**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) The AQRV impact analyses will include visibility (haze and plume visual impact), deposition, and ozone effects.

(3) Procedures from the FLAG report will be used to analyze the potential impacts on AQRVs.

(4) When directed by OAR 340 division 224, the requirements of this rule apply to each pollutant for which emissions will exceed the netting basis by the SER or more due to the proposed source or modification. Emission offsets, including secondary emissions, permitted since January 1, 1984 and other increases or decreases in emissions, must also be considered.

(5) Class I Areas.

 (a) The owner or operator must provide an analysis of the air quality impacts that shows the proposed source or modification will not cause or contribute to significant impairment of AQRVs on any Class I area. Significant thresholds for determining impairment are defined in the FLAG report.

(b) The owner or operator must submit all information necessary to perform any analysis or demonstration required by these rules.

(c) DEQ must provide written notice of permit applications within 30 days of receiving such permit application to EPA and Federal Land Managers if a proposed source could impact AQRVs within a Class I area.

(A) The notice will include a copy of all information relevant to the permit application, including analysis of anticipated impacts on Class I area AQRVs.

 (B) As a part of the notification required in OAR 340-209-0060, DEQ will provide the Federal Land Manager a 30 day period from their receipt of the application to demonstrate the emissions from the proposed source would result in significant impairment of AQRVs in a Class I area. This demonstration may include an analysis performed by the Federal Land Manager.

(d) During its review of source impacts on Class I area AQRVs, DEQ will consider comments and analyses from the Federal Land Managers that are received by DEQ within 30 days of the date that DEQ sent the notice required by subsection (c).

(A) If DEQ agrees with the demonstration that significant impairment would result, it will not issue the permit.

(B) If DEQ disagrees with the Federal Land Manager's demonstration that significant impairment would result, DEQ will include a discussion of the disagreement in the Notice of Public Hearing.

(e) DEQ will 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.

 (6) Columbia River Gorge National Scenic Area (Gorge).

(a) The owner or operator is encouraged to provide an analysis of the air quality impacts.

(b) The owner or operator must submit all information necessary to perform any analysis or demonstration recommended by these rules.

 (c) DEQ will provide written notice of permit applications within 30 days of receiving such permit application to the Federal Land Manager if a proposed source could impact AQRVs within the Gorge:

 (A) The notice will include a copy of all information relevant to the permit application, including analysis of anticipated impacts on AQRVs in the Gorge.

(B) DEQ will provide the Federal Land Manager a 30 day period from their receipt of the application to demonstrate the emissions from the proposed source would adversely impact AQRVs in the Gorge. This demonstration may include an analysis performed by the Federal Land Manager.

(d) During its review of source impacts on AQRVs in the Gorge, DEQ will consider comments and analyses from the Federal Land Manager that are received by DEQ within 30 days of the date that DEQ sent the notice required by subsection (c).

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 (7) 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 required as a permit condition to establish the effect of the regulated pollutant on visibility conditions within the impacted Class I area.

(8) 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.

(9) If the Federal Land Manager recommends and DEQ agrees, DEQ may require the owner or operator to analyze the potential impacts on other AQRVs and how to protect them. Procedures from the FLAG report should be used in this analysis. Emission offsets may also be used. If the Federal Land Manager finds that significant impairment on other AQRVs would result from the proposed activities and DEQ agrees, DEQ will not issue a permit for the proposed source.

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

Stat. Auth.: ORS 468.020 & 468A.070
Stats. Implemented: ORS 468A
Hist.: DEQ 18-1984, f. & ef. 10-16-84; DEQ 14-1985, f. & ef. 10-16-85; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0276; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2000; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-224-0110