**DEQ Division AQ Rule and LRAPA Titles Comparison**

| **DEQ division** | **Title** | **LRAPA Reference?** | **Rule language referencing LRAPA** | **Needs LRAPA Reference? (Revise?)** | **LRAPA Title** | **Comment** |
| --- | --- | --- | --- | --- | --- | --- |
| 200 | General Air Pollution Procedures and Definitions | Yes | **340-200-0010**  **Purpose and Application**  (3) The Department administers divisions 200 through 268 in all areas of the State of Oregon except in Lane County where Lane Regional Air Protection Agency administers the air pollution control regulations. | Yes (revise general) | 12 | No change |
| 202 | Ambient Air Quality Standards and PSD Increments | Yes | **340-202-0050**  **Purpose and Scope of Ambient Air Quality Standards**  (3) In adopting the ambient air quality standards in this division, the Environmental Quality Commission recognizes that one or more of the standards are currently being exceeded in certain parts of the state. It is hereby declared to be the policy of the Environmental Quality Commission to achieve, by application of a timely but orderly program of pollution abatement, full compliance with ambient air quality standards throughout the state at the earliest possible date. | Yes (No) | 50 | No change |
| 204 | Designation of Air Quality Areas | Yes | **DESIGNATION OF AIR QUALITY AREAS**  **340-204-0010**  **Definitions**  The definitions in OAR 340-200-0020 and this rule apply to this division. If the same term is defined in this rule and 340-200-0020, the definition in this rule applies to this division. Definitions of boundaries in this rule also apply to OAR 340 division 200 through 268 and throughout the State of Oregon Clean Air Act Implementation Plan adopted under 340-200-0040. | Yes (No) | 29 | No change |
| 206 | Air Pollution Emergencies | No | **340-206-0010**  **Introduction**  OAR 340-206-0030, 340-206-0050 and 340-206-0060 are effective within priority I and II air quality control regions (AQCR) as defined in 40 CFR Part 51, subpart H (1995), when the AQCR contains a nonattainment area listed in 40 CFR Part 81. All other rules in this division are equally applicable to all areas of the state… | No (No) | 51 | No change |
| 208 | Visible Emissions and Nuisance Requirements | No | *We are taking out the language that says 208-0100 – 0110 apply to all areas of the state. Same with fugitives 208-0200 – 0210. Paul – if we take that language out, is it implied that the division applies all over the state? It says “for sources”* | No (No) | 32 and 39 | Change |
| 209 | Public Participation | No | **340-209-0020**  **Applicability**  This Division applies to permit actions requiring public notice as specified in OAR 340, divisions 216 and 218 | No (No) | 31 | No change |
| 210 | Stationary Source Notification Requirements | No | **340-210-0010**  **Applicability**  This division applies to all stationary sources in the state.  *We are taking out the language the that says this division apply to all areas of the state and replacing it with:*  This division applies to air contaminant sources, stationary sources, and modifications of existing portable sources that are required to have permits under OAR 340 division 216. | No (Remove or modify: ‘applies in all areas of the state’) | 34 | Change |
| 212 | Stationary Source Testing and Monitoring | No | **340-212-0110**  **Applicability**  OAR 340-212-0110 through 340-212-0150 apply to all stationary sources in the state.  **340-212-0200**  **Purpose and Applicability**  (1) The purpose of OAR 340-212-0200 through 340-212-0280 is to require, as part of the issuance of a permit under Title V of the FCAA, improved or new monitoring at those emissions units where monitoring requirements do not exist or are inadequate to meet the requirements of OAR 340-212-0200 through 340-212-0280. Except for backup utility units that are exempt under subsection (2)(b), the requirements of OAR 340-212-0200 through 340-212-0280 apply to a regulated pollutant-specific emissions unit at a major source that is required to obtain an Oregon Title V Operating Permit if the unit meets all of the following criteria: | No (Remove or modify: ‘applies in all areas of the state’) | 35 | Change |
| 214 | Stationary Source Reporting Requirements | No | **Reporting**  **340-214-0100**  **Applicability**  OAR 340-214-0100 through 340-214-0130 apply to all stationary sources in the state.  **Emission Statements for VOC and NOx Sources**  **340-214-0200**  **Purpose and Applicability**  (2) This rule applies to sources of VOC and NOx in ozone nonattainment areas that have a PSEL equal to or greater than 25 tons per year for either regulated pollutant, or whose actual emissions are equal to or greater than 25 tons per year for either regulated pollutant. [0200-0220]  **Excess Emissions and Emergency Provision**  **340-214-0300**  **Purpose and Applicability**  Emissions of air contaminants in excess of applicable standards or permit conditions are unauthorized and subject to enforcement action. OAR 340-214-0300 through 340-214-0360 apply to any source that emits air contaminants in excess of any applicable air quality rule or permit condition, including but not limited to excess emissions resulting from the breakdown of air pollution control devices or operating equipment, process upset, startup, shutdown, or scheduled maintenance. | No (Remove or modify: ‘applies in all areas of the state’) | 36 | Change |
| 215 | Greenhouse Gas Reporting Requirements | Yes | **340-215-0010**  **Purpose and Scope**  (2) Subject to the requirements in this division and ORS 468A.100 through 468A.180, the Lane Regional Air Protection Agency is designated by the Environmental Quality Commission as the Agency to implement this division within its area of jurisdiction. The requirements and procedures contained in this division must be used by the Regional Agency to implement this division unless the Regional Agency adopts superseding rules that are at least as restrictive as this division. | Yes (No) | None | No change |
| 216 | Air Contaminant Discharge Permits | Yes | **340-216-0020**  **Applicability**  (6) Subject to the requirements in this Division, the Lane Regional Air Protection Agency is designated by the Commission as the permitting agency to implement the Air Contaminant Discharge Permit program within its area of jurisdiction. The Regional Agency's program is subject to DEQ oversight. The requirements and procedures contained in this Division pertaining to the Air Contaminant Discharge Permit program shall be used by the Regional Agency to implement its permitting program until the Regional Agency adopts superseding rules which are at least as restrictive as state rules. | Maybe - Partial | 37 | Continue portable permit reciprocity  No change |
| 218 | Oregon Title V Operating Permits | Yes | **340-218-0010**  **Policy and Purpose**  (4) Subject to the requirements in this Division, the Lane Regional Air Protection Agency is designated by the Commission as the permitting agency to implement the Oregon Title V Operating Permit program within its area of jurisdiction. The Regional Agency's program is subject to Department oversight. The requirements and procedures contained in this Division pertaining to the Oregon Title V Operating Permit program shall be used by the Regional Agency to implement its permitting program until the Regional Agency adopts superseding rules which are at least as restrictive as state rules. | Yes (No) | None | No change |
| 220 | Oregon Title V Operating Permit Fees | No | **340-220-0010**  **Purpose, Scope And Applicability**  (2) This division applies to Oregon Title V Operating Permit program sources as defined in OAR 340-200-0020. | No (No | None | Division 220 is referenced in 218, etc., so okay without  Change |
| 222 | Stationary Source Plant Site Emission Limits | No | **340-222-0020**  **Applicability**  (1) Plant Site Emission Limits (PSELs) will be included in all Air Contaminant Discharge Permits (ACDP) and Oregon Title V Operating Permits, except as provided in section (3), as a means of managing airshed capacity by regulating increases and decreases in air emissions. | No (No) | 42 | Change |
| 223 | Regional Haze | No | **340-223-0010**  **Purpose**  OAR 340-223-0020 through 340-223-0080 establish requirements for certain sources emitting air pollutants that reduce visibility and contribute to regional haze in Class I areas, for the purpose of implementing Best Available Retrofit Technology (BART) requirements and other requirements associated with the federal Regional Haze Rules in 40 CFR ¦ 51.308, as in effect on December 9, 2010. | Yes | None | DEQ implements  No change |
| 224 | Major New Source Review | Yes | **340-224-0010**  **Applicability and General Prohibitions**  (7) Subject to the requirements in this division, the Lane Regional Air Protection Agency is designated by the Commission as the permitting agency to implement the Oregon Major New Source Review program within its area of jurisdiction. The Regional Agency's program is subject to Department oversight. The requirements and procedures contained in this division pertaining to the Major New Source Review program shall be used by the Regional Agency to implement its permitting program until the Regional Agency adopts superseding rules which are at least as restrictive as state rules. | Yes –partial | 38 | LRAPA would like Offsets, SILs, to apply in Lane Co  No change |
| 225 | Air Quality Analysis Requirements | No | **340-225-0010**  **Purpose**  This division contains the definitions and requirements for air quality analysis. This division does not apply unless a rule in another division refers to this division or a rule in this division. | Yes - total | 40 | LRAPA would like SILs, to apply in Lane Co  Change |
| 226 | General Emission Standards | No | **340-226-0100**  **Policy and Application**  (1) As specified in OAR 340-226-0110 through 340-226-0140 and sections (2) through (5) of this rule, the highest and best practicable treatment and control of air contaminant emissions must in every case be provided so as to maintain overall air quality at the highest possible levels, and to maintain contaminant concentrations, visibility reduction, odors, soiling and other deleterious factors at the lowest possible levels. In the case of new sources of air contamination, particularly those located in areas with existing high air quality, the degree of treatment and control provided must be such that degradation of existing air quality is minimized to the greatest extent possible.  **340-226-0200**  **Applicability**  OAR 340-226-0200 through 340-226-0210 apply in all areas of the state.  **340-226-0300**  **Applicability**  OAR 340-226-0300 through 340-226-0320 apply to all non-fugitive emissions from the following process equipment | Yes (Remove or modify: ‘applies in all areas of the state’) | 32 | More restrictive grain loading applies in Lane Co  Change |
| 228 | Requirements For Fuel Burning Equipment and Fuel Sulfur Content | No | **340-228-0010**  **Applicability**  This division applies in all areas of the state. | No (Remove or modify: ‘applies in all areas of the state’) | 32 | More restrictive grain loading applies in Lane Co  Change |
| 230 | Incinerator Regulations | No | **340-230-0010**  **Purpose**  The purpose of this division is to establish state of the art emission standards, design requirements, and performance standards for all solid and infectious waste incinerators, hospital/medical/infectious waste incinerators, crematory incinerators, and municipal waste combustors in order to minimize air contaminant emissions and provide adequate protection of public health. | Yes (Remove or modify: ‘applies in all areas of the state’) | 30 | LRAPA needs DEQ updated division to apply for CISWI and HIMWI (Jerry currently addressing in ‘federal updates’ RM)  Not open |
| 232 | Emission Standards For VOC Point Sources | No | **340-232-0010**  **Introduction**  (3) Sources regulated by this division are new and existing sources in the Portland and Medford AQMA's and in the Salem SATS listed in subsections (a) through (m) of this section, including: | No (No) | NA | No change |
| 234 | Emission Standards For Wood Products Industries | No | **Kraft Pulp Mills**  **340-234-0200**  **Statement of Policy and Applicability**  (2) Applicability. OAR 340-234-0200 through 340-234-0270 apply to existing and new kraft pulp mills.  **Board Products Industries (Veneer, Plywood, Particleboard, Hardboard**  **340-234-0500**  **Applicability and General Provisions**  (1) OAR 340-234-0500 through 340-234-0530 establish minimum performance and emission standards for veneer, plywood, particleboard, and hardboard manufacturing operations. | No (No) | 33 | Change |
| 236 | Emission Standards For Specific Industries | No | **Reduction of Animal Matter**  **340-236-0300**  **Applicability**  OAR 340-236-0300 through 340-236-0330 apply to the reduction of animal matter in all areas of the state which are within city limits or within two miles of the boundaries of incorporated cities.  **Hot Mix Asphalt Plants**  **340-236-0400**  **Applicability**  OAR 340-236-0400 through 340-236-0440 apply to hot mix asphalt plants.  **Solid Waste Landfills**  **340-236-0500**  **Emission Standards for Municipal Solid Waste Landfills**  (1) Applicability. This rule applies to small and large municipal solid waste landfills in the following categories: | No (No) | 32, 33 | Change |
| 238 | New Source Performance Standards | Yes | **340-238-0030**  **Applicability**  This division applies to stationary sources subject to **40 CFR Part 60** as adopted under OAR 340-238-0050 and 340-238-0060. | Yes (No) | 46 | Jerry addressing NSPS update in ‘federal updates’ RM |
| 240 | Rules For Areas With Unique Air Quality Needs | No | **340-240-0010**  **Purpose**  The purpose of this division is to address the air quality control needs of the Medford-Ashland AQMA and Grants Pass UGB (OAR 340-240-0100 through 340-240-0270), the La Grande UGB (340-240-0300 through 340-240-0360, the Lakeview UGB (340-240-0400 through 340-240-0440), and the Klamath Falls Nonattainment Area (340-240-0500 through 340-240-0630). | No (No) | None | DEQ implements  No change |
| 242 | Rules Applicable to the Portland Area | No | **Emission Management Program**  **340-242-0400**  **Applicability**  (1) OAR 340-242-0430 through 340-242-0440 apply to all sources of VOC or NOx that are required to provide a net air quality benefit under the provisions of 340-225-0090 for the Portland Air Quality Maintenance Area (AQMA). | No (No) | NA | DEQ implements  No change |
| 244 | Oregon Federal Hazardous Air Pollutant Program | Yes | **340-244-0020**  **Delegation of Authority**  (1) The Lane Regional Air Protection Agency (LRAPA) is authorized to implement and enforce, within its boundaries, this Division. | Yes (No) | 44 | Has ‘finding’ and mechanism language  No change |
| 246 | Oregon State Air Toxics Program | Yes | 340-246-0070  Air Toxics Science Advisory Committee  (1) Purpose. The Commission recognizes the many scientific uncertainties associated with the effects of air toxics, and the continuing development of new information in this field. An Air Toxics Science Advisory Committee (ATSAC), will advise the Department, and in its jurisdiction, the Lane Regional Air Pollution Authority, on technical issues and evaluation of the state air toxics program. The ATSAC will provide advice on the technical aspects of risk assessment. It will not provide risk management or policy recommendations. The ATSAC will perform the following functions:  340-246-0090  Ambient Benchmarks for Air Toxics  (1) Purpose. Ambient benchmarks are concentrations of air toxics that serve as goals in the Oregon Air Toxics Program. They are based on human health risk and hazard levels considering sensitive populations. Ambient benchmarks are not regulatory standards, but reference values by which air toxics problems can be identified, addressed and evaluated. The Department will use ambient benchmarks as indicated in these rules, to implement the Geographic, Source Category, and Safety Net Programs. Ambient benchmarks set by the procedures described in this rule apply throughout Oregon, including that area within the jurisdiction of the Lane Regional Air Protection Agency. Ambient benchmarks are subject to public notice and comment before adoption by the Commission as administrative rules.  340-246-0110  Source Category Rules and Strategies  (2) Subject to the requirements in this rule, the Lane Regional Air Pollution Authority is designated by the Commission as the agency responsible for implementing Source Category Rules and Strategies within its area of jurisdiction. The requirements and procedures contained in this rule must be used by the Regional Authority to implement Source Category Rules and Strategies unless the Regional Authority adopts superseding rules that are at least as restrictive as the rules adopted by the Commission.  340-246-0130  Geographic Program (0130 through 0170)  (1) Purpose. The Geographic Program addresses emissions from multiple sources of air toxics. It requires prioritizing and selecting geographic areas of concern, forming a local advisory committee, developing a specific local plan to control air toxics, a public participation and comment process, EQC adoption or approval, implementing reduction strategies, and periodically evaluating the effectiveness by the Department.  (2) Subject to the requirements in OAR 340-246-0130 through 0170, the Lane Regional Air Pollution Authority is designated by the Commission as the agency to implement the Geographic Program within its area of jurisdiction. The requirements and procedures contained in this rule shall be used by the Regional Authority to implement the Geographic Program unless the Regional Authority adopts superseding rules which are at least as restrictive as state rules. The Regional Authority will address geographic areas as resources allow, considering the prioritization criteria in 340-246-0150. | Yes (No) | None | No change |
| 248 | Asbestos Requirements | Yes | **340-248-0005**  **Applicability**  OAR 340-248-0010 through 340-248-0290 applies to asbestos milling, manufacturing, fabricating, abatement, disposal, or any situation where a potential for exposure to asbestos fibers exists. | Yes (No) | 43 | Retain authority for asbestos contractor investigations  No change |
| 250 | General Conformity | No | **340-250-0020**  **Applicability**  (1) Conformity determinations for federal actions in a nonattainment area or maintenance area related to transportation plans, programs, and projects developed, funded, or approved under title 23 U.S.C. or the Federal Transit Laws (49 U.S.C. Chapter 53 ) must meet the procedures and criteria for transportation conformity as set forth in OAR 340 division 252, in lieu of the procedures set forth in this division. | No (No) | None | DEQ implements  No change |
| 252 | Transportation Conformity | Yes | **340-252-0010**  **Purpose**  The purpose of this division is to implement section 176(c) of the Clean Air Act, as amended [42 U.S.C. 7401 et seq.], and the related requirements of **23 U.S.C. 109(j)**, with respect to the conformity of transportation plans, programs, and projects which are developed, funded, or approved by the United States Department of Transportation (DOT), and by metropolitan planning organizations (MPOs) or other recipients of funds under Title 23 U.S.C. or the Federal Transit Laws (49 U.S.C. Chapter 53). This division sets forth policy, criteria, and procedures for demonstrating and assuring conformity of such activities to an applicable implementation plan developed pursuant to section 110 and Part D of the CAA. | Yes (No) | None | DEQ implements  No change |
| 253 | Oregon Clean Fuels Program | No | **340-253-0100**  **Oregon Clean Fuels Program**  (1) Applicability.  (a) All regulated parties under section (3) that import or produce in Oregon any regulated fuel, as defined under OAR 340-253-0200, are subject to this rule. | No (No) | None | Clean fuels is a statewide program  No change |
| 254 | Rules For Indirect Sources | Yes | 14-99, Renumbered from 340-020-0100  **340-254-0020**  **Jurisdiction and Delegation**  The Commission finds that the complexity or magnitude of Indirect Sources requires statewide regulation and assumes or retains jurisdiction thereof. The Commission may, however, when any Regional Authority requests and provides evidence demonstrating its capability to carry out the provisions of these rules relating to Indirect Sources, authorize and confer jurisdiction upon such Regional Authority to perform all or any of such provisions within its boundary until such authority and jurisdiction shall be withdrawn for cause by the Commission. | Yes (No) | 20 | Indirect Sources  Change later |
| 256 | Motor Vehicles | No | NONE | No (No) | None | DEQ implements  No change |
| 257 | Oregon Low Emission Vehicles | No | **340-257-0020**  **Applicability & Effective date**  This division is in effect as of January 1, 2006 and applies to and establishes requirements for automobile manufacturers, Oregon motor vehicle dealers, and all 2009 and subsequent model year passenger cars, light-duty trucks, medium-duty vehicles, and medium-duty passenger vehicles registered, leased, rented, delivered for sale or sold in the State of Oregon, except as provided in OAR 340-257-0060 Exemptions. | No (No) | None | DEQ implements  No change |
| 258 | Motor Vehicle Fuel Specifications | No | **340-258-0110**  **Purpose and General Requirements**  (1) Pursuant to ORS 468A.420, OAR 340-258-0100 through 340-258-0310 apply to:  (a) A person who refines, distributes, blends, supplies, sells, offers for sale, or otherwise markets gasoline for use in motor vehicles; and  (b) Permitted control area responsible parties who own gasoline being imported or being sold at or from terminals who market gasoline. | No (No) | None | DEQ implements  No change |
| 259 | Clean Diesel Grant and Loan Rules | No | **340-259-0010**  **Purpose and Scope**  (1) The purpose of the clean diesel grant and loan rules is to make grants and loans available to the owners or operators of diesel engines for the retrofit of an Oregon diesel engine, for the repower of a non-road Oregon diesel engine, or for the scrapping of an Oregon truck engine.  (2) The rules in this division do not apply to DEQ grants or loans using moneys received from the federal government for initiatives to reduce emissions from diesel engines. DEQ may exercise its discretion to issue such grants and awards as it deems appropriate, consistent with and subject to federal law. | No (No) | None | DEQ implements  No change |
| 260 | Refrigerant Recycling and Ozone-Depleting Substance Requirements | No | **340-260-0010**  **Purpose and Applicability**  The purpose of OAR 340-260-0010 through 340-260-0030 is to reduce the use of stratospheric ozone depleting chemicals, to recycle those chemicals already in use, and to encourage the use of less dangerous chemicals. The Environmental Quality Commission having determined that equipment for the recovery and recycling of chlorofluorocarbons from automobile air conditioners is affordable and available, intends that 340-260-0010 through 340-260-0030 apply to persons handling automobile air conditioners.  **340-260-0040**  **Federal Regulations Adopted by Reference**  (1) Except as provided in Section (2) of this rule, **40 CFR Part 82 (July 1, 1994)** is by this reference adopted and incorporated herein for major sources only, for purposes of implementing a stratospheric ozone protection program that meets the requirements of title VI of the Clean Air Act. | No (No) | None | No change |
| 262 | Residential Woodheating | Yes | **340-262-0400**  **Purpose and Applicability of Rules**  (3) Subject to the requirements in this Division and ORS 468A.100 through 468A.180, the Lane Regional Air Protection Agency is designated by the Environmental Quality Commission as the agency responsible for implementing this Division within its area of jurisdiction. The Regional Agency must implement the requirements and procedures contained in this Division unless the Regional Agency adopts superseding rules at least as restrictive as this Division. | Yes (No) | None | No change |
| 264 | Rules For Open Burning | No | **340-264-0010**  **How to Use These Open Burning Rules**  (1) This division classifies all open burning into one of seven classes: Agricultural; Commercial; Construction; Demolition (which includes land clearing); Domestic (which includes burning commonly called "backyard burning" and burning of yard debris); Industrial; or Slash. Except for field burning within the Willamette Valley regulated through OAR 340 division 266 and slash burning administered by the forest practices smoke management plan of the Oregon Department of Forestry, this division prescribes requirements for and prohibitions of open burning for every location in the state. | No (No) | 47 | LRAPA Open Burning rules don’t reference “forced-air pit incineration” -so okay  No change |
| 266 | Field Burning Rules | Yes (refers to Lane Co) | **340-266-0010**  **Introduction**  (1) Except for the fee in OAR 340-266-0140, this Division applies to the open field burning, propane flaming, and stack burning of all perennial and annual grass seed and cereal grain crops, and associated residue within Multnomah, Washington, Clackamas, Marion, Polk, Yamhill, Linn, Benton and Lane Counties, herein referred to as the Willamette Valley. It also includes rules pertaining to fees for open field burning of perennial and annual grass seed crops in counties outside the Willamette Valley. Enforcement procedure and civil penalties for open field burning, propane flaming, and stack burning can be found in OAR chapter 603, division 077 and chapter 340, division 12. | Yes (No) | None | DEQ implements  No change |
| 268 | Emission Reduction Credits | No | **340-268-0010**  **Applicability**  This division applies to any person who wishes to create or bank an emission reduction credit in the state. | No (Remove or modify: ‘applies in all areas of the state’) | 41 | Change |