIR QUALITY ANALYSIS REQUIREMENTS**

**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.

 (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.

**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.

**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.

**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.

**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.

**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.

**DIVISION 226**

**GENERAL EMISSION STANDARDS**

**Grain Loading Standards**

**340-226-0210**

**Particulate Emission Limitations for Sources Other Than Fuel Burning, 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 [INSERT SOS FILING DATE OF RULES] demonstrate emissions no greater than 0.080 grains per dry standard cubic foot;

(B) If any representative compliance source test results collected prior to [INSERT SOS FILING DATE OF RULES] 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 (e.g., backup fuel) that is used less than 876 hours per calendar year, 0.24 grains per standard cubic foot from [INSERT SOS FILING DATE OF RULES] through December 31, 2019, and 0.20 grains per 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 [INSERT SOS FILING DATE OF RULES]:

(A) 0.10 grains per dry standard cubic foot provided that all representative compliance source test results prior to [INSERT SOS FILING DATE OF RULES] demonstrate emissions no greater than 0.080 grains per dry standard cubic foot; or;

(B) If any representative compliance source test results prior to [INSERT DATE OF EQC ADOPTION OF RULES] 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 [INSERT SOS FILING DATE OF RULES], 0.10 grains per dry standard cubic foot.

(d) The owner or operator of a source installed, constructed, or modified before June 1, 1970 who is unable to comply with the standard in 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 [INSERT SOS FILING DATE OF RULES]; 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.

**DIVISION 228**

**REQUIREMENTS FOR FUEL BURNING EQUIPMENT AND FUEL SULFUR CONTENT**

**General Emission Standards for Fuel Burning Equipment**

**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 [INSERT SOS FILING DATE OF RULES] demonstrate emissions no greater than 0.080 grains per dry standard cubic foot;

(B) If any representative compliance source test results collected prior to [INSERT DATE OF EQC ADOPTION OF RULES] 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 standard cubic foot from [INSERT SOS FILING DATE OF RULES] through December 31, 2019, and 0.20 grains per 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 [INSERT SOS FILING DATE OF RULES]:

(A) 0.10 grains per dry standard cubic foot provided that all representative compliance source test results prior to [INSERT SOS FILING DATE OF RULES] 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 [INSERT DATE OF EQC ADOPTION OF RULES] 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 after [INSERT SOS FILING DATE OF RULES], 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 [INSERT SOS FILING DATE OF RULES]; 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.

**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.

**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.

**DIVISION 240**

**RULES FOR AREAS WITH UNIQUE AIR QUALITY NEEDS**

**Klamath Falls Nonattainment Area**

**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.

**340-240-0560**

**Real and Permanent PM2.5 and PM10 Offsets**

(1) For Klamath Falls and other designated areas when allowed under OAR 340-204-0320, annual emissions reductions offsets for PM2.5 and PM10 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.

**DIVISION 268**

**EMISSION REDUCTION CREDITS**

**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.