

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:

- (1) "Act" or "FCAA" means the Federal Clean Air Act, 42 U.S.C.A. §§ 7401 to 7671q.
- (2) "Activity" means any process, operation, action, or reaction (e.g., chemical) at a source that emits a regulated pollutant.
- (3) "Actual emissions" means the mass emissions of a [regulated](#) pollutant from an emissions source during a specified time period [as set forth in OAR 340 divisions 214, 220 and 222](#).
 - ~~(a) For determining actual emissions as of the baseline period:~~
 - ~~(A) Except as provided in paragraphs (B) and (C) of this subsection and subsection (b) of this section, actual emissions equal the average rate at which the source actually emitted the pollutant during an applicable baseline period and that represents normal source operation;~~
 - ~~(B) DEQ presumes that the source-specific mass emissions limit included in a source's permit that was effective on September 8, 1981 is equivalent to the source's actual emissions during the applicable baseline period if it is within 10% of the actual emissions calculated under paragraph (A) of this subsection.~~
 - ~~(C) Actual emissions equal the potential to emit of the source for the sources listed in paragraphs (i) through (iii) of this paragraph. The actual emissions will be reset if required in accordance with subsection (c) of this section.~~
 - ~~(i) 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~~
 - ~~(ii) Any source or part of a source of greenhouse gases that had not begun normal operations prior to January 1, 2010, but was approved to construct and operate prior to January 1, 2011 in accordance with OAR 340 division 210, or~~
 - ~~(iii) Any source or part of a source that had not begun normal operations during the applicable baseline period and was not required to obtain approval to construct and operate before or during the applicable baseline period.~~
 - ~~(b) For 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 in accordance with OAR 340 division 224, actual emissions on the date the permit is issued equal the potential to emit of the source. The actual emissions will be reset if required in accordance with subsection (c) of this section.~~

~~(c) Where actual emissions equal potential to emit under paragraph (a)(C) or subsection (b) of this section, the potential emissions will be reset to actual emissions as follows:~~

~~(A) Paragraphs (A) through (D) of this subsection apply to sources whose actual emissions of greenhouse gases were determined pursuant paragraph (3)(a)(C), and to all other sources of all other regulated pollutants that are permitted in accordance with OAR division 224 on or after May 1, 2011.~~

~~(B) Except as provided in paragraph (D) of this subsection, ten years from the end of the applicable baseline period under paragraph (a)(C) or ten years from the date the permit is issued under subsection (b), or an earlier time if requested by the source in a permit application involving public notice, DEQ will reset actual emissions 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.~~

~~(C) Any emission reductions achieved due to enforceable permit conditions based on OAR 340-226-0110 and 0120 (highest and best practicable treatment and control) are not included in the reset calculation required in paragraph (B) of this subsection.~~

~~(D) 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.~~

~~(d) For determining actual emissions for Emission Statements under OAR 340-214-0200 through 340-214-0220 and Oregon Title V Operating Permit Fees under OAR 340 division 220, actual emissions include, but are not limited to, routine process emissions, fugitive emissions, excess emissions from maintenance, startups and shutdowns, equipment malfunction, and other activities, except categorically insignificant activities and secondary emissions.~~

~~(e) For Oregon Title V Operating Permit Fees under OAR 340 division 220, actual emissions must be directly measured with a continuous monitoring system or calculated using a material balance or verified emission factor determined in accordance with division 220 in combination with the source's actual operating hours, production rates, or types of materials processed, stored, or combusted during the specified time period.~~

(4) "Adjacent" means interdependent facilities that are nearby to each other.

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

(6) "Affected states" means all states:

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

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

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

- (a) One ton for total reduced sulfur, hydrogen sulfide, sulfuric acid mist, any Class I or II substance subject to a standard promulgated under or established by Title VI of the ~~FCAA~~Aet, and each criteria pollutant, except lead;
- (b) 120 pounds for lead;
- (c) 600 pounds for fluorides;
- (d) 500 pounds for PM10 in a PM10 nonattainment area;
- (e) 500 pounds for direct PM2.5 in a PM2.5 nonattainment area;
- (f) The lesser of the amount established in 40 CFR 68.130 or 1,000 pounds;
- (g) An aggregate of 5,000 pounds for all ~~H~~azardous ~~A~~ir ~~P~~ollutants;
- (h) 2,756 tons CO2e for greenhouse gases.
- (8) "Air ~~C~~ontaminant" means a dust, fume, gas, mist, odor, smoke, vapor, pollen, soot, carbon, acid, ~~or~~ particulate matter, regulated pollutant, or any combination thereof.
- (9) "Air Contaminant Discharge Permit" or "ACDP" means a written permit authorization issued, renewed, amended, or revised by DEQ, pursuant to OAR 340 division 216.
- (10) "Alternative method" means any method of sampling and analyzing for an air pollutant ~~that which~~ is not a reference or equivalent method but which has been demonstrated to DEQ's satisfaction to, in specific cases, produce results adequate for determination of compliance. The alternative method must comply with the intent of the rules, is at least equivalent in objectivity and reliability to the uniform recognized procedures, and is demonstrated to be reproducible, selective, sensitive, accurate, and applicable to the program. An alternative method used to meet an applicable federal requirement for which a reference method is specified must be approved by EPA unless EPA has delegated authority for the approval to DEQ.
- (11) "Ambient ~~A~~ir" means that portion of the atmosphere, external to buildings, to which the general public has access.
- (12) "Applicable requirement" means all of the following as they apply to emissions units in an Oregon Title V Operating Permit program source or ACDP program source, including requirements that have been promulgated or approved by the EPA through rule making at the time of issuance but have future-effective compliance dates:
 - (a) Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by the EPA through rulemaking under Title I of the ~~Aet~~ FCAA that implements the relevant requirements of the FCAA~~Aet~~, including any revisions to that plan promulgated in 40 CFR Part 52;
 - (b) Any standard or other requirement adopted under OAR 340-200-0040 of the State of Oregon Clean Air Act Implementation Plan that is more stringent than the federal standard or requirement which has not yet been approved by the EPA, and other state-only enforceable air pollution control requirements;
 - (c) Any term or condition in an ACDP, OAR 340 division 216, including any term or condition of any preconstruction permits issued pursuant to OAR 340 division 224, New Source Review, until or unless DEQ revokes or modifies the term or condition by a permit modification;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(13) “Attainment area” or “unclassified area” means an area that has not otherwise been designated by EPA as nonattainment with ambient air quality standards for a particular regulated pollutant. Attainment areas or unclassified areas may also be referred to as sustainment or maintenance areas as designated in OAR 340 division 204. Any particular location may be part of an attainment area or unclassified area for one regulated pollutant while also being in a different type of designated area for another regulated pollutant.

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

(153) "Baseline ~~E~~mission ~~R~~ate" means the actual emission rate during a baseline period as determined under OAR 340 division 222. ~~Baseline emission rate does not include increases due to voluntary fuel switches or increased hours of operation that occurred after that baseline period.~~

~~(a) A baseline emission rate will be established only for regulated pollutants subject to OAR 340 division 224 as specified in the definition of regulated pollutant. A baseline emission rate will not be established for PM2.5.~~

~~(b) 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.~~

~~(c) For a pollutant that becomes a regulated pollutant subject to OAR 340 division 224 after May 1, 2011, the initial baseline emission rate is the actual emissions of that pollutant during any consecutive 12 month period within the 24 months immediately preceding its designation as a regulated pollutant if a baseline period has not been defined for the pollutant.~~

~~(d) The baseline emission rate will be recalculated if actual emissions are reset in accordance with the definition of actual emissions.~~

~~(e) Once the baseline emission rate has been established or recalculated in accordance with subsection (d) of this section, the production basis for the baseline emission rate may only be changed if a material mistake or an inaccurate statement was made in establishing the production basis for baseline emission rate.~~

(164) "Baseline ~~P~~eriod" means the period used to determine the baseline emission rate for each regulated pollutant under OAR 340 division 222:

~~(a) Any consecutive 12 calendar month period during the calendar years 1977 or 1978 for any regulated pollutant other than greenhouse gases. DEQ may allow the use of a prior time period upon a determination that it is more representative of normal source operation.~~

~~(b) Any consecutive 12 calendar month period during the calendar years 2000 through 2010 for greenhouse gases.~~

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

(186) "Biomass" means non-fossilized and biodegradable organic material originating from plants, animals, and micro-organisms, including products, byproducts, residues and waste from agriculture, forestry, and related

industries as well as the non-fossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of non-fossilized and biodegradable organic matter.

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

(20) "Capture efficiency" means the amount of regulated pollutant collected and routed to an air pollution control device divided by the amount of total emissions generated by the process being controlled.

(2148) "Capture system" means the equipment (including but not limited to hoods, ducts, fans, and booths) used to contain, capture and transport a regulated pollutant to a control device.

(2249) "Carbon dioxide equivalent" or "CO₂e" means an amount of a greenhouse gas or gases expressed as the equivalent amount of carbon dioxide, and ~~shall~~ be computed by multiplying the mass of each of the greenhouse gases by the global warming potential published for each gas at 40 CFR Part 98, subpart A, Table A-1 ~~—~~ Global Warming Potentials, and adding the resulting value for each greenhouse gas to compute the total equivalent amount of carbon dioxide.

(239) "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 tail-pipe emissions from on-site motor vehicle operation;

(c) Distillate oil, kerosene, ~~and or~~ gasoline fuel burning equipment ~~rated at less than or equal to 0.4 million Btu/hr~~; unless one or both of the following conditions is met, then all of this equipment is no longer categorically insignificant:

(A) The aggregate emissions are greater than the de minimis level for any regulated pollutant; or

(B) Any individual equipment is rated at greater than 0.4 million BTU/hour;

(d) Natural gas ~~and or~~ propane burning equipment ~~rated at less than or equal to 2.0 million Btu/hr~~; unless one or both of the following conditions is met, then all of this equipment is no longer categorically insignificant:

(A) The aggregate emissions are greater than the de minimis level for any regulated pollutant; or

(B) Any individual equipment is rated at greater than 2.0 million Btu/hour;

(e) Office activities;

(f) Food service activities;

(g) Janitorial activities;

- (h) Personal care activities;
- (i) Groundskeeping activities including, but not limited to building painting and road and parking lot maintenance;
- (j) On-site laundry activities;
- (k) On-site recreation facilities;
- (l) Instrument calibration;
- (m) Maintenance and repair shop;
- (n) Automotive repair shops or storage garages;
- (o) Air cooling or ventilating equipment not designed to remove air contaminants generated by or released from associated equipment;
- (p) Refrigeration systems with less than 50 pounds of charge of ozone depleting substances regulated under Title VI, including pressure tanks used in refrigeration systems but excluding any combustion equipment associated with such systems;
- (q) Bench scale laboratory equipment and laboratory equipment used exclusively for chemical and physical analysis, including associated vacuum producing devices but excluding research and development facilities;
- (r) Temporary construction activities;
- (s) Warehouse activities;
- (t) Accidental fires;
- (u) Air vents from air compressors;
- (v) Air purification systems;
- (w) Continuous emissions monitoring vent lines;
- (x) Demineralized water tanks;
- (y) Pre-treatment of municipal water, including use of deionized water purification systems;
- (z) Electrical charging stations;
- (aa) Fire brigade training;
- (bb) Instrument air dryers and distribution;
- (cc) Process raw water filtration systems;
- (dd) Pharmaceutical packaging;
- (ee) Fire suppression;

(ff) Blueprint making;

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

(hh) Electric motors;

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

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

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

(ll) Pressurized tanks containing gaseous compounds;

(mm) Vacuum sheet stacker vents;

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

(oo) Log ponds;

(pp) Storm-water settling basins;

(qq) Fire suppression and training;

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

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

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

(uu) ~~Stationary E~~Stationary 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; as determined by DEQ unless one or both of the following conditions is met, then all of this equipment is no longer categorically insignificant:

(A) The aggregate emissions from stationary emergency generators and pumps are greater than the de minimis level for any regulated pollutant based on the readiness and testing hours of operation allowed by NSPS or NESHAP requirements or some other hours of operation specified in a permit; or

(B) Any individual stationary emergency generator or pump is rated at 500 horsepower or more;

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

(ww) Non-contact steam condensate flash tanks;

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

(yy) Boiler blowdown tanks;

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

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

(bbb) Uncontrolled Oil/water separators in effluent treatment systems with a throughput of less than 400,000 gallons per year;

(ccc) Combustion source flame safety purging on startup;

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

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

(fff) White water storage tanks.

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

~~(22) "CFR" means Code of Federal Regulations.~~

~~(253) "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. Class I areas are identified in 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.~~

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

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

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

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

~~(3026)~~ "Constant ~~P~~process ~~R~~rate" means the average variation in process rate for the calendar year is not greater than plus or minus ten percent of the average process rate.

~~(3127)~~ "Construction":

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

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

(3228) "Continuous compliance determination method" means a method, specified by the applicable standard or an applicable permit condition, which:

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

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

(3329) "Continuous ~~M~~onitoring ~~S~~ystems" means sampling and analysis, in a timed sequence, using techniques which will adequately reflect actual emissions or concentrations on a continuing basis as specified in accordance with the DEQ's Continuous Monitoring Manual, and includes continuous emission monitoring systems, continuous opacity monitoring system (COMS) and continuous parameter monitoring systems.

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

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

(364) "Criteria ~~P~~ollutant" means any of the following regulated pollutants: nitrogen oxides, volatile organic compounds, particulate matter, PM10, PM2.5, sulfur dioxide, carbon monoxide, ~~or~~ and lead.

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

(38) "Day" means a 24-hour period beginning at 12:00 a.m. midnight.

(393) "De minimis emission levels" mean the levels for the regulated pollutants listed ~~in Table 4 below~~:

(a) Greenhouse Gases (CO₂e) = 2,756 tons per year

(b) CO = 1 ton per year

(c) NO_x = 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 PM_{2.5} = 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

NOTE: ~~De minimis is compared to all increases that are not included in the PSEL.~~

(4034) "Department" or "DEQ":

(a) Means Department of Environmental Quality; except

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

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

(42) "Designated area" means an area that has been designated as an attainment, unclassified, sustainment, nonattainment, reattainment, or maintenance area under OAR 340 division 204 or applicable provisions of the FCAA.

(43) "Destruction efficiency" means removal efficiency.

~~(4435)~~ "Device" means any machine, equipment, raw material, product, or byproduct at a source that produces or emits a regulated pollutant.

~~(4536)~~ "Direct PM2.5" has the meaning provided in the definition of PM2.5.

~~(4637)~~ "Director" means the Director of DEQ or the Director's designee.

~~(4738)~~ "Draft permit" means the version of an Oregon Title V Operating Permit for which DEQ or ~~Lane Regional Air Protection Agency~~LRAPA offers public participation under OAR 340-218-0210 or the EPA and affected State review under 340-218-0230.

(48) "Dry standard cubic foot" means the amount of gas that would occupy a volume of one cubic foot, if the gas were free of uncombined water at standard conditions.

~~(4939)~~ "Effective date of the program" means the date that the EPA approves the Oregon Title V Operating Permit program submitted by DEQ on a full or interim basis. In case of a partial approval, the "effective date of the program" for each portion of the program is the date of the EPA approval of that portion.

~~(5040)~~ "Emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the owner or operator, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency does not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

~~(5144)~~ "Emission" means a release into the atmosphere of any regulated pollutant or any air contaminant.

~~(5242)~~ "Emission ~~E~~estimate ~~A~~adjustment ~~F~~factor" or "EEAF" means an adjustment applied to an emission factor to account for the relative inaccuracy of the emission factor.

~~(5343)~~ "Emission ~~F~~factor" means an estimate of the rate at which a regulated pollutant is released into the atmosphere, as the result of some activity, divided by the rate of that activity (e.g., production or process rate).

~~(5444)~~ "Emission limitation" or "Emission standard" or "Emission limitation or standard" means:

(a) Except as provided in subsection (b) ~~-of this section, "Emission Limitation" and "Emission Standard" mean~~ a requirement established by a ~~S~~state, local government, or the EPA which limits the quantity, rate, or concentration of emissions of regulated air-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, ~~"Emission limitation or standard"~~ means any applicable requirement that constitutes an emission limitation, emission standard, standard of performance or means of emission limitation as defined under the FCAA Act. 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, ~~to~~ operate and maintain sources ~~in accordance with~~ using good air pollution control practices, ~~to~~ develop and maintain a malfunction abatement plan, ~~to~~ keep records, submit reports, or conduct monitoring.

(~~5545~~) "Emission ~~R~~Reduction ~~C~~credit ~~B~~anking" means to presently reserve, subject to requirements of OAR 340 division 268, Emission Reduction Credits, emission reductions for use by the reserver or assignee for future compliance with air pollution reduction requirements.

(~~5646~~) "Emission ~~R~~eporting ~~F~~orm" means a paper or electronic form developed by DEQ that must be completed by the permittee to report calculated emissions, actual emissions, or permitted emissions for interim emission fee assessment purposes.

(~~5747~~) "Emissions unit" means any part or activity of a source that emits or has the potential to emit any regulated ~~air~~ pollutant.

(a) A part of a source is any machine, equipment, raw material, product, or byproduct that produces or emits regulated ~~air~~ pollutants. An activity is any process, operation, action, or reaction (e.g., chemical) at a stationary source that emits regulated ~~air~~ pollutants. Except as described in subsection (d) ~~of this section~~, parts and activities may be grouped for purposes of defining an emissions unit if the following conditions are met:

(A) The group used to define the emissions unit may not include discrete parts or activities to which a distinct emissions standard applies or for which different compliance demonstration requirements apply; and

(B) The emissions from the emissions unit are quantifiable.

(b) Emissions units may be defined on a regulated pollutant by regulated pollutant basis where applicable.

(c) The term emissions unit is not meant to alter or affect the definition of the term "unit" under Title IV of the FCAA.

(d) Parts and activities cannot be grouped for determining emissions increases from an emissions unit under OAR ~~340 divisions 210 and 224340-224-0050 through 340-224-0070, or 340 division 210~~, or for determining the applicability of any New Source Performance Standard (NSPS).

(~~5848~~) "EPA" or "Administrator" means the Administrator of the United States Environmental Protection Agency or the Administrator's designee.

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

(6049) "Equivalent method" means any method of sampling and analyzing for ~~an air~~ regulated pollutant that has been demonstrated to DEQ's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions. An equivalent method used to meet an applicable federal requirement for which a reference method is specified must be approved by EPA unless EPA has delegated authority for the approval to DEQ.

(6150) "Event" means excess emissions that arise from the same condition and occur during a single calendar day or continue into subsequent calendar days.

(6254) "Exceedance" means a condition that is detected by monitoring that provides data in terms of an emission limitation or standard and that indicates that emissions (or opacity) are greater than the applicable emission limitation or standard (or less than the applicable standard in the case of a percent reduction requirement) consistent with any averaging period specified for averaging the results of the monitoring.

(6352) "Excess emissions" means emissions in excess of a permit limit or any applicable air quality rule.

(6453) "Excursion" means a departure from an indicator range established for monitoring under OAR 340-212-0200 through 340-212-0280 and 340-218-0050(3)(a), consistent with any averaging period specified for averaging the results of the monitoring.

(6554) "Federal Land Manager" means with respect to any lands in the United States, the Secretary of the federal department with authority over such lands.

(6655) "Federal ~~M~~major ~~S~~source" means any source listed in subsections (a), (b), (c) or (f) below:

(a) A source located in a nonattainment, reattainment, or maintenance area with potential to emit 100 tons per year or more of the regulated pollutant for which the area is designated nonattainment, reattainment or maintenance.

(b) ~~a~~A source located in an attainment, unclassified, or sustainment area with potential to emit 100 tons per year or more of any individual regulated pollutant, excluding hazardous air pollutants listed in OAR 340 division 244 if in a source category listed in subsection (e), or with potential to emit 250 tons per year or more of any individual regulated pollutant, excluding hazardous air pollutants listed in OAR 340 division 244, if not in a source category listed in subsection (e) greater than or equal to 100 tons per year if in a source category listed below, or 250 tons per year if not in a source category listed.

(c) ~~In addition, f~~For greenhouse gases, a federal-major source must also have with the potential to emit CO₂e greater than or equal to 100,000 tons per year or more of CO₂e.

(d) Calculations for determining a source's potential to emit for purposes of subsections (a) through (c) must include the following:

(A) ~~The f~~Fugitive emissions and insignificant activity emissions; and of a stationary source are considered in determining whether it is a federal major source.

~~(B) Potential to emit calculations must include emission i~~Increases or decreases due to a new or modified source and may include emission decreases.

(e) Source categories:

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

~~(Bb)~~ Coal cleaning plants with thermal dryers;

~~(Ce)~~ Kraft pulp mills;

~~(Dd)~~ Portland cement plants;

~~(Ee)~~ Primary ~~Zz~~inc ~~Ss~~melting plants;

~~(Ff)~~ Iron and ~~Ss~~teel ~~Mm~~ill ~~Pp~~lants;

~~(Gg)~~ Primary aluminum ore reduction plants;

~~(Hh)~~ Primary copper smelters;

~~(Ii)~~ Municipal ~~Ii~~ncinerators capable of charging more than 50 tons of refuse per day;

~~(Jj)~~ Hydrofluoric acid plants;

~~(Kk)~~ Sulfuric acid plants;

~~(Ll)~~ Nitric acid plants;

~~(Mm)~~ Petroleum ~~Rr~~efineries;

~~(Nn)~~ Lime plants;

~~(Oo)~~ Phosphate rock processing plants;

~~(Pp)~~ Coke oven batteries;

~~(Qq)~~ Sulfur recovery plants;

~~(Rr)~~ Carbon black plants, furnace process;

~~(Ss)~~ Primary lead smelters;

~~(Tt)~~ Fuel conversion plants;

~~(Uu)~~ Sintering plants;

~~(Vv)~~ Secondary metal production plants;

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

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

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

(~~Zz~~) Taconite ore processing plants;

(~~AAaa~~) Glass fiber processing plants;

(~~BBbb~~) Charcoal production plants.

(f) 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.

(~~6756~~) "Final permit" means the version of an Oregon Title V Operating Permit issued by DEQ or ~~Lane Regional Air Protection Agency~~LRAPA that has completed all review procedures required by OAR 340-218-0120 through 340-218-0240.

(~~6857~~) "Form" means a paper or electronic form developed by DEQ.

(69) "Fuel burning equipment" means any type of equipment that burns fuel, except internal combustion engines, and includes but is not limited to boilers, dryers, and process heaters.

(~~7058~~) "Fugitive ~~E~~missions":

(a) Except as used in subsection (b) ~~-of this section~~, means emissions of any air contaminant which escape to the atmosphere from any point or area that is not identifiable as a stack, vent, duct, or equivalent opening.

(b) As used to define a major Oregon Title V Operating Permit program source, means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(~~7159~~) "General permit":

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

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

~~(7260)~~ "Generic PSEL" means the levels for the regulated pollutants listed ~~in Table 5 below:~~

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

(b) CO = 99 tons per year

(c) NO_x = 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/PM_{2.5} (Medford AQMA) = 4.5 tons per year and 49 pounds per day

(i) ~~Direct~~ PM_{2.5} = 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

~~**NOTE:** Sources are eligible for a generic PSEL if expected emissions are less than or equal to the levels listed in Table 5 under this rule. Baseline emission rate and netting basis do not apply to pollutants at sources using generic PSELs.~~

(7364)(a) "Greenhouse ~~G~~ases" or "GHGs" means the aggregate group of the following six ~~greenhouse~~-gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Each gas is also individually a greenhouse gas.

(b) From May 1, 2011 through July 20, 2014, ~~T~~he definition of greenhouse gases in subsection (a) ~~of this section~~ ~~does~~ not include, for purposes of division 216, 218, and 224, carbon dioxide emissions from the combustion or decomposition of biomass ~~except to the extent required by federal law~~. As a result, carbon dioxide emissions from the combustion or decomposition of biomass was not a regulated air pollutant and was not subject to division 216, 218, and 224 during that time period.

(7462) "Growth ~~A~~llowance" means an allocation of some part of an airshed's capacity to accommodate future proposed ~~major~~ sources and ~~major~~ modifications of sources.

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

(76) "Hazardous Air Pollutant" or "HAP" means an air contaminant listed by the EPA pursuant to section 112(b) of the FCAA or determined by the EQC to cause, or reasonably be anticipated to cause, adverse effects to human health or the environment.

(7763) "Immediately" means as soon as possible but in no case more than one hour after a source knew or should have known of an excess emission period.

(78) "Indian governing body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

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

(8064) "Inherent process equipment" means equipment that is necessary for the proper or safe functioning of the process, or material recovery equipment that the owner or operator documents is installed and operated primarily for purposes other than compliance with air pollution regulations. Equipment that must be operated at an efficiency higher than that achieved during normal process operations in order to comply with the applicable emission limitation or standard is not inherent process equipment. For the purposes of OAR 340-212-0200 through 340-212-0280, inherent process equipment is not considered a control device.

(8165) "Insignificant ~~A~~activity" means an activity or emission that DEQ has designated as categorically insignificant, or that meets the criteria of aggregate insignificant emissions.

(8266) "Insignificant ~~C~~hange" means an off-permit change defined under OAR 340-218-0140(2)(a) to either a significant or an insignificant activity which:

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

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

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

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

(8467) "Late Ppayment" means a fee payment which is postmarked after the due date.

(85) "Liquefied petroleum gas" has the meaning given by the American Society for Testing and Materials in ASTM D1835-82, "Standard Specification for Liquid Petroleum Gases."

(8668) "Lowest Achievable Emission Rate" or "LAER" means that rate of emissions which reflects: the most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable; or the most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent. The application of this term cannot permit a proposed new or modified source to emit any air contaminant in excess of the amount allowable under applicable New Source Performance Standards (NSPS) or standards for hazardous air pollutants.

~~(8769) "Maintenance Aarea" means a geographical area of the State that was designated as a nonattainment area, redesignated as an attainment area by EPA, and redesignated as a maintenance area by the Environmental Quality Commission in OAR 340, division 204. 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.~~

(8870) "Maintenance Ppollutant" means a regulated pollutant for which a maintenance area was formerly designated a nonattainment area.

~~(8974) "Major Mmodification" means any physical change or change in the method of operation of a source as defined in OAR division 224. of a source that results in satisfying the requirements of both subsections (a) and (b) of this section, or of subsection (c) of this section for any regulated air pollutant. Major modifications for ozone precursors or PM2.5 precursors also constitute major modifications for ozone and PM2.5, respectively.~~

~~(a) Except as provided in subsection (d) of this section, a PSEL that exceeds the netting basis by an amount that is equal to or greater than the significant emission rate.~~

~~(b) The accumulation of emission increases due to physical changes and changes in the method of operation as determined in accordance with paragraphs (A) and (B) of this subsection is equal to or greater than the significant emission rate.~~

~~(A) Calculations of emission increases in subsection (b) of this section 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 applicable baseline period, or since the time of the last construction approval issued for the source pursuant to the New Source Review Regulations in OAR 340 division 224 for that pollutant, whichever time is more recent. These include fugitive emissions and emissions from insignificant activities.~~

~~(B) Emission increases due solely to increased use of equipment or facilities that existed or were permitted or approved to construct in accordance with OAR 340 division 210 during the applicable baseline period are not included, except if the increased use is to support a physical change or change in the method of operation.~~

~~(c) Any change at a source, including production increases, that would result in a Plant Site Emission Limit increase of 1 ton or more for any regulated pollutant for which the source is a major source in nonattainment or maintenance areas or a federal major source in attainment or unclassified areas, if the source obtained permits to construct and operate after the applicable baseline period but has not undergone New Source Review.~~

~~(A) Subsection (c) of this section does not apply to PM_{2.5} and greenhouse gases.~~

~~(B) Changes to the PSEL solely due to the availability of better emissions information are exempt from being considered an increase.~~

~~(d) If a portion of the netting basis or PSEL (or both) was set based on PTE because the source had not begun normal operations but was permitted or approved to construct and operate, that portion of the netting basis or PSEL (or both) must be excluded from the tests in subsections (a) and (b) of this section until the netting basis is reset as specified in the definitions of baseline emission rate and netting basis.~~

~~(e) The following are not considered major modifications:~~

~~(A) Except as provided in subsection (c) of this section, proposed increases in hours of operation or production rates that would cause emission increases above the levels allowed in a permit and would not involve a physical change or change in method of operation in 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 and the source was capable of accommodating in the baseline period.~~

(90) "Major New Source Review" or "Major NSR" means the new source review process and requirements for federal major sources under OAR 340-224-0010 through 340-224-0070 based on the location and regulated pollutants emitted.

(9172) "Major Ssource":

(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, ~~rules applicable to sources required to have~~ Oregon Title V Operating Permits, OAR 340 division 220, Oregon Title V Operating Permit Fees, ~~and 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) ~~or (D) of this subsection~~. 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 ~~Mmajor G~~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 ~~(tpy)~~ 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 air-regulated pollutants, as defined in section 302 of the FCAAAct, that directly emits or has the potential to emit 100 tons per year or more of any regulated air-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 FCAAAct, 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 FCAAAct.

(C) Beginning July 1, 2011, a major stationary source of air-regulated pollutants, as defined by Section 302 of the ActFCAA, 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.

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

~~(i) For ozone nonattainment areas, sources with the potential to emit 100 tpy or more of VOCs or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tpy or more in areas classified as "serious," 25 tpy or more in areas classified as "severe," and 10 tpy or more in areas classified as "extreme"; except that the references in this paragraph of this subsection to 100, 50, 25, and 10 tpy 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 Act, that requirements under section 182(f) of the Act do not apply;~~

~~(ii) For ozone transport regions established pursuant to section 184 of the Act, sources with the potential to emit 50 tpy or more of VOCs;~~

~~(iii) For carbon monoxide nonattainment areas:~~

~~(I) That are classified as "serious"; and~~

~~(II) 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 tpy or more of carbon monoxide.~~

~~(iv) For particulate matter (PM₁₀) nonattainment areas classified as "serious," sources with the potential to emit 70 tpy or more of PM₁₀.~~

(9273) "Material ~~B~~balance" means a procedure for determining emissions based on the difference in the amount of material added to a process and the amount consumed and/or recovered from a process.

(9374) "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 ~~stationary-source~~ or part of a source that results in an increase in the ~~stationary-source or part of the~~ source's potential to emit any regulated ~~air~~ 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 ~~stationary-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 ~~stationary-source~~ or part of a source by using component upgrades that would not otherwise be necessary for the ~~stationary-source~~ or part of a source to function.

(9475) "Monitoring" means any form of collecting data on a routine basis to determine or otherwise assess compliance with emission limitations or standards. Monitoring may include record keeping if the records are used to determine or assess compliance with an emission limitation or standard (~~such as records of raw material content and usage, or records documenting compliance with work practice requirements~~). Monitoring may include conducting compliance method tests, such as the procedures in appendix A to 40 CFR part 60, on a routine periodic basis. Requirements to conduct such tests on a one-time basis, or at such times as a regulatory authority may require on a non-regular basis, are not considered monitoring requirements for purposes of this definition. Monitoring may include one or more than one of the following data collection techniques as appropriate for a particular circumstance:

(a) Continuous emission or opacity monitoring systems.

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

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

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

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

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

(g) Visible emission observations and recording.

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

(95) "Natural gas" means a naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in geologic formations beneath the earth's surface, of which the principal component is methane.

~~(9676) "Netting Basis" means the baseline emission rate determined as specified in OAR 340-222-0046 MINUS any emission reductions required by rule, orders, or permit conditions required by the SIP or used to avoid SIP requirements, MINUS any unassigned emissions that are reduced from allowable under OAR 340-222-0045, MINUS any emission reduction credits transferred off site, PLUS any emission increases approved through the New Source Review regulations in OAR 340 division 224 MINUS any emissions reductions required by subsection (g) of this section.~~

~~(a) A netting basis will only be established for regulated pollutants subject to OAR 340 division 224 as specified in the definition of regulated pollutant.~~

~~(b) The initial PM_{2.5} netting basis and PSEL 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.~~

~~(A) The initial netting basis is the PM_{2.5} fraction of the PM₁₀ netting basis in effect on May 1, 2011. DEQ may increase the initial PM_{2.5} netting basis by up to 5 tons if necessary to avoid exceedance of the PM_{2.5} significant emission rate as of May 1, 2011.~~

~~(B) Notwithstanding OAR 340-222-0041(2), the initial source specific PSEL for a source with PTE greater than or equal to the SER will be set equal to the PM_{2.5} fraction of the PM₁₀ PSEL.~~

~~(c) The initial greenhouse gas netting basis and PSEL 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.~~

~~(d) 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 New Source Review for that pollutant;~~

~~(B) Any pollutant that has a generic PSEL in a permit;~~

~~(C) Any source permitted as portable; or~~

~~(D) Any source with a netting basis calculation resulting in a negative number.~~

~~(e) If a source relocates to an adjacent site, 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.~~

~~(f) Emission reductions required by rule, order, or permit condition affect the netting basis if the source currently has devices or emissions units that are subject to the rules, order, or permit condition. The baseline emission rate is not affected. The netting basis reduction will be effective on the effective date of the rule, order, or permit condition requiring the reduction. The PSEL reduction will be effective on the compliance date of the rule, order, or permit condition.~~

~~(g) For permits issued after May 1, 2011 under New Source Review regulations in OAR 340 division 224, and where the netting basis initially equaled the potential to emit for a new or modified source, the netting basis will be reduced in accordance with the definition of actual emissions. Notwithstanding OAR 340-222-0041(2), this adjustment does not require a reduction in the PSEL.~~

~~(h) Emission reductions required by rule do not include emissions reductions achieved under OAR 340-226-0110 and 0120.~~

~~(i) Netting basis for a pollutant with a revised definition will be adjusted if the source is emitting the pollutant at the time of redefining and the pollutant is included in the permit's netting basis.~~

~~(j) Where EPA requires an attainment demonstration based on dispersion modeling, the netting basis will be established at no 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).~~

~~(9777)~~ "Nitrogen ~~O~~oxides" or "NOx" means all oxides of nitrogen except nitrous oxide.

~~(9878)~~ "Nonattainment ~~A~~area" means a geographical area of the ~~S~~state, as designated by the ~~EQC Environmental Quality Commission~~ or the EPA, that exceeds any state or federal primary or secondary ambient air quality standard.

~~(9979)~~ "Nonattainment ~~P~~pollutant" means a regulated pollutant for which an area is designated a nonattainment area.

~~(10080)~~ "Normal ~~S~~source ~~O~~operation" means operations ~~which do that does~~ not include such conditions as forced fuel substitution, equipment malfunction, or highly abnormal market conditions.

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

~~(10284)~~ "Offset" means an equivalent or greater emission reduction that is required before allowing an emission increase from a proposed major source or major modification of an existing source.

~~(10382)~~ "Opacity" means the degree to which ~~an emissions, excluding uncombined water,~~ reduces the transmission of light and obscures the view of an object in the background as measured by EPA Method 9 or other method, as specified in each applicable rule. ~~as measured in accordance with OAR 340-212-0120 and 212-0140. Unless otherwise specified by rule, opacity shall be measured in accordance with EPA Method 9 or a continuous opacity monitoring system (COMS) installed and operated in accordance with DEQ's Continuous Monitoring Manual. For all standards, the minimum observation period shall be six minutes, though longer periods may be required by a specific rule or permit condition. Aggregate times (e.g. 3 minutes in any one hour) consist of the total duration of all readings during the observation period that equal or exceed the opacity percentage in the standard, whether or not the readings are consecutive.~~

~~(10483)~~ "Oregon Title V ~~O~~operating ~~P~~permit" or "Title V permit" means any written permit authorization covering an Oregon Title V Operating Permit source that is issued, renewed, amended, or revised pursuant to OAR 340 division 218.

~~(10584)~~ "Oregon Title V ~~O~~operating ~~P~~permit program" or "Title V program" means the Oregon program described in OAR 340 division 218 and approved by the Administrator under 40 CFR Part 70.

(10685) "Oregon Title V ~~O~~perating ~~P~~ermit program source" or "Title V source" means any source subject to the permitting requirements, OAR 340 division 218.

(10786) "Ozone ~~P~~recursor" means nitrogen oxides and volatile organic compounds ~~as measured by an applicable reference method in accordance with DEQ's Source Sampling Manual (January, 1992) or as measured by an EPA reference method in 40 CFR Part 60, appendix A or as measured by a material balance calculation for VOC as appropriate.~~

(10887) "Ozone ~~S~~season" means the contiguous 3 month period during which ozone exceedances typically occur (i.e., June, July, and August).

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

(11088) "Particulate ~~M~~atter" 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. ~~When used in emission standards, particulate matter is defined by the method specified within the standard or by an applicable reference method in accordance with OAR 340-212-0120 and 340-212-0140. Unless otherwise specified, sources with exhaust gases at or near ambient conditions may be tested with DEQ Method 5 or DEQ Method 8, as approved by DEQ. Direct heat transfer sources shall be tested with DEQ Method 7; indirect heat transfer combustion sources and all other non-fugitive emissions sources not listed above shall be tested with DEQ Method 5.~~

(11189) "Permit" means an Air Contaminant Discharge Permit or an Oregon Title V Operating Permit.

(11290) "Permit modification" means a permit revision that meets the applicable requirements of OAR 340 division 216, OAR 340 division 224, or OAR 340-218-0160 through 340-218-0180.

(11394) "Permit revision" means any permit modification or administrative permit amendment.

(11492) "Permitted ~~E~~missions" as used in OAR 340 division 220 means each regulated pollutant portion of the PSEL, as identified in an ACDP, Oregon Title V Operating Permit, review report, or by DEQ pursuant to OAR 340-220-0090.

(11593) "Permittee" means the owner or operator of ~~the facility~~ a source, authorized to emit regulated pollutants under by thean ACDP or ~~the~~ Oregon Title V Operating Permit ~~to operate the source.~~

(11694) "Person" means individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the State of Oregon and any agencies thereof, and the federal government and any agencies thereof.

(11795) "Plant Site Emission Limit" or "PSEL" means the total mass emissions per unit time of an individual regulated air pollutant specified in a permit for a source. The PSEL for a major source may consist of more than one permitted emission for purposes of Oregon Title V Operating Permit Fees in OAR 340 division 220.

(118) "Plywood" means a flat panel built generally of an odd number of thin sheets of veneers of wood in which the grain direction of each ply or layer is at right angles to the one adjacent to it.

(11996) "PM10":

(a) When used in the context of emissions, means finely divided solid or liquid material, including condensable particulate, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal 10 micrometers, emitted to the ambient air as measured by ~~an applicable the reference test~~ method specified in each applicable rule or, where not specified by rule, in each individual permit ~~in accordance with DEQ's Source Sampling Manual (January, 1992);~~

(b) When used in the context of ambient concentration, means airborne finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured ~~in accordance with~~ under 40 CFR Part 50, Appendix J or an equivalent method designated under 40 CFR Part 53.

(~~12097~~) "PM2.5":

(a) When used in the context of direct PM2.5 emissions, means finely divided solid or liquid material, including condensable particulate, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers, emitted to the ambient air as measured by the test method specified in each applicable rule or, where not specified by rule, in each individual permit ~~EPA reference methods 201A and 202 in 40 CFR Part 51, appendix M.~~

(b) When used in the context of PM2.5 precursor emissions, means sulfur dioxide (SO2) and nitrogen oxides (NOx) emitted to the ambient air as measured by the test method specified in each applicable rule or, where not specified by rule, in each individual permit ~~EPA reference methods in 40 CFR Part 60, appendix A.~~

(c) When used in the context of ambient concentration, means airborne finely divided solid or liquid material ~~particles~~ with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured under by a reference method based on ~~under~~ 40 CFR Part 50, Appendix L, or an equivalent method designated ~~in accordance with~~ under 40 CFR Part 53.

(~~12198~~) "PM2.5 fraction" means the fraction of PM2.5 in relation to PM10 for each emissions unit that is included in the netting basis and PSEL.

(~~12299~~) "Pollutant-specific emissions unit" means an emissions unit considered separately with respect to each regulated ~~air~~ pollutant.

(~~12300~~) "Potential to emit" or "PTE" means the lesser of:

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

(b) The maximum allowable regulated pollutant emissions taking into consideration any physical or operational limitation, including ~~air pollution control equipment~~ use of control devices and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, if the limitation is enforceable by the Administrator.

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

(124) "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.

(1~~2504~~) "Predictive emission monitoring system" ~~or ("PEMS")~~ means a system that uses process and other parameters as inputs to a computer program or other data reduction system to produce values in terms of the applicable emission limitation or standard.

(126) "Press/cooling vent" means any opening through which particulate and gaseous emissions from plywood, particleboard, or hardboard manufacturing are exhausted, either by natural draft or powered fan, from the building housing the process. Such openings are generally located immediately above the board press, board unloader, or board cooling area.

(1~~2702~~) "Process ~~U~~upset" means a failure or malfunction of a production process or system to operate in a normal and usual manner.

(1~~2803~~) "Proposed permit" means the version of an Oregon Title V Operating Permit that DEQ or ~~a Regional Agency~~LRAPA proposes to issue and forwards to the Administrator for review in compliance with OAR 340-218-0230.

(129) "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.

(130) "Reattainment pollutant" means a regulated pollutant for which an area is designated a reattainment area.

(1~~3104~~) "Reference method" means any method of sampling and analyzing for ~~an air~~ regulated pollutant as specified in 40 CFR Part 52, 60, 61 or 63.

(1~~3205~~) "Regional ~~A~~agency" means Lane Regional Air Protection Agency.

(1~~3306~~) "Regulated air pollutant" or "Regulated ~~P~~pollutant":

(a) Except as provided in subsections (b) and ~~(c) of this section~~, means:

(A) Nitrogen oxides or any VOCs;

(B) Any pollutant for which ~~an national~~ 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 ~~Aet~~FCAA;

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

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

(F) Greenhouse ~~G~~gases.

(b) As used in OAR 340 division 220, Oregon Title V Operating Permit Fees, regulated pollutant means particulates 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, ~~unless the pollutant is listed in Table 2 (significant emission rates).~~

(134) "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.

(1~~3507~~) "Renewal" means the process by which a permit is reissued at the end of its term.

(1~~3608~~) "Responsible official" means one of the following:

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

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

(B) The delegation of authority to such representative is approved in advance by DEQ or ~~Lane Regional Air Protection Agency LRAPA.~~

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

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

(d) For affected sources:

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

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

(1~~3709~~) "Secondary ~~E~~missions" means emissions that are a result of the construction and/or operation of a source or modification, but that do not come from the source itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the source associated with the secondary emissions. Secondary emissions may include, but are not limited to:

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

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

(1~~3840~~) "Section 111" means section 111 of the FCAA, 42 U.S.C. A. § 7411, which includes Standards of Performance for New Stationary Sources (NSPS).

- (1~~3944~~) "Section 111(d)" means subsection 111(d) of the FCAA, 42 U.S.C. A. § 7411(d), which requires states to submit to the EPA plans that establish standards of performance for existing sources and provides for implementing and enforcing such standards.
- (1~~4042~~) "Section 112" means section 112 of the FCAA, 42 U.S.C. A. § 7412, which contains regulations for Hazardous Air Pollutants ~~(HAP)~~.
- (1~~413~~) "Section 112(b)" means subsection 112(b) of the FCAA, 42 U.S.C. A. § 7412(b), which includes the list of hazardous air pollutants to be regulated.
- (1~~4244~~) "Section 112(d)" means subsection 112(d) of the FCAA, 42 U.S.C. A. § 7412(d), which directs the EPA to establish emission standards for sources of hazardous air pollutants. This section also defines the criteria to be used by the EPA when establishing the emission standards.
- (1~~4345~~) "Section 112(e)" means subsection 112(e) of the FCAA, 42 U.S.C. A. § 7412(e), which directs the EPA to establish and promulgate emissions standards for categories and subcategories of sources that emit hazardous air pollutants.
- (1~~4446~~) "Section 112(r)(7)" means subsection 112(r)(7) of the FCAA, 42 U.S.C. A. § 7412(r)(7), which requires the EPA to promulgate regulations for the prevention of accidental releases and requires owners or operators to prepare risk management plans.
- (1~~4547~~) "Section 114(a)(3)" means subsection 114(a)(3) of the FCAA, 42 U.S.C. A. § 7414(a)(3), which requires enhanced monitoring and submission of compliance certifications for major sources.
- (1~~4648~~) "Section 129" means section 129 of the FCAA, 42 U.S.C. A. § 7429, which requires the EPA to establish emission standards and other requirements for solid waste incineration units.
- (1~~4749~~) "Section 129(e)" means subsection 129(e) of the FCAA, 42 U.S.C. A. § 7429(e), which requires solid waste incineration units to obtain Oregon Title V Operating Permits.
- (1~~4820~~) "Section 182(f)" means subsection 182(f) of the FCAA, 42 U.S.C. A. § 7511a(f), which requires states to include plan provisions in the ~~State Implementation Plan~~ SIP for NOx in ozone nonattainment areas.
- (1~~4924~~) "Section 182(f)(1)" means subsection 182(f)(1) of the FCAA, 42 U.S.C. A. § 7511a(f)(1), which requires states to apply those plan provisions developed for major VOC sources and major NOx sources in ozone nonattainment areas.
- (1~~5022~~) "Section 183(e)" means subsection 183(e) of the FCAA, 42 U.S.C. A. § 7511b(e), which requires the EPA to study and develop regulations for the control of certain VOC sources under federal ozone measures.
- (1~~5123~~) "Section 183(f)" means subsection 18~~23~~3(f) of the FCAA, 42 U.S.C. A. § 7511b(f), which requires the EPA to develop regulations pertaining to tank vessels under federal ozone measures.
- (1~~524~~) "Section 184" means section 184 of the FCAA, 42 U.S.C. A. § 7511c, which contains regulations for the control of interstate ozone air pollution.
- (1~~5325~~) "Section 302" means section 302 of the FCAA, 42 U.S.C. A. § 7602, which contains definitions for general and administrative purposes in the FCAAAct.

(1~~5426~~) "Section 302(j)" means subsection 302(j) of the FCAA, 42 U.S.C. A. § 7602(j), which contains definitions of "major stationary source" and "major emitting facility."

(1~~5527~~) "Section 328" means section 328 of the FCAA, 42 U.S.C. A. § 7627, which contains regulations for air pollution from outer continental shelf activities.

(1~~5628~~) "Section 408(a)" means subsection 408(a) of the FCAA, 42 U.S.C. A. § 7651g(a), which contains regulations for the Title IV permit program.

(1~~5729~~) "Section 502(b)(10) change" means a change which contravenes an express permit term but is not a change that:

(a) Would violate applicable requirements;

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

(c) Is a FCAA Title I modification.

(1~~5830~~) "Section 504(b)" means subsection 504(b) of the FCAA, 42 U.S.C. A. § 7661c(b), which states that the EPA can prescribe by rule procedures and methods for determining compliance and for monitoring.

(1~~5934~~) "Section 504(e)" means subsection 504(e) of the FCAA, 42 U.S.C. A. § 761c(e), which contains regulations for permit requirements for temporary sources.

(1~~6033~~) "Significant ~~E~~mission ~~R~~ate" or "SER," except as provided in subsections (va) ~~through and (we)~~ of this section, means an emission rate equal to or greater than the rates specified for the regulated pollutants in Table 2 of this rule 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 PM_{2.5} = 10 tons per year

(g) PM_{2.5} precursors (SO₂ or NO_x) = 40 tons per year

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

(i) Ozone precursors (VOC or NO_x) = 40 tons per year except as provided below:

(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

(ua) For the Medford-Ashland Air Quality Maintenance Area, the ~~Significant Emission Rate~~SER for PM10 is defined ~~in Table 3 as 5 tons per year on an annual basis and 50.0 pounds per day on a daily basis.~~

(vb) For regulated ~~air~~-pollutants not listed ~~in Table 2 or 3 of this rule~~, in subsections (a) through (u), the ~~significant emission rate~~SER is zero unless ~~the Department~~DEQ determines the rate that constitutes a ~~significant emission rate~~SER.

(we) Any new source or modification with an emissions increase less than the rates specified ~~in Table 2 or 3 of this rule above and that is associated with a new source or modification which would construct-located~~ within 10 kilometers of a Class I area, and would have an impact on such area equal to or greater than 1 ug/m3 (24 hour average) is emitting at a ~~significant emission rate~~SER. This ~~provision-subsection~~ does not apply to greenhouse gas emissions.

(16132) "Significant ~~Air Quality Impact~~" or "~~Significant impact level~~" means an additional ambient air quality concentration equal to or greater than ~~in the concentrations listed below in Table 1 of this rule.~~ The threshold concentrations listed ~~below in Table 1~~ are used for comparison against the ambient air quality standards and ~~do not apply for protecting PSD Class I-increments established under OAR 340 division 202, but do not apply for protecting or~~ air quality related values (including visibility). For sources of VOC or NOx, a ~~major-source or major-modification~~ has a significant impact if it is located within the ~~Ozone Precursor impact D~~distance defined in OAR 340- ~~division 2245-0020.~~

(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) PM_{2.5}:

(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) PM_{2.5}:

(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

~~(133) "Significant Emission Rate" or "SER," except as provided in subsections (a) through (c) of this section, means an emission rate equal to or greater than the rates specified in Table 2.~~

~~(a) For the Medford-Ashland Air Quality Maintenance Area, the Significant Emission Rate for PM10 is defined in Table 3.~~

~~(b) For regulated air pollutants not listed in Table 2 or 3, the significant emission rate is zero unless DEQ determines the rate that constitutes a significant emission rate.~~

~~(c) Any new source or modification with an emissions increase less than the rates specified in Table 2 or 3 associated with a new source or modification which would construct within 10 kilometers of a Class I area, and would have an impact on such area equal to or greater than 1 ug/m3 (24 hour average) is emitting at a significant emission rate. This provision does not apply to greenhouse gas emissions.~~

(1~~6234~~) "Significant ~~h~~impairment" occurs when DEQ determines that visibility impairment interferes with the management, protection, preservation, or enjoyment of the visual experience within a Class I area. DEQ will make this determination on a case-by-case basis after considering the recommendations of the Federal Land Manager and the geographic extent, intensity, duration, frequency, and time of visibility impairment. These factors will be considered along with visitor use of the Class I areas, and the frequency and occurrence of natural conditions that reduce visibility.

(1~~6335~~) "Small scale local energy project" means:

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

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

(c) A recycling project;

(d) An alternative fuel project;

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

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

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

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

(1~~6436~~) "Source" means any building, structure, facility, installation or combination thereof that emits or is capable of emitting air contaminants to the atmosphere, is located on one or more contiguous or adjacent properties and is owned or operated by the same person or by persons under common control. The term includes all ~~pollutant~~ air contaminant emitting activities that belong to a single major industrial group (i.e., that have the same two-digit code) as described in the Standard Industrial Classification Manual, (U.S. Office of Management and Budget, 1987) or that support the major industrial group.

(1~~6537~~) "Source category":

(a) Except as provided in subsection (b) ~~-of this section~~, means all the regulated pollutant emitting activities that belong to the same industrial grouping (i.e., that have the same two-digit code) as described in the Standard Industrial Classification Manual, (U.S. Office of Management and Budget, 1987).

(b) As used in OAR 340 division 220, Oregon Title V Operating Permit Fees, means a group of major sources that DEQ determines are using similar raw materials and have equivalent process controls and pollution control equipment ~~device~~.

(1~~6638~~) "Source ~~T~~est" means the average of at least three test runs conducted ~~in accordance with~~ under the DEQ's Source Sampling Manual.

(167) "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).

(1~~6839~~) "Startup" and "shutdown" means that time during which ~~an air contaminant~~ source or ~~emission~~ control device ~~equipment~~ is brought into normal operation or normal operation is terminated, respectively.

(1~~6940~~) "State Implementation Plan" or "SIP" means the State of Oregon Clean Air Act Implementation Plan as adopted by the ~~Commission~~ EQC under OAR 340-200-0040 and approved by EPA.

(170) "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.

(1~~7141~~) "Stationary source" means any building, structure, facility, or installation at a source that emits or may emit any regulated ~~air~~ pollutant. Stationary source includes portable sources that are required to have permits under OAR 340 division 216.

(1~~7242~~) "Substantial ~~U~~nderpayment" means the lesser of ~~ten~~ 10 percent ~~(10%)~~ of the total interim emission fee for the major source or five hundred dollars.

(173) "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.

(174) "Sustainment pollutant" means a regulated pollutant for which an area is designated a sustainment area.

(17543) "Synthetic minor source" means a source that would be classified as a major source under OAR 340-200-0020, but for limits on its potential to emit regulated air pollutants contained in an ACDP or Oregon Title V permit issued by DEQ ~~under OAR 340-division 216 or 218~~.

(17644) "Title I modification" means one of the following modifications pursuant to Title I of the FCAA:

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

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

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

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

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

(17745) "Total ~~R~~reduced ~~S~~sulfur" or "TRS" means the sum of the sulfur compounds hydrogen sulfide, methyl mercaptan, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present expressed as hydrogen sulfide (H₂S).

(178) "Type A State NSR action" means a State NSR action that is the result of a major modification and requires a control technology (BACT or LAER) analysis.

(179) "Type B State NSR action" means a State NSR action that is not a Type A State NSR action.

(18046) "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 ~~in accordance with~~ under OAR 340-226-0130. ~~For existing sources, the emission limit established will be typical of the emission level achieved by emissions units similar in type and size. For new and modified sources, the emission limit established will be typical of the emission level achieved by well-controlled new or modified emissions units similar in type and size that were recently installed. TACT determinations will be based on information known to DEQ while considering pollution prevention, impacts on other environmental media, energy impacts, capital and operating costs, cost effectiveness, and the age and remaining economic life of existing emission control equipment. DEQ may consider emission control technologies typically applied to other types of emissions units where such technologies could be readily applied to the emissions unit. If an emission limitation is not feasible, a design, equipment, work practice, operational standard, or combination thereof, may be required.~~

(18147) "Unassigned ~~E~~missions" means the amount of emissions that are in excess of the PSEL but less than the ~~N~~etting ~~B~~basis.

(18248) "Unavoidable" or "could not be avoided" means events that are not caused entirely or in part by ~~poor or inadequate~~ design, operation, maintenance, or any other preventable condition in either process or control ~~equipment~~ device.

(183) "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.

(1~~84~~9) "Upset" or "Breakdown" means any failure or malfunction of any pollution control ~~equipment~~device or operating equipment that may cause excess emissions.

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

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

(1~~87~~50) "Visibility ~~i~~mpairment" means any humanly perceptible change in visual range, contrast or coloration from that which existed under natural conditions. Natural conditions include fog, clouds, windblown dust, rain, sand, naturally ignited wildfires, and natural aerosols.

(1~~88~~54) "Volatile ~~O~~rganic ~~C~~ompounds" or "VOC" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions.

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

(A) methane;

(B) ethane;

(C) methylene chloride (dichloromethane);

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

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

(F) trichlorofluoromethane (CFC-11);

(G) dichlorodifluoromethane (CFC-12);

(H) chlorodifluoromethane (HCFC-22);

(I) trifluoromethane (HFC-23);

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

(K) chloropentafluoroethane (CFC-115);

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

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

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

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

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

(Q) pentafluoroethane (HFC-125);

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

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

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

(U) parachlorobenzotrifluoride (PCBTF);

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

(W) acetone;

(X) perchloroethylene (tetrachloroethylene);

(Y) 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);
(Z) 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);
(AA) 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);
(BB) difluoromethane (HFC-32);
(CC) ethylfluoride (HFC-161);
(DD) 1,1,1,3,3,3-hexafluoropropane (HFC-236fa);
(EE) 1,1,2,2,3-pentafluoropropane (HFC-245ca);
(FF) 1,1,2,3,3-pentafluoropropane (HFC-245ea);
(GG) 1,1,1,2,3-pentafluoropropane (HFC-245eb);
(HH) 1,1,1,3,3-pentafluoropropane (HFC-245fa);
(II) 1,1,1,2,3,3-hexafluoropropane (HFC-236ea);
(JJ) 1,1,1,3,3-pentafluorobutane (HFC-365mfc);
(KK) chlorofluoromethane (HCFC-31);
(LL) 1 chloro-1-fluoroethane (HCFC-151a);
(MM) 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);
(NN) 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C₄F₉OCH₃ or HFE-7100);
(OO) 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂CFCF₂OCH₃);
(PP) 1-ethoxy-1,1,1,2,2,3,3,4,4,4-nonafluorobutane (C₄F₉OC₂H₅ or HFE-7200);
(QQ) 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂CFCF₂OC₂H₅);
(RR) methyl acetate;
(SS) 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C₃F₇OCH₃, HFE-7000);
(TT) 3-ethoxy- 1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500);
(UU) 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea);
(VV) methyl formate (HCOOCH₃);
(WW) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300);
(XX) propylene carbonate;
(YY) dimethyl carbonate;
(ZZ) *trans* -1,3,3,3-tetrafluoropropene (also known as HFO-1234ze);
(AAA) HCF₂OCF₂H (HFE-134);
(BBB) HCF₂OCF₂OCF₂H (HFE-236cal2);
(CCC) HCF₂OCF₂CF₂OCF₂H (HFE-338pcc13);
(DDD) HCF₂OCF₂OCF₂CF₂OCF₂H (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180));
(EEE) *trans* 1-chloro-3,3,3-trifluoroprop-1-ene (also known as SolsticeTM 1233zd(E));
(FFF) 2,3,3,3-tetrafluoropropene (also known as HFO-1234yf);
(GGG) 2-amino-2-methyl-1-propanol; and
(HHH) perfluorocarbon compounds which fall into these classes: This includes any such organic compound except the following, which have been determined to have negligible photochemical reactivity in the formation of tropospheric ozone: methane; ethane; methylene chloride(dichloromethane); dimethyl carbonate, propylene carbonate, 1,1,1-trichloroethane(methyl chloroform); 1,1,2-trichloro-1,2,2-trifluoroethane(CFC-113); trichlorofluoromethane(CFC-11); dichlorodifluoromethane(CFC-12); chlorodifluoromethane(HCFC-22); trifluoromethane(HFC-23); 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane(CFC-115); 1,1,1-trifluoro-2,2-dichloroethane(HCFC-123); 1,1,1,2-tetrafluoroethane(HFC-134a); 1,1-dichloro-1-fluoroethane(HCFC-141b); 1-chloro-1,1-difluoroethane(HCFC-142b); 2-chloro-1,1,1,2-tetrafluoroethane(HCFC-124); pentafluoroethane(HFC-125); 1,1,2,2-tetrafluoroethane(HFC-134); 1,1,1-

~~trifluoroethane(HFC-143a); 1,1-difluoroethane (HFC-152a); parachlorobenzotrifluoride(PCBTF); cyclic, branched, or linear completely methylated siloxanes; acetone; perchloroethylene(tetrachloroethylene); 3,3-dichloro-1,1,1,2,2-pentafluoropropane(HCFC-225ea); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225eb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane HFC 43-10mee); difluoromethane(HFC-32); ethylfluoride(HFC-161); 1,1,1,3,3,3-hexafluoropropane(HFC-236fa); 1,1,2,2,3-pentafluoropropane(HFC-245ea); 1,1,2,3,3-pentafluoropropane(HFC-245ea); 1,1,1,2,3-pentafluoropropane(HFC-245eb); 1,1,1,3,3-pentafluoropropane(HFC-245fa); 1,1,1,2,3,3-hexafluoropropane(HFC-236ea); 1,1,1,3,3-pentafluorobutane(HFC-365mfc); chlorofluoromethane (HCFC-31); 1-chloro-1-fluoroethane(HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane(HCFC-123a); 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane(C4F9OCH3 or HFE-7100); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane((CF3)2CFCF2OCH3); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane(C4F9OC2H5 or HFE-7200); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2CFCF2OC2H5); methyl acetate; 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane(n-C3F7OCH3, HFE-7000); 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl)-hexane(HFE-7500); 1,1,1,2,3,3,3-heptafluoropropane(HFC-227ea); methyl formate (HCOOCH3); (1)-1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane(HFE-7300); and perfluorocarbon compounds that fall into these classes:~~

~~(iA)~~ **(iA)** Cyclic, branched, or linear, completely fluorinated alkanes;

~~(iiB)~~ **(iiB)** Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

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

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

(b) For purposes of determining compliance with emissions limits, VOC will be measured by an applicable reference method in ~~accordance with the~~ DEQ's Source Sampling Manual, ~~January, 1992~~. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and DEQ approves the exclusion.

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

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

(189) "Wood fired veneer dryer" means a veneer dryer, that is directly heated by the products of combustion of wood fuel in addition to or exclusive of steam or natural gas or propane combustion.

(190) "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.

(19152) "Year" means any consecutive 12 month period of time.

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

[ED. NOTE: Tables referenced are not included in rule text. Click here for PDF copy of table(s).]

Stat. Auth.: ORS 468.020, & 468A.025, 468A.035, 468A.055 & 468A.070

Stats. Implemented: ORS 468A.025, & 468A.035, 468A.040, 468A.050, 468A.055, 468A.070, 468A.075, 468A.085, 468A.105, 468A.135, 468A.140, 468A.155, 468A.280, 468A.310, 468A.315, 468A.360, 468A.363, 468A.380, 468A.385, 468A.420, 468A.495, 468A.500, 468A.505, 468A.515, 468A.575, 468A.595, 468A.600, 468A.610, 468A.612, 468A.620, 468A.635, 468A.707, 468A.740, 468A.745, 468A.750, 468A.775, 468A.780, 468A.797, 468A.799, 468A.803, 468A.820, & Or. Laws 2009, chapter 754

Hist.: [DEQ 15-1978, f. & ef. 10-13-78; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033.04; DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; DEQ 18-1984, f. & ef. 10-16-84; DEQ 8-1988, f. & cert. ef. 5-19-88 (and corrected 5-31-88); DEQ 14-1989, f. & cert. ef. 6-26-89; DEQ 42-1990, f. 12-13-90, cert. ef. 1-2-91; DEQ 2-1992, f. & cert. ef. 1-30-92; DEQ 7-1992, f. & cert. ef. 3-30-92; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0145, 340-020-0225, 340-020-0305, 340-020-0355, 340-020-0460 & 340-020-0520; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 21-1994, f. & cert. ef. 10-14-94; DEQ 24-1994, f. & cert. ef. 10-28-94; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 12-1995, f. & cert. ef. 5-23-95; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 9-1997, f. & cert. ef. 5-9-97; DEQ 14-1998, f. & cert. ef. 9-14-98; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 6-1999, f. & cert. ef. 5-21-99]; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0205, 340-028-0110; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 10-2008, f. & cert. ef. 8-25-08; DEQ 5-2010, f. & cert. ef. 5-21-10; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; Administrative correction 3-29-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 7-2011(Temp), f. & cert. ef. 6-24-11 thru 12-19-11; Administrative correction, 2-6-12; DEQ 1-2012, f. & cert. ef. 5-17-12; DEQ 4-2013, f. & cert. ef. 3-27-13; DEQ 11-2013, f. & cert. ef. 11-7-13



State of Oregon Department of Environmental Quality

Significant Air Quality Impact

Table 1 OAR 340-200-0020

Pollutant	Averaging Time	Air Quality Area Designation		
		Class I	Class II	Class III
SO ₂ (µg/m ³) [*]	Annual	0.10	1.0	1.0
	24-hour	0.20	5.9	5.0
	3-hour	1.0	25.0	25.0
PM ₁₀ (µg/m ³)	Annual	0.20	0.20	0.20



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Significant Air Quality Impact

Table 1 - OAR 340-200-0020

	24-hour	0.30	1.0	1.0
PM _{2.5} ($\mu\text{g}/\text{m}^3$)	Annual	0.06	0.3	0.3
	24-hour	0.07	1.2	1.2
NO ₂ ($\mu\text{g}/\text{m}^3$)	Annual	0.10	1.0	1.0
CO (mg/m^3)**	8-hour	—	0.5	0.5
	1-hour	—	2.0	2.0

*micrograms/cubic meter

**milligrams/cubic meter



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Significant Emission Rates

Table 2 - OAR 340-200-0020

-20-8010)

Pollutant	Emission Rate
Greenhouse Gases (CO ₂ e)	75,000 tons/year
Carbon Monoxide	100 tons/year
Nitrogen Oxides (NO _x)	40 tons/year
Particulate Matter	25 tons/year
PM ₁₀	15 tons/year
Direct PM _{2.5}	10 tons/year
PM _{2.5} precursors (SO ₂ or NO _x)	40 tons/year
Sulfur Dioxide (SO ₂)	40 tons/year
Volatile Organic Compounds (VOC)	40 tons/year
Ozone precursors (VOC or NO _x)	40 tons/year
Lead	0.6 ton/year
Fluorides	3 tons/year
Sulfuric Acid Mist	7 tons/year
Hydrogen Sulfide	10 tons/year
Total Reduced Sulfur (including hydrogen	10 tons/year



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State of Oregon Department of Environmental Quality Significant Emission Rates

Table 2 - OAR 340-200-0020
-20-8010)

sulfide)	
Reduced sulfur compounds (including hydrogen sulfide)	10 tons/year
Municipal waste combustor organics (measured as total tetra- through octa- chlorinated dibenzo- p- dioxins and dibenzofurans)	0.0000035 ton/year
Municipal waste combustor metals (measured as particulate matter)	15 tons/year
Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride)	40 tons/year
Municipal solid waste landfill emissions (measured as nonmethane organic compounds)	50 tons/year



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State of Oregon Department of Environmental Quality Significant Emission Rates for the Medford-Ashland Air Quality Maintenance Area

Table 3 - OAR 340-200-0020

Air Contaminant	Emission Rate	
	Annual	Day
PM ₁₀	(5.0 tons/year)	(50.0 lbs.)



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State of Oregon Department of Environmental Quality De Minimis Emission Levels

Table 4 - OAR 340-200-0020(33)

Pollutant	De minimis (tons/year, except as noted)
Greenhouse Gases (CO ₂ e)	2,756
CO	±
NO _x	±



State of Oregon Department of Environmental Quality

De Minimis Emission Levels

Table 4 – OAR 340-200-0020(33)

SO ₂	±
VOC	±
PM	±
PM ₁₀ (except Medford AQMA)	±
PM ₁₀ /PM _{2.5} (Medford AQMA)	0.5 [5.0 lbs/day]
Direct PM _{2.5}	±
Lead	0.1
Fluorides	0.3
Sulfuric Acid Mist	0.7
Hydrogen Sulfide	±
Total Reduced Sulfur (including hydrogen sulfide)	±
Reduced Sulfur	±
Municipal waste combustor organics (Dioxin and furans)	0.0000005
Municipal waste combustor metals	±
Municipal waste combustor acid gases	±
Municipal solid waste landfill gases	±
Single HAP	±
Combined HAP (aggregate)	±



State of Oregon Department of Environmental Quality

Generic PSEs

Table 5 – OAR 340-200-0020(60)

Pollutant	Generic PSEL (tons/year, except as noted)
Greenhouse Gases (CO ₂ e)	74,000
CO	99
NO _x	39



State of Oregon Department of Environmental Quality

Generic PSEs

Table 5 -- OAR 340-200-0020(60)

SO ₂	39
VOC	39
PM	24
PM ₁₀ (except Medford AQMA)	14
PM ₁₀ /PM _{2.5} (Medford AQMA)	4.5 [49 lbs/day]
PM _{2.5}	9
Lead	0.5
Fluorides	2
Sulfuric Acid Mist	6
Hydrogen Sulfide	9
Total Reduced Sulfur (including hydrogen sulfide)	9
Reduced Sulfur	9
Municipal waste combustor organics (Dioxin and furans)	0.0000030
Municipal waste combustor metals	14
Municipal waste combustor acid gases	39
Municipal solid waste landfill gases	49
Single HAP	9
Combined HAPs (aggregate)	24

DIVISION 216

AIR CONTAMINANT DISCHARGE PERMITS

340-216-0020

Applicability and Jurisdiction

(1) This division applies to all sources ~~referred to~~ listed in ~~OAR 340-216-8010 Table 1 of this rule~~. This division also applies to Oregon Title V Operating Permit program sources when an ACDP is required by OAR 340-218-0020 or OAR 340-224-0010. Sources referred to in OAR 340-216-8010 Table 1 are subject to fees as set forth in OAR 340-216-8020 Table 2.

(2) ~~A s~~ Sources in any one of the ~~source~~ 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 also meets the requirements of Part B or C, or 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) The sources in any one of the categories in OAR 340-216-8010 Part B must obtain either:

(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 340-216-0066.

~~(34)~~ No person may construct, install, establish, develop or operate any air contaminant source which is ~~referred to~~listed in OAR 340-216-8010 Table 1 of this rule without first obtaining an Air Contaminant Discharge Permit (ACDP) from DEQ or ~~Regional Authority~~LRAPA and keeping a copy onsite at all times, unless otherwise deferred from the requirement to obtain an ACDP in subsection (1)~~(be)~~ of this rule or DEQ has granted an exemption from the requirement to obtain an ACDP under subsection (1)~~(ef)~~ of this rule. 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 ~~Regional Authorities~~LRAPA.

~~(b)~~ DEQ or ~~Regional Authority~~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.

~~(be)~~ 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 ~~adopted by the Commission by rule~~ is not required to submit an application for an ACDP or ACDP Attachment until four months after the effective date of the ~~Commission~~EQC's adoption of the NESHAP or NSPS, and is not required to obtain an ACDP or ACDP Attachment until six months after the ~~Commission~~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.

~~(cd)~~ Deferrals of Oregon permitting requirements do not relieve an air contaminant source from the responsibility of complying with federal NESHAP or NSPS requirements.

(~~de~~) 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.

(~~ef~~) 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.

(~~42~~) 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 ~~Regional Authority~~LRAPA.

(~~53~~) 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.

(~~64~~) 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.

(~~75~~) 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.

(~~86~~) Subject to the requirements in this ~~D~~ivision, ~~the Lane Regional Air Protection Agency~~LRAPA is designated by the ~~Commission~~EQC as the permitting agency to implement the Air Contaminant Discharge Permit program within its area of jurisdiction. ~~The Regional Agency~~LRAPA's program is subject to DEQ oversight. The requirements and procedures contained in this ~~D~~ivision pertaining to the Air Contaminant Discharge Permit program ~~shall~~must be used by ~~the Regional Agency~~LRAPA to implement its permitting program ~~unless until the Regional Agency~~LRAPA has adopted or adopts ~~superseding~~ rules which are at least as ~~restrictive-strict~~ as ~~state rules~~this division.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan ~~as adopted by the EQC~~that EQC adopted under OAR 340-21100-0040.

[ED. NOTE: Tables referenced are not included in rule text. [Click here for PDF copy of tables.](#)]

Stat. Auth.: ORS 468.020, 468A.025, 468A.040, 468A.155 & 468A.310

Stats. Implemented: ORS 468A.025, 468A.040, 468A.135 through 468A.155 & 468A.310

Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033; DEQ 125, f. & ef. 12-16-76; DEQ 20-1979, f. & ef. 6-29-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 13-1981, f. 5-6-81, ef. 7-1-81; DEQ 11-1983, f. & ef. 5-31-83; DEQ 3-1986, f. & ef. 2-12-86; DEQ 12-1987, f. & ef. 6-15-87; DEQ 27-1991, f. & cert. ef. 11-29-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0155; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1994, f. & cert. ef. 10-4-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1720; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 7-2007, f. & cert. ef. 10-18-07; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 15-2008, f. & cert. ef. 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 9-2009(Temp), f. 12-24-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; DEQ 12-2010, f. & cert. ef. 10-27-10; DEQ 1-2011, f. &

cert. ef. 2-24-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 11-2011, f. & cert. ef. 7-21-11; DEQ 13-2011, f. & cert. ef. 7-21-11; DEQ 14-2011, f. & cert. ef. 7-21-11; DEQ 4-2013, f. & cert. ef. 3-27-13; DEQ 9-2013(Temp), f. & cert. ef. 10-24-13 thru 4-22-14

OAR 340-216-~~801000~~20

AIR CONTAMINANT DISCHARGE PERMITS

The following source categories must obtain a permit as required by OAR 340-216-0020 for applicability.

Part A: Activities and Sources

~~The following commercial and industrial sources must obtain a Basic ACDP under the procedures set forth in 340-216-0056 unless the source is required to obtain a different form of ACDP by Part B or C hereof: (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.)~~

OAR 340-216-8010

Part A

Basic ACDP Activities and Sources

1-	*** Autobody R repair or P painting S shops painting more than 25 automobiles in a year <u>and that are located inside the Portland AQMA.</u>
2-	Concrete M manufacturing including R redimix and CTB <u>both portable and stationary</u> more than 5,000 but less than 25,000 cubic yards per year output.
3-	Crematory and Pathological Waste I ncinerators with less than 20 tons/ year ; material input.
4-	Natural gas and propane fired boilers (with or without #2 diesel oil back-up; <u>with "backup" meaning less than 10,000 gallons of fuel per year***</u>) of 10 or more MMBTU but less than 30 MMBTU/ hour
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, C concrete or A asphalt C crushing both portable and stationary 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 <u>but does not exceed 3,500 gallons per month</u> , excluding sources that exclusively use non-VOC and non-HAP containing coatings (e.g. powder coating operations).

Part B Activities and Sources

~~The following commercial and industrial sources must obtain either:~~

- ~~• a General ACDP, if one is available for the source classification and the source qualifies for a General ACDP under the procedures set forth in 340-216-0060;~~
- ~~• a Simple ACDP under the procedures set forth in 340-216-0064; or~~
- ~~• a Standard ACDP under the procedures set forth in 340-216-0066 if the source fits one of the criteria of Part C hereof.~~

0AR 340-216-8010

Part B

General, Simple, or Standard ACDP Activities and Sources

1.-**	Aerospace or A aerospace P parts M manufacturing <u>subject to RACT as regulated by OAR 340 division 232.</u>
2.-	Aluminum, C copper, and O other N nonferrous F foundries subject to an A area S source NESHAP <u>under OAR 340 division 244.</u>
3.-	Aluminum P production — P primary.
4.-	Ammonia M manufacturing.
5.-	Animal R rendering and A animal R reduction F facilities.
6.-	Asphalt B blowing P plants.
7.-	Asphalt F felts or C coating <u>manufacturing.</u>
8.-	Asphaltic C concrete P paving P plants, both stationary and portable.
9.-	Bakeries, C commercial over 10 tons of VOC emissions per year.
10.-	Battery S eparator M manufacturing.
11.-	<u>Lead-acid Bbattery Mmanufacturing and Rre-manufacturing.</u>
12.-	Beet S sugar M manufacturing.
13.-	Boilers and other F fuel B burning E equipment <u>equal to or greater than-over</u> 10 MMBTU/hour, heat input <u>each</u> , except exclusively N natural G gas and P propane fired <u>boilersunits</u> (with or without #2 diesel backup) <u>less than under</u> 30 MMBTU/hour <u>each-heat input.</u>
14.-	Building paper and B buildingboard M mills.
15.-	Calcium C carbide M manufacturing.
16.-***	Can or D drum C coating <u>subject to RACT as regulated by OAR 340 division 232.</u>
17.-	Cement M manufacturing.
18.-*	Cereal P preparations and A associated G grain E elevators 10,000 or more tons/year, Throughput.
19.-	Charcoal M manufacturing.
20.-	Chlorine and A alkalies M manufacturing.
21.-	Chrome P plating <u>and anodizing subject to a NESHAP under OAR 340 division 244.</u>
22.-	Clay C ceramics M manufacturing subject to an A area S source NESHAP <u>under OAR 340 division 244.</u>
23.-	Coffee R roasting (roasting 30 or more <u>green</u> tons per year).
24.-	Concrete M manufacturing including R redimix and CTB, <u>both stationary and portable</u> , 25,000 or more cubic yards per year output.
25.-	Crematory <u>and Pathological Waste I</u> ncinerators 20 or more tons/year, material input.
26.-	Degreas <u>ing operations</u> (halogenated solvent <u>cleanings</u> subject to a NESHAP <u>under OAR 340 division 244.</u>
27.-	Electrical P power G generation from combustion, excluding units used exclusively as emergency generators and units less than 500 kW.
28.-	Commercial E ethylene O oxide S sterilization, excluding facilities using less than 1 ton of ethylene oxide within all consecutive 12-month periods after December 6, 1996.
29.-	Ferroalloy P production F facilities subject to an A area S source NESHAP <u>under OAR 340 division 244.</u>
30.-***	Flatwood C coating regulated by <u>OAR Ddivision 232.</u>
31.-***	Flexographic or R rotogravure P printing subject to RACT <u>under OAR 340 division 232.</u>
32.-*	Flour, B blended and/or P prepared and A associated G grain E elevators 10,000 or more tons/year, throughput.
33.-	Galvanizing and P pipe C coating (except galvanizing operations that use less than 100 tons of zinc/year).
34.-	Gasoline -Bulk <u>gasoline</u> P plants, B bulk <u>gasoline</u> T terminals, and P pipeline F facilities.

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Part B

General, Simple, or Standard ACDP Activities and Sources

35.***	Gasoline dispensing facilities, excluding gasoline dispensing facilities with monthly throughput of less than 10,000 gallons of gasoline per month.*****
36.	Glass and Gglass Ccontainer Mmanufacturing.
37.*	Grain Eelevators used for intermediate storage 10,000 or more tons/year throughput.
38.	Grain terminal elevatorsReserved.
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 Pproducts Mmanufacturing.
41.	Hardboard Mmanufacturing (including fiberboard).
42.	Hospital sterilization operations subject to an Aarea Ssource NESHAP under OAR 340 division 244.
43.	Incinerators with two or more ton per day capacity.
44.	Lime Mmanufacturing.
45.***	Liquid Sstorage Ttanks subject to RACT under OAR 340 division 232. subject to OAR Division 232
46.	Magnetic Ttape Mmanufacturing.
47.	Manufactured home, and Mmobile Hhome and recreational vehicle Mmanufacturing.
48.**	Marine Vvessel Ppetroleum Lloading and Uunloading subject to RACT under OAR 340 division 232.
49.	Metal Ffabrication and Ffinishing Ooperations subject to an Aarea Ssource 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)(YW)(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 Ccontainer manufacturing.
52.	Motor Ccoach Mmanufacturing.
53.	Motor Vvehicle and Mmobile Eequipment Ssurface Ccoating Ooperations subject to an Aarea Ssource 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 Ggas and Ooil Pproduction and Pprocessing and associated fuel burning equipment.
55.	Nitric Aacid Mmanufacturing.
56.	Non-Fferrous Mmetal Ffoundries 100 or more tons/year of metal charged.
57.	Organic or Iinorganic Cchemical Mmanufacturing and Ddistribution with 1/2 or more tons per year emissions of any one criteria pollutant (sources in this category with less than 1/2 ton/year of each criteria pollutant are not required to have an ACDP).
58.	Paint and Aallied Pproducts Mmanufacturing subject to an Aarea Ssource NESHAP under OAR 340 division 244.
59.	Paint Sstripping and Mmiscellaneous Ssurface Ccoating Ooperations subject to an Aarea Ssource NESHAP, 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 Ssubstrate Ccoating subject to RACT under OAR 340 division 232.
61.	Particleboard Mmanufacturing (including strandboard, flakeboard, and waferboard).
62.	Perchloroethylene Ddry Ccleaning Ooperations subject to an Aarea Ssource NESHAP under OAR

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Part B

General, Simple, or Standard ACDP Activities and Sources

	<u>340 division 244</u> , excluding perchloroethylene dry cleaning operations registered pursuant to OAR 340-210-0100(2).
63.	Pesticide M anufacturing 5,000 or more tons/year; annual production.
64.	Petroleum R efining and R re-refining of L ubricating O ils and G reases including A asphalt P roduction by D istillation and the reprocessing of oils and/or solvents for fuels.
65.	Plating and P polishing O perations subject to an A area S source NESHAP <u>under OAR 340 division 244</u> .
66.	Plywood M anufacturing and/or V eneer D drying.
67.	Prepared F feeds M anufacturing for animals and fowl and associated grain elevators 10,000 or more tons per year throughput.
68.	Primary S melting and/or R refining of F errous and N non- F errous M etals.
69.	Pulp, P paper and P paperboard M mills.
70.	Rock, C oncrete or A asphalt C rushing, both <u>stationary and portable</u> , and stationary 25,000 or more tons/year; crushed.
71.	Sawmills and/or P planing M mills 25,000 or more board feet; maximum 8 hour ; finished product.
72.	Secondary N onferrous M etals P rocessing subject to an Area Source NESHAP <u>under OAR 340 division 244</u> .
73.	Secondary S melting and/or R refining of F errous and N non- F errous M etals.
74.*	Seed C leaning and A associated G rain E elevators 5,000 or more tons/year; throughput.
75.	Sewage T treatment F acilities employing internal combustion <u>engines</u> for digester gasses.
76.	Soil R emediation F acilities, <u>stationary or both stationary and portable</u> .
77.	Steel W orks, R olling and F inishing M mills.
78.***	Surface C coating in M anufacturing subject to RACT <u>under OAR 340 division 232</u> .
79.	Surface C coating O perations with actual emissions of VOCs before add on controls of 10 or more tons/year.
80.	Synthetic R esin M anufacturing.
81.	Tire M anufacturing.
82.	Wood F furniture and F ixtures 25,000 or more board feet; maximum 8 hour ; input.
83.	Wood P preserving (excluding waterborne).
84.	All O ther S ources not listed herein that DEQ determines an air quality concern exists or one which would emit significant malodorous emissions.
85.	All O ther S ources not listed herein which would have actual emissions, if the source were to operate uncontrolled, of 5 or more tons a-per year of <u>direct PM2.5 or PM10</u> if located in a <u>PM2.5 or PM10</u> non-attainment or maintenance area, or 10 or more tons <u>per year</u> of any single criteria pollutant <u>if located</u> in any part of the state.
86	<u>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.</u>

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Part B

General, Simple, or Standard ACDP Activities and Sources

87	<u>Stationary internal combustion engines only if:</u> <u>(a) For emergency generators and firewater pumps, the emissions , in aggregate, are greater than 10 tons for any regulated pollutant based on 100 hours of operation or some other hours of operation specified in a permit; or</u> <u>(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</u> <u>(c) For any individual non-emergency engine, the engine is subject to 40 CFR Part 60, Subpart IIII and:</u> <u>(A) The engine has a displacement of 30 liters or more per cylinder; or</u> <u>(B) The engine has a displacement of less than 30 liters per cylinder, is rated at 500 horsepower or more; or</u> <u>(d) For any individual non-emergency engine, the engine is subject to 40 CFR Part 60, Subpart JJJJ, is rated at 500 horsepower or more,</u>
88	<u>All sources subject to RACT under OAR division 232, BACT or LAER under OAR division 224, a NESHAP under OAR 340 division 244, a NSPS under OAR 340 division 238, or State MACT under OAR 340-244-0200(2), except sources registered pursuant to OAR 340-210-0100(2).</u>
89	<u>All other portable sources not listed herein for which DEQ determines that:</u> <u>(a) An air quality concern exists;</u> <u>(b) The source would emit significant malodorous emissions; or</u> <u>(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 non-attainment or maintenance area, or 10 or more tons per year of any single criteria pollutant if located in any part of the state.</u>
90	<u>Pathological waste incinerators.</u>

Part C: Activities and Sources

~~The following sources must obtain a Standard ACDP under the procedures set forth in 340-216-0066:~~

OAR 340-216-8010

Part C

Standard ACDP Activities and Sources

1.	Incinerators for PCBs, and /or other hazardous wastes, or both.
2.	All Ssources that DEQ determines have emissions that constitute a nuisance.
3.	All Ssources electing to maintain the source's <u>baseline emission rate, or</u> netting basis.
4.	All sources that request a PSEL equal to or greater than the SER for a regulated pollutant.
4.	All Sources subject to a RACT, BACT, LAER, NESHAP adopted in OAR 340-244-0220, NSPS adopted in OAR 340-238-0060, State MACT, or other significant Air Quality regulation(s), except: a. Source categories for which a General ACDP has been issued. b. Sources with less than 10 tons/yr. actual emissions that are subject to RACT, NSPS adopted in OAR 340-238-0060 or a NESHAP adopted in OAR 340-244-0220 which qualify for a Simple ACDP. c. Sources registered pursuant to OAR 340-210-0100(2). d. Electrical power generation units used exclusively as emergency generators and units less than 500 kW.

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Part C

Standard ACDP Activities and Sources

	<p>e. Gasoline dispensing facilities, provided the gasoline dispensing facility has monthly throughput of less than 10,000 gallons of gasoline per month</p> <p>f. Motor vehicle surface coating operations painting less than 10 vehicles per year or using less than 20 gallons of coating and 20 gallons of methylene chloride containing paint stripper per year; mobile equipment surface coating operations using less than 20 gallons of coating and 20 gallons of methylene chloride containing paint stripper per year, and motor vehicle surface coating operations registered pursuant to OAR 340-210-0100(2).</p> <p>g. Paint stripping and miscellaneous surface coating operations using less than 20 gallons of coating and 20 gallons of methylene chloride containing paint stripper per year</p> <p>h. Commercial ethylene oxide sterilization operations using less than 1 ton of ethylene oxide within all consecutive 12-month periods after December 6, 1996.</p> <p>i. Metal fabrication and finishing operations that meet all the following:</p> <p>A. Do not perform any of the operations listed in OAR 340-216-0060(2)(b)(Y)(i) through (iii);</p> <p>B. Do not perform shielded metal arc welding (SMAW) using metal fabrication and finishing hazardous air pollutant (MFHAP) containing wire or rod; and</p> <p>C. Use less than 100 pounds of MFHAP containing welding wire and rod per year.</p> <p>j. Chemical manufacturing facilities that do not transfer liquids containing organic HAP listed in Table 1 of 40 CFR part 63 subpart VVVVVV to tank trucks or railcars and are not subject to emission limits in Table 2, 3, 4, 5, 6, or 8 of 40 CFR part 63 subpart VVVVVV.</p> <p>k. Prepared feeds manufacturing facilities with less than 10,000 tons per year throughput.</p>
5.	All sources having the potential to emit more than 100,000 tons CO ₂ e of GHG emissions in a year.
6.	All S <u>s</u> ources having the P <u>p</u> otential to E <u>e</u> mit more than 100 tons of any regulated air contaminant pollutant in a year.
7.	All S <u>s</u> ources having the P <u>p</u> otential to E <u>e</u> mit more than 10 tons of a single hazardous air pollutant in a year.
8.	All S <u>s</u> ources having the P <u>p</u> otential to E <u>e</u> mit more than 25 tons of all hazardous air pollutants combined in a year.

Notes:

* Applies only to Special Control Areas

~~** Portland AQMA only~~

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

~~**** "back-up" means less than 10,000 gallons of fuel per year~~

~~***** "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~~

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310

Stats. Implemented: ORS 468A

NOTE: See history of these tables under OAR 340-216-0020.

OAR 340-216-8020

AIR CONTAMINANT DISCHARGE PERMIT FEES

Table 2

Part 1. Initial Permitting Application Fees: (in addition to first annual fee)

a. Short Term Activity ACDP	\$3,000.00
b. Basic ACDP	\$120.00
c. Assignment to General ACDP	\$1,200.00*
d. Simple ACDP	\$6,000.00
e. Construction ACDP	\$9,600.00
f. Standard ACDP	\$12,000.00
g. Standard ACDP (Major NSR PSD/NSR or Type A State NSR)	\$42,000.00

*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 12/1* for 1/1 to 12/31 of the following year)

a. Short Term Activity ACDP		\$NA
b. Basic ACDP		\$360.00
c. General ACDP	(A) Fee Class One	\$720.00
	(B) Fee Class Two	\$1,296.00
	(C) Fee Class Three	\$1,872.00
	(D) Fee Class Four	\$360.00
	(E) Fee Class Five	\$120.00
	(F) Fee Class Six	\$240.00
d. Simple ACDP	(A) Low Fee	\$1,920.00
	(B) High Fee	\$3,840.00
e. Standard ACDP		\$7,680.00
f. <u>Greenhouse Gas Reporting, as required by OAR 340 division 215</u>		<u>15% of the applicable annual fee in Part 2</u>

*The payment due date for dry cleaners or gasoline dispensing facilities may be extended by ~~the Department~~DEQ until March 1st.

Part 3. Specific Activity Fees:

a. Non-Technical Permit Modification*-(1)	\$360.00
b. Non-PSD/NSR -Basic Technical Permit Modification (2)	\$360.00
c. Non-PSD/NSR -Simple Technical Permit Modification(3)	\$1,200.00
d. Non-PSD/NSR -Moderate Technical Permit Modification (4)	\$6,000.00

e. Non-PSD/NSR Complex Technical Permit Modification (5)	\$12,000.00
f. Major NSR or Type A State NSR PSD/NSR Permit Modification	\$42,000.00
g. Modeling Review (outside Major NSR or Type A State NSR PSD/NSR)	\$6,000.00
h. Public Hearing at Source's Request	\$2,400.00
i. State MACT Determination	\$6,000.00
j. Compliance Order Monitoring** (6)	\$120.00/month
k. Greenhouse Gas Reporting, as required by OAR 340-215-	15% of the applicable annual fee in Part 2

* 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).

** 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%

~~1. Non-Technical modifications include, but are not limited to name changes, change of ownership and similar administrative changes. For gasoline dispensing facilities, a portion of these fees will be used to cover the fees required for changes of ownership in OAR 340-150-0052(4).~~

~~2. Basic Technical Modifications include, but are not limited to corrections of emission factors in compliance methods, changing source test dates for extenuating circumstances, and similar changes.~~

~~3. Simple Technical Modifications include, but are not limited to, incorporating a PSEL compliance method from a review report into an ACDP, modifying a compliance method to use different emission factors or process parameter, changing source test dates for extenuating circumstances, changing reporting frequency, incorporating NSPS and NESHAP requirements that do not require judgment, and similar changes.~~

~~4. Moderate Technical Modifications include, but are not limited to incorporating a relatively simple new compliance method into a permit, adding a relatively 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 and that does not require judgment by the Department, incorporating NSPS and NESHAP requirements that do not require judgment, and similar changes.~~

~~5. Complex Technical Modifications include, but are not limited to incorporating a relatively complex new compliance method into a permit, adding a relatively complex compliance method or monitoring for an emission point or control device not previously addressed in a permit, adding a relatively complex new~~

~~applicable requirement into a permit due to a change in process or change in rules and that requires judgment by the Department, and similar changes.~~

~~6. This is a one time fee payable when a Compliance Order is established in a Permit or a Department Order containing a compliance schedule becomes a Final Order of the Department and is based on the number of months the Department will have to oversee the Order.~~

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

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310

Stats. Implemented: ORS 468A

NOTE: See history of this table under OAR 340-216-0020.

DIVISION 224

~~MAJOR~~ NEW SOURCE REVIEW

340-224-0010

Applicability, ~~and~~ General Prohibitions and Jurisdiction

(1) The owner or operator of a source undertaking one of the following actions must comply with the Major New Source Review requirements of OAR 340-224-0010 through 340-224-0070 for such actions prior to construction or operation:

(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 a regulated pollutant PSEL is increased to the federal major source level 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), (b), or (c) must comply with the State New Source Review requirements of OAR 340-224-0010 through 340-224-0038 and 340-224-0245 through 340-224-0270 for such action prior to construction or operation. State NSR actions are categorized as Type A State NSR actions or Type B State NSR actions as defined in OAR 340 division 200 for netting basis purposes.

(a) Construction of a new source that has emissions of a regulated pollutant equal to or greater than the SER and is not a federal major source;

(b) Increasing a regulated pollutant PSEL to an amount that is equal to or greater than the SER at an existing source that is not a federal major source; or

(c) Increasing a regulated pollutant PSEL to an amount that is equal to or greater than the SER at a federal major source where the increase is not the result of a major modification.

~~(34) Within designated nonattainment and maintenance areas, this division applies to owners and operators of proposed major sources and major modifications for the regulated pollutant(s) for which the area is designated~~

~~nonattainment or maintenance.~~ The owner or operator of a source subject to section (1) or (2) must apply this division based on the type of designated area where the source is located for each regulated pollutant, taking into consideration that 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.

(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.

~~(2) Within attainment and unclassifiable areas, this division applies to owners and operators of proposed federal major sources and major modifications at federal major sources for the regulated pollutant(s) for which the area is designated attainment or unclassified.~~

~~(53) Owners and operators of all sources that do not meet the applicability criteria of sections (1) or (2) of this rule are may be~~ subject to other ~~Department 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 Required (OAR 340-226-0100 through 340-226-0140), Notice of Construction and Approval of Plans (340-210-0205 through 340-210-0250), ACDPs (OAR 340 division 216), Emission Standards for Hazardous Air Contaminants (OAR 340 division 244), and Standards of Performance for New Stationary Sources (OAR 340 division 238), as applicable.

~~(64) No An~~ owner or operator of a source that meets the applicability criteria of sections (1) or (2) ~~of this rule~~ may not begin actual construction, continue construction or operate the source without having received complying with the requirements of this division and an air contaminant discharge permit (ACDP) issued by from the Department DEQ authorizing such construction and operation and having satisfied the requirements of this division.

~~(75) Beginning May 1, 2011, T~~he pollutant GHGs is subject to regulation at a source that commences construction after May 1, 2011 if:

(a) The source is a new federal major source for a regulated pollutant that is not GHGs, and also emits, will emit or will have the potential to emit 75,000 tons per year CO₂e or more; or

(b) The source is or becomes a federal major source subject to OAR 340-224-0070 as a result of a major modification for a regulated pollutant that is not GHGs, and will have an emissions increase of 75,000 tons per year CO₂e or more over the netting basis.

~~(86) Beginning July 1, 2011, i~~n addition to the provisions in section ~~(65) of this rule~~, the pollutant GHGs ~~shall~~must also be subject to regulation at a source that commences construction after July 1, 2011 and is:

(a) A new federal major source; or

(b) An existing source that is or becomes a federal major source when such source undertakes a major modification.

~~(97) Subject to the requirements in this division, the Lane Regional Air Protection Agency LRAPA is designated by the Commission EQC as the permitting agency to implement the Oregon Major New Source Review NSR~~

and State NSR program within its area of jurisdiction. ~~The Regional AgencyLRAPA~~'s program is subject to ~~Department DEQ~~ oversight. The requirements and procedures contained in this division pertaining to the Major ~~New Source ReviewNSR~~ and State NSR program ~~shall~~must be used by ~~the Regional AgencyLRAPA~~ to implement its permitting program ~~until the Regional Agency~~unless LRAPA has adopted or adopts superseding rules which are at least as ~~restrictive-strict~~ as ~~state rules~~this division.

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

Stat. Auth.: ORS 468.020, 468A.025, 468A.040, 468A.050, 468A.055, 468A.135 & 468A.155

Stats. Implemented: ORS 468A-~~025~~

Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0220; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1900; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2004, f. & cert. ef. 4-14-04; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; Administrative correction, 3-29-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11