**DIVISION 232**

**EMISSION STANDARDS FOR VOC POINT SOURCES**

**340-232-0010**

**Introduction**

(1) This division regulates sources of VOC which contribute to the formation of photochemical oxidant, mainly ozone.

(2) Since ozone standards are not violated in Oregon from October through April because of insufficient solar energy, natural gas-fired afterburners may be permitted, on a case-by-case basis, to lay idle during the winter months.

(3) Sources regulated by this division are new and existing sources in the Portland and Medford AQMAs and in Salem-Keizer in the SKATS listed in subsections (a) through (m)below:

(a) Gasoline dispensing facilities, storage tank filling;

(b) Bulk gasoline plants and delivery vessels;

(c) Bulk gasoline terminal loading;

(d) Cutback asphalt;

(e) Petroleum refineries, petroleum refinery leaks;

(f) VOC liquid storage, secondary seals;

(g) Coating including paper coating and miscellaneous painting;

(h) Aerospace component coating;

(i) Degreasers;

(j) Asphaltic and coal tar pitch in roofing;

(k) Flat wood coating;

(l) Rotogravure and flexographic printing;

(m) Automotive gasoline.

(4) Emissions units not covered by the source categories listed in section (3) which emit or have the potential to emit over 100 tons of VOC per year before add-on controls are subject to OAR 340-232-0040.

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

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 21-1978, f. & ef. 12-28-78; DEQ 17-1979, f. & ef. 6-22-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0100; DEQ 15-2001, f. & cert. ef. 12-26-01; DEQ 3-2007, f. & cert. ef. 4-12-07; DEQ 8-2007, f. & cert. ef. 11-8-07

**340-232-0020**

**Applicability**

(1) All new and existing sources inside the following areas must comply with the applicable requirements in this division:

(a) Portland-Vancouver Air Quality Maintenance Area;

(b) Medford-Ashland Air Quality Maintenance Area;

(c) Salem-Keizer Area Transportation Study (SKATS) Area.

2) VOC sources located outside the areas cited in section (1) are exempt from the requirements in this division. **NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025

Stats. Implemented: ORS 468A.025

Hist.: DEQ 21-1978, f. & ef. 12-28-78; DEQ 17-1979, f. & ef. 6-22-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 7-1997(Temp), f. & cert. ef. 4-28-97; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0104; DEQ 3-2007, f. & cert. ef. 4-12-07

**340-232-0030**

**Definitions**

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

(1) "Aerospace component" means the fabricated part, assembly of parts, or completed unit of any aircraft, helicopter, missile or space vehicle.

(2) "Air dried coating" means coatings which are dried by the use of air at ambient temperature.

(3) "Applicator" means a device used in a coating line to apply coating.

(4) "Bulk gasoline plant" means a gasoline storage and distribution facility which receives gasoline from bulk terminals by railroad car or trailer transport, stores it in tanks, and subsequently dispenses it via account trucks to local farms, businesses, and gasoline dispensing facilities.

(5) "Bulk gasoline terminal" means a gasoline storage facility which receives gasoline from refineries primarily by pipeline, ship, or barge, and delivers gasoline to bulk gasoline plants or to commercial or retail accounts primarily by tank truck.

(6) "Can coating" means any coating applied by spray, roller, or other means to the inside and/or outside surfaces of metal cans, drums, pails, or lids.

(7) "Carbon bed breakthrough" means the initial indication of depleted adsorption capacity characterized by a sudden measurable increase in VOC concentration exiting a carbon adsorption bed or column.

(8) "Certified storage device" means vapor recovery equipment for gasoline storage tanks as certified by the State of California Air Resources Board Executive Orders, copies of which are on file with DEQ, or which has been certified by other air pollution control agencies and approved by DEQ.

(9) "Class II hardboard paneling finish" means finishers which meet the specifications of Voluntary Product Standard PS-59-73 as approved by the American National Standards Institute.

(10) "Clear coat" means a coating which lacks color and opacity or is transparent and uses the undercoat as a reflectant base or undertone color.

(11) "Coating" means a material applied to a surface which forms a continuous film and is used for protective and/or decorative purposes.

(12) "Coating line" means one or more apparatus or operations which include a coating applicator, flash-off area, and oven or drying station wherein a surface coating is applied, dried, and/or cured.

(13) "Condensate" means hydrocarbon liquid separated from natural gas which condenses due to changes in the temperature and/or pressure and remains liquid at standard conditions.

(14) "Crude oil" means a naturally occurring mixture which consists of hydrocarbons and/or sulfur, nitrogen, and/or oxygen derivatives of hydrocarbons and which is a liquid at standard conditions.

(15) "Custody transfer" means the transfer of produced petroleum and/or condensate after processing and/or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

(16) "Cutback asphalt" means a mixture of a base asphalt with a solvent such as gasoline, naphtha, or kerosene. Cutback asphalts are rapid, medium, or slow curing (known as RC, MC, SC), as defined in ASTM D2399.

(17) "Delivery vessel" means any tank truck or trailer used for the transport of gasoline from sources of supply to stationary storage tanks.

(18) "External floating roof" means a cover over an open top storage tank consisting of a double deck or pontoon single deck which rests upon and is supported by the volatile organic liquid being contained, and is equipped with a closure seal or seals to close the space between the roof edge and tank shell.

(19) "Extreme performance coatings" means coatings designed for extreme environmental conditions such as exposure to any one of the following: continuous ambient weather conditions, temperature consistently above 95°C, detergents, abrasive and scouring agents, solvents, corrosive atmosphere, or similar environmental conditions.

(20) "Extreme performance interior topcoat" means a topcoat used in interior spaces of aircraft areas requiring a fluid, stain or nicotine barrier.

(21) "Fabric coating" means any coating applied on textile fabric. Fabric coating includes the application of coatings by impregnation.

(22) "Flexographic printing" means the application of words, designs and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.

(23) "Freeboard ratio" means the freeboard height divided by the width (not length) of the degreaser's air/solvent area.

(24) "Forced air dried coating" means a coating which is dried by the use of warm air at temperatures up to 90°C (194°F).

(25) "Gas freed" means a marine vessel's cargo tank has been certified by a Marine Chemist as "Safe for Workers" according to the requirements outlined in the National Fire Protection Association Rule 306.

(26) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 27.6 kPa (4.0 psi) or greater which is used to fuel internal combustion engines.

(27) "Gasoline dispensing facility" means any site where gasoline is dispensed to motor vehicle, boat, or airplane gasoline tanks from stationary storage tanks.

(28) "Gaseous service" means equipment which processes, transfers or contains a volatile organic compound or mixture of volatile organic compounds in the gaseous phase.

 (29) "Hardwood plywood" is plywood whose surface layer is a veneer of hardwood.

(30) "High performance architectural coating" means coatings applied to aluminum panels and moldings being coated away from the place of installation.

(31) "Internal floating roof" means a cover or roof in a fixed roof tank which rests upon or is floating upon the petroleum liquid being contained, and is equipped with a closure seal or seals to close the space between the roof edge and tank shell.

(32) "Large appliance" means any residential and commercial washers, dryers, ranges, refrigerators, freezers, water heaters, dish washers, trash compactors, air conditioners, and other similar products.

(33) "Leaking component" means any petroleum refinery source which has a volatile organic compound concentration exceeding 10,000 parts per million (ppm) when tested in the manner described in method 31 and 33 on file with DEQ. These sources include, but are not limited to, pumping seals, compressor seals, seal oil degassing vents, pipeline valves, flanges and other connections, pressure relief devices, process drains, and open-ended pipes. Excluded from these sources are valves which are not externally regulated.

(34) "Lightering" means the transfer of fuel product into a cargo tank from one marine tank vessel to another.

(35) "Liquid-mounted" means a primary seal mounted so the bottom of the seal covers the liquid surface between the tank shell and the floating roof.

(36) "Liquid service" means equipment which processes, transfers or contains a volatile organic compound or mixture of volatile organic compounds in the liquid phase.

(37) "Loading event" means the loading or lightering of gasoline into a marine tank vessel's cargo tank, or the loading of any product into a marine tank vessel's cargo tank where the prior cargo was gasoline. The event begins with the connection of a marine tank vessel to a storage or cargo tank by means of piping or hoses for the transfer of a fuel product from the storage or cargo tank into the receiving marine tank vessel. The event ends with disconnection of the pipes and/or hoses upon completion of the loading process.

(38) "Marine tank vessel" means any marine vessel constructed or converted to carry liquid bulk cargo that transports gasoline.

(39) "Marine terminal" means any facility or structure used to load or unload any fuel product cargo into or from marine tank vessels.

(40) "Marine vessel" means any tugboat, tanker, freighter, passenger ship, barge or other boat, ship or watercraft.

(41) "Maskant for chemical processing" means a coating applied directly to an aerospace component to protect surface areas when chemical milling, anodizing, aging, bonding, plating, etching and/or performing other chemical operations on the surface of the component.

(42) "Miscellaneous metal parts and products" means any metal part or metal product, even if attached to or combined with a nonmetal part or product, except cans, coils, metal furniture, large appliances, magnet wires, automobiles, ships, and airplane bodies.

(43) "Natural finish hardwood plywood panels" means panels whose original grain pattern is enhanced by essentially transparent finishes frequently supplemented by fillers and toners.

(44) "Operator" means any person who leases, operates, controls, or supervises a facility at which gasoline is dispensed.

(45) "Oven dried" means a coating or ink which is dried, baked, cured, or polymerized at temperatures over 90°C (194°F).

(46) "Packaging rotogravure printing" means rotogravure printing upon paper, paper board, metal foil, plastic film, and other substrates, which are, in subsequent operations, formed into packaging products and labels for articles to be sold.

(47) "Paper coating" means any coating applied on paper, plastic film, or metallic foil to make certain products, including but not limited to adhesive tapes and labels, book covers, post cards, office copier paper, drafting paper, or pressure sensitive tapes. Paper coating includes the application of coatings by impregnation and/or saturation.

(48) "Petroleum refinery" means any facility engaged in producing gasoline, aromatics, kerosene, distillate fuel oils, residual fuel oils, lubricants, asphalt, or other products through distillation of petroleum, crude oil, or through redistillation, cracking, or reforming of unfinished petroleum derivatives. "Petroleum refinery" does not mean a re-refinery of used motor oils or other waste chemicals. "Petroleum refinery" does not include asphalt blowing or separation of products shipped together.

(49) "Pretreatment wash primer" means a coating which contains a minimum of 0.5% acid by weight for surface etching and is applied directly to bare metal surfaces to provide corrosion resistance and adhesion.

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(51) "Printed interior panels" means panels whose grain or natural surface is obscured by fillers and basecoats upon which a simulated grain or decorative pattern is printed.

(52) "Printing" means the formation of words, designs and pictures, usually by a series of application rolls each with only partial coverage.

(53) "Publication rotogravure printing" means rotogravure printing upon paper which is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements, and other types of printed materials.

(54) "Reasonably available control technology" or "RACT" means the lowest emission limitation that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

(55) "Roll printing" means the application of words, designs and pictures to a substrate by means of hard rubber or steel rolls.

(56) "Sealant" means a coating applied for the purpose of filing voids and providing a barrier against penetration of water, fuel or other fluids or vapors.

(57 "Specialty printing" means all gravure and flexographic operations which print a design or image, excluding publication gravure and packaging printing. Specialty Printing includes printing on paper plates and cups, patterned gift wrap, wallpaper, and floor coverings.

(58) "Submerged fill" means any fill pipe or hose, the discharge opening of which is entirely submerged when the liquid is 6 inches above the bottom of the tank; or when applied to a tank which is loaded from the side, means any fill pipe, the discharge of which is entirely submerged when the liquid level is 18 inches, or is twice the diameter of the fill pipe, whichever is greater, above the bottom of the tank.

 (59) "Thirty-day rolling average" means any value arithmetically averaged over any consecutive thirty days.

(60) "Tileboard" means paneling that has a colored waterproof surface coating.

(61) "Topcoat" means a coating applied over a primer or intermediate coating for purposes such as appearance, identification or protection.

(62) "True vapor pressure" means the equilibrium pressure exerted by a petroleum liquid as determined in accordance with methods described in American Petroleum Institute Bulletin 2517, "Evaporation Loss from Floating Roof Tanks," February, 1980.

(63) "Vapor balance system" means a combination of pipes or hoses which create a closed system between the vapor spaces of an unloading tank and a receiving tank such that vapors displaced from the receiving tank are transferred to the tank being unloaded.

(64) "Vapor-mounted" means a primary seal mounted so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the primary seal, the tank shell, the liquid surface, and the floating roof.

(65) "Vapor tight" means, as used in OAR 340-232-0110, a condition that exists when the concentration of a volatile organic compound, measured one centimeter from any source, does not exceed 10,000 ppm (expressed as methane) above background.

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

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.020 & ORS 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 21-1978, f. & ef. 12-28-78; DEQ 17-1979, f. & ef. 6-22-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 6-1996, f. & cert. ef. 3-29-96; DEQ 9-1997, f. & cert. ef. 5-9-97; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 6-1999, f. & cert. ef. 5-21-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0102; DEQ 2-2000, f. 2-17-00, cert. ef. 6-1-01; DEQ 15-2001, f. & cert. ef. 12-26-01

**340-232-0040**

**General Non-Categorical Requirements**

(1) All existing sources operating prior to November 15, 1990, located inside the areas cited in OAR 340-232-0020(1)(a) or (1)(c), containing emissions units or devices for which no categorical RACT requirements exist and which have potential emissions before add-on controls of over 100 tons per year of VOC from aggregated, non-regulated emission units, must have RACT requirements developed on a case-by-case basis by DEQ. Sources that have complied with New Source Review requirements per OAR 340 division 224 and are subject to Best Available Control Technology (BACT) or Lowest Achievable Emission Rate (LAER) requirements are presumed to have met RACT requirements. A source may request RACT not be applied by demonstrating to DEQ that its potential emissions before add-on controls are less than 100 tons per year. Once a source becomes subject to RACT requirements under this section, it will continue to be subject to RACT, unless VOC emissions fall less than 100 tons per year and the source requests that RACT be removed, by demonstrating to DEQ that their potential VOC emissions before add-on controls are below 100 tons per year.

(2) Within 3 months of written notification by DEQ of the applicability of this rule, or, for good cause shown, up to an additional three months as approved by DEQ, the source must submit to DEQ a complete analysis of RACT for each category of emissions unit at the source, taking into account technical and economic feasibility of available control technology, and the emission reductions each technology would provide. This analysis does not need to include any emissions units subject to a specific categorical RACT requirement under this division. These RACT requirements approved by DEQ will be incorporated in the source's Air Contaminant Discharge Permit, and will be effective upon approval by EPA as a source specific SIP revision. The source must comply with the applicable RACT requirements beginning one year from the date of notification by DEQ of EPA approval.

(3) Failure by a source to submit a RACT analysis required by section (2) does not excuse the source from the obligation to comply with a RACT determination established by DEQ.

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

Stat. Auth.: ORS 468.020 & ORS 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 21-1978, f. & ef. 12-28-78; DEQ 17-1979, f. & ef. 6-22-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 7-1997(Temp), f. & cert. ef. 4-28-97; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0104

**340-232-0060**

**Compliance Determination**

(1) Certification and test procedures required by this division must be conducted using the DEQ Source Sampling Manual. (2) DEQ approval of alternative methods for demonstrating compliance where specified and allowed in this division, including approval of equivalent testing methods for determining compliance, issubject to review and approval by EPA.

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

[Publications: The publications referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: ORS 468.020 & ORS 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 21-1978, f. & ef. 12-28-78; DEQ 17-1979, f. & ef. 6-22-79; Renumbered from 340-22-106(3) & (4); DEQ 23-1980, f. & ef. 9-26-80; DEQ 12-1981(Temp), f. & ef. 4-29-81; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0107

**340-232-0080**

**Bulk Gasoline Plants**

(1) No person may transfer or allow the transfer of gasoline to or from a bulk gasoline plant unless:

(a) Each stationary storage tank uses submerged fill when transferring gasoline; and

(b) The displaced vapors from filling each tank are prevented from being released to the atmosphere through use of a vapor tight vapor balance system. All equipment associated with the vapor balance system must be maintained to be vapor tight and in good working order.

(2) Each stationary gasoline storage tank may release vapor to the atmosphere through a pressure relief valve set to release at the highest possible pressure in accordance with state or local fire codes, or the National Fire Prevention Association guidelines and no less than 3.4 kPa (0.50 psi).

(3) Gasoline must be handled in a manner to prevent spillage, discharging into sewers, storage in open containers, or handled in any other manner that would result in evaporation. If more than five gallons are spilled, the operator must report the spillage in accordance with OAR 340-214-0300 to 340-214-0350.

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

[Publications: The publications referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: ORS 468.020 & ORS 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 21-1978, f. & ef. 12-28-78; DEQ 17-1979, f. & ef. 6-22-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 12-1981(Temp), f. & ef. 4-29-81; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0120

**340-232-0085**

**Gasoline Delivery Vessels**

(1) No person may transfer or allow the transfer of gasoline to a delivery vessel from a bulk gasoline terminal; or a bulk gasoline plant, with a daily throughput of 4,000 or more gallons based on a 30-day rolling average, located in the Portland-Vancouver AQMA, unless:

(a) Each delivery vessel uses submerged fill when receiving gasoline; and

(b) The displaced vapors from filling each tank are prevented from being released to the atmosphere through use of a vapor tight vapor balance system. All equipment associated with the vapor balance system must be maintained to be vapor tight and in good working order.

(2) Gasoline must be handled in a manner to prevent spillage, discharge into sewers, storage in open containers, or handled in any other manner that would result in evaporation. If more than five gallons are spilled, the operator must report the spillage in accordance with OAR 340-214-0300 to 340-214-0350.

(3) Compliance with subsection (1)(a) and section (2) must be determined by visual inspection to ensure minimal spillage of gasoline and proper installation of bottom loading couples.

(4) Compliance with subsection (1)(b) must be determined by verification of use of equipment approved by DEQ and/or by testing and monitoring in accordance with applicable portions of OAR 340-232-0100 and/or Method 31 and/or 32 on file with DEQ.

(5) The owner or operator of a gasoline delivery vessel must maintain the vessel to be vapor tight at all times, in accordance with OAR 340- 232-0100(1), if such vessel is part of a vapor balance system required by subsection (1)(b).

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

Stat. Auth.: ORS 468.020 & ORS 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0125; DEQ 4-2013, f. & cert. ef. 3-27-13

**340-232-0090**

**Bulk Gasoline Terminals**

(1) No terminal owner or operator may allow volatile organic compounds (VOC) to be emitted into the atmosphere in excess of 80 milligrams of VOC per liter of gasoline loaded from the operation of loading truck tanks, and truck trailers at bulk gasoline terminals with a daily throughputs of greater than 76,000 liters (20,000 gallons) per day of gasoline (determined by a thirty-day rolling average):

(a) The owner or operator of a gasoline loading terminal must only allow the transfer of gasoline between the facility and a truck tank or a truck trailer when a current leak test certification for the delivery vessel is on file with the terminal or a valid permit as required by OAR 340-232-0100(1)(c) is displayed on the delivery vessel;

(b) The owner or operator of a truck tank or a truck trailer must not make any connection to the terminal's gasoline loading rack unless the gasoline delivery vessel has been tested in accordance with OAR 340-232-0100(1);

(c) The truck driver or other operator who fills a delivery truck tank and/or trailer tank must not take on a load of gasoline unless the vapor return hose is properly connected;

(d) All equipment associated with the vapor balance system must be maintained to be vapor tight and in good working order.

(2) Compliance with section (1) must be determined by testing in accordance with Method 33 on file with DEQ. The method for determining compliance with section (1) are delineated in 40 CFR Part 60, Subpart XX, §60.503.

(3) Bulk Gasoline terminals must comply with the following within the limits of section (1):

(a) All displaced vapors and gases during tank truck gasoline loading operations must be vented only to the vapor control system;

(b) The loading device must not leak when in use. The loading device must be designed and operated to allow no more than 10 cubic centimeters drainage per disconnect on the basis of 5 consecutive disconnects;

(c) All loading liquid lines must be equipped with fittings which make vapor-tight connections and which close automatically and immediately when disconnected;

(d) All vapor lines must be equipped with fittings which make vapor-tight connections and which close automatically and immediately when disconnected or which contain vapor tight unidirectional valves;

(e) Gasoline must be handled in a manner to prevent its being discarded in sewers or stored in open containers or handled in any manner that would result in evaporation. If more than 5 gallons are spilled, the operator must report the spillage in accordance with OAR 340-214-0300 through 340-214-0350;

(f) The vapor balance system must be operated in a manner to prevent the pressure therein from exceeding the tank truck or trailer pressure relief settings.

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

Stat. Auth.: ORS 468.020 & ORS 468A.025
Stats. Implemented: ORS 468.020 & ORS 468A.025
Hist.: DEQ 21-1978, f. & ef. 12-28-78; DEQ 17-1979, f. & ef. 6-22-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 12-1981(Temp), f. & ef. 4-29-81; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; Sections (2) and (3) renumbered from 340-22-133 and 340-22-136; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 25-1994, f. & cert. ef. 11-22-94; DEQ 26-1995, f. & cert. ef. 12-6-95; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0130

**340-232-0100**

**Testing Vapor Transfer and Collection Systems**

(1) No person may allow a vapor-laden delivery vessel subject to OAR 340-232-0080(5) to be filled or emptied unless the delivery vessel:

(a) Is tested annually according to the test Method 32 on file with DEQ, or CFR Part 60, EPA Method 21 or 27, or California Air Resources Board Method 2-5;

(b) Sustains a pressure change of no more than 750 pascals (3 inches of H2O) in five minutes when pressurized to a gauge pressure of 4,500 pascals (18 inches of H2O) or evacuated to a gauge pressure of 1,500 pascals (6 inches of H2O) during the testing required in subsection (1)(a); and

(c) Displays a valid permit near the Department of Transportation test date markings required by 49 CFR 177.824h, which:

(A) Shows the year and month that the gasoline tank truck last passed the test required in subsections (1)(a) and (b);

(B) Shows the identification of the permit; and

(C) Expires not more than one year from the date of the leak-test test, or if tested in California, on the expiration date so specified.

(d) Has its vapor return hose connected by the truck operator so that gasoline vapor is not expelled to the atmosphere.

(2) The owner or operator of a vapor collection system subject to this regulation must design and operate the vapor collection system and the gasoline loading equipment in a manner that prevents:

(a) Gauge pressure from exceeding 4,500 pascals (18 inches of H2O) and vacuum from exceeding 1,500 pascals (6 inches of H2O) in the gasoline tank truck being loaded;

(b) A reading equal to or greater than 100 percent of the lower explosive limit (LEL, measured as propane) at 2.5 centimeters from all points on the perimeter of a potential leak source when measured by the Method 31 and 33 on file with DEQ, or unloading operations at gasoline dispensing facilities, bulk plants and bulk terminals; and

(c) Visible liquid leaks during loading or unloading operations at gasoline dispensing facilities, bulk plants and bulk terminals.

(3) DEQ may, at any time, monitor a gasoline tank truck, vapor collection system, or vapor control system, by the methods on file with DEQ, to confirm continuing compliance with section (1) or (2).

(4) Recordkeeping and Reporting:

(a) The owner or operator of a source of volatile organic compounds subject to this rule must maintain records of all certification testing and repairs. The records must identify the gasoline tank truck, vapor collection system, or vapor control system; the date of the test or repair; and if applicable, the type of repair and the date of retest. The records must be maintained in a legible, readily available condition for at least two years after the date of testing or repair was completed;

(b) Copies of all records and reports under subsection (4)(a) must be submitted to DEQ within 30 days of certification testing.

(c) Persons applying for a permit required by this rule must at the time of application pay a fee of $25.

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

[Publications: The publications referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 23-1980, f. & ef. 9-26-80; DEQ 12-1981(Temp), f. & ef. 4-29-81; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 25-1994, f. & cert. ef. 11-2-94; DEQ 25-1994, f. & cert. ef. 11-22-94; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0137

**340-232-0110**

**Loading Gasoline onto Marine Tank Vessels**

(1) Applicability. This rule applies to loading events at any location within the Portland AQMA when gasoline is placed into a marine tank vessel cargo tank; or where any liquid is placed into a marine tank vessel cargo tank that had previously held gasoline. The owner or operator of each marine terminal and marine tank vessel is responsible for and must comply with this rule.

(2) Exemptions. The following activities are exempt from the marine vapor control emission limits of this rule:

(a) Marine vessel bunkering;

(b) Lightering when neither vessel is berthed at a marine terminal dock,

(c) Loading when both of the following conditions are met:

(A) The vessel has been gas freed (regardless of the prior cargo), and

(B) When loading any products other than gasoline.

(3) Vapor Collection System. The owner or operator of a marine terminal subject to this rule must equip each loading berth with a vapor collection system that is designed to collect all displaced VOC vapors during the loading of marine tank vessels. The owner or operator of a marine tank vessel subject to this rule must equip each marine tank vessel with a vapor collection system that is designed to collect all displaced VOC vapors during the loading of marine tank vessels. The collection system must be designed such that all displaced VOC vapors collected during any loading event are vented only to the control device.

(4) Marine Vapor Control Emission Limits. Vapors that are displaced and collected during marine tank vessel loading events must be reduced from the uncontrolled condition by at least 95 percent by weight, as determined by EPA Method 25 or limited to 5.7 grams per cubic meter (2 pounds per 1000 barrels) of liquid loaded.

(5) Operating Practice and Maintenance.

(a) All hatches, pressure relief valves, connections, gauging ports and vents associated with the loading of fuel product into marine tank vessels must be maintained to be leak free and vapor tight.

(b) The owner or operator of any marine tank vessel must certify to DEQ that the vessel is leak free, vapor tight, and in good working order based on an annual inspection using EPA Method 21.

(c) Gaseous leaks must be detected using EPA Method 21.

(d) Loading must cease anytime gas or liquid leaks are detected. Loading may continue only after leaks are repaired or if documentation is provided to DEQ that the repair of leaking components is technically infeasible without dry-docking the vessel or cannot otherwise be undertaken safely. Subsequent loading events involving the leaking components are prohibited until the leak is repaired. Any liquid or gaseous leak detected by DEQ staff is a violation of this rule.

(6) Monitoring and recordkeeping.

(a) Marine terminal operators must maintain operating records for at least five years of each loading event at their terminal. Marine tank vessel owners and operators are responsible for maintaining operating records for at least five years for all loading events involving each of their vessels. Records must be made available to DEQ upon request. These records must include but are not limited to:

(A) The location of each loading event.

(B) The date of arrival and departure of the vessel.

(C) The name, registry and legal owner of each marine tank vessel participating in the loading event.

(D) The type and amount of fuel product loaded into the marine tank vessel.

(E) The prior cargo carried by the marine tank vessel. If the marine tank vessel has been gas freed, then the prior cargo can be recorded as gas freed.

(F) The description of any gaseous or liquid leak, date and time of leak detection, leak repair action taken and screening level after completion of the leak repair.

(7) Lightering exempted from controls by subsection 2 (b) must be curtailed from 2:00 a.m. until 2:00 p.m. when DEQ declares a Clean Air Action day. If DEQ declares a second Clean Air Action day before 2:00 p.m. of the first curtailment period, then such uncontrolled lightering must be curtailed for an additional 24 hours until 2:00 p.m. on the second day. If a third Clean Air Action day in a row is declared, then uncontrolled lightering is permissible for a 12-hour period starting at 2 p.m. on the second Clean Air Action day and ending at 2 a.m. on the third Clean Air Action day. Uncontrolled lightering must be curtailed from 2 a.m. until 2 p.m. on the third Clean Air Action day. If DEQ continues to declare Clean Air Action days consecutively after the third day, the curtailment and loading pattern used for the third Clean Air Action day will apply.

(8) Safety/Emergency Operations. Nothing in this rule is intended to:

(a) Require any act or omission that would be in violation of any regulation or other requirement of the United States Coast Guard; or

(b) Prevent any act that is necessary to secure the safety of a vessel or the safety of passengers or crew.

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

Stat. Auth.: ORS 468A.035
Stats. Implemented: ORS 468A.025
Hist.: DEQ 2-2000, f. 2-17-00, cert. ef. 6-1-01

**340-232-0140**

**Petroleum Refinery Leaks**

(1) All persons operating petroleum refineries must comply with this section concerning leaks:

(a) The owner or operator of a petroleum refinery complex, upon detection of a leaking component, which has a volatile organic compound concentration exceeding 10,000 ppm when tested in the manner described below must:

(A) Include the leaking component on a written list of scheduled repairs; and

(B) Repair and retest the component within 15 days.

(b) Except for safety pressure relief valves, no owner or operator of a petroleum refinery may install or operate a valve at the end of a pipe or line containing volatile organic compounds unless the pipe or line is sealed with a second valve, a blind flange, a plug, or a cap. The sealing device may be removed only when a sample is being taken during maintenance operations;

(c) Pipeline valves and pressure relief valves in gaseous volatile organic compound service must be marked in some manner that will be readily obvious to both refinery personnel performing monitoring and DEQ.

(2) Testing Procedures: Testing and calibration procedures to determine compliance with this rule must be done in accordance with EPA Method 21.

(3) Monitoring, Recordkeeping, Reporting:

(a) The owner or operator of a petroleum refinery must maintain, as a minimum, records of all testing conducted under this rule; plus records of all monitoring conducted under subsections (b) and (c);

(b) The owner or operator of a petroleum refinery subject to this rule must:

(A) Monitor yearly by the methods referenced in section (2) all:

(i) Pump seals;

(ii) Pipeline valves in liquid service; and

(iii) Process drains.

(B) Monitor quarterly by the methods referenced in section (2) all:

(i) Compressor seals;

(ii) Pipeline valves in gaseous service; and

(iii) Pressure relief valves in gaseous service.

(C) Monitor weekly by visual methods all pump seals;

(D) Monitor immediately any pump seal from which liquids are observed dripping;

(E) Monitor any relief valve within 24 hours after it has vented to the atmosphere; and

(F) Monitor immediately after repair of any component that was found leaking.

(c) Pressure relief devices which are connected to an operating flare header, vapor recovery device, inaccessible valves, storage tank valves, or valves that are not externally regulated are exempt from the monitoring requirements in subsection (b);

(d) The owner or operator of a petroleum refinery, upon the detection of a leaking component, must affix a weatherproof and readily visible tag bearing an identification number and the date the leak is located to the leaking component. This tag must remain in place until the leaking component is repaired;

(e) The owner or operator of a petroleum refinery, upon the completion of each yearly and/or quarterly monitoring procedure, must:

(A) Submit a report to DEQ on the 15th day of January, April, July, and September, listing the leaking components that were located but not repaired within the required time limit in subsection (1)(a);

(B) Submit a signed statement attesting to the fact that, with the exception of those leaking components listed in paragraph (A), all monitoring and repairs were performed as stipulated.

(f) The owner or operator of a petroleum refinery must maintain a leaking component monitoring log that contains, at a minimum, the following data:

(A) The name of the process unit where the component is located;

(B) The type of component (e.g., valve, seal);

(C) The tag number of the component;

(D) The date on which a leaking component is discovered;

(E) The date on which a leaking component is repaired;

(F) The date and instrument reading of the recheck procedure after a leaking component is repaired;

(G) A record of the calibration of the monitoring instrument;

(H) Those leaks that cannot be repaired until turnaround, (exceptions to the 15-day requirement of paragraph (1)(a)(B)); and

(I) The total number of components checked and the total number of components found leaking.

(g) Copies of all records and reports required by this section must be retained by the owner or operator for a minimum of five years after the date on which the record was made or the report submitted;

(h) Copies of all records and reports required by this section must immediately be made available to DEQ upon verbal or written request at any reasonable time;

(i) DEQ may, upon written notice, modify the monitoring, recordkeeping and reporting requirements.

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

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 23-1980, f. & ef. 9-26-80; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0153

**340-232-0150**

**Liquid Storage**

(1) Owners or operators which have tanks storing methanol or other volatile organic compound liquids with a true vapor pressure, as stored, greater than 10.5 kPa (kilopascals) (1.52 psia), at actual monthly average storage temperatures, and having a capacity greater than 150,000 liters (approximately 39,000 gallons) must comply with one of the following:

(a) Meet the equipment specifications and maintenance requirements of the federal standards of performance for new stationary sources -- Storage Vessels for Petroleum Liquids, 40 CFR, 60 Subpart K and Ka; or

(b) Be retrofitted with a floating roof or internal floating cover using at least a nonmetallic resilient seal as the primary seal meeting the equipment specifications in the federal standards referred to in subsection (a) or its equivalent.

(2) All seals used in subsections (1)(b) and (c) are to be maintained in good operating condition and the seal fabric may not contain visible holes, tears or other openings.

(3) All openings, except stub drains and those related to safety (such as slotted gage wells), are to be sealed with suitable closures. All tank gauging and sampling devices must be gas-tight except when gauging or sampling is taking place; except for slotted gage wells which must have floating seals with one-half inch edge gaps or less.

(4) Secondary Seals:

(a) Applicability: Subsection (c) applies to all VOC liquid storage vessels equipped with external floating roofs, having capacities greater than 150,000 liters (39,000 gallons) except as indicated in subsection (c) and paragraph (c)(H);

(b) Exemptions: Subsection (c) does not apply to petroleum liquid storage vessels which:

(A) Are used to store waxy, heavy pour crude oil;

(B) Have capacities less than 1,600,000 liters (420,000 gallons) and are used to store produced crude oil and condensate prior to lease custody transfer;

(C) Contain a VOC liquid with a true vapor pressure of less than 10.5 kPa (1.5 psia) where the vapor pressure is measured at the storage temperature;

(D) Contain a VOC liquid with a true vapor pressure less than 27.6 kPa (4.0 psia); that

(i) Are of welded construction; and

(ii) Presently possess a metallic-type shoe seal, a liquid-mounted foam seal, a liquid-mounted liquid filled type seal, or other closure device of demonstrated equivalence approved by DEQ; or

(E) Are of welded construction, equipped with a metallic-type shoe primary seal and has a secondary seal from the top of the shoe seal to the tank wall (shoemounted secondary seal).

(c) No owner of a VOC liquid storage vessel subject to this rule may store VOC liquid in that vessel unless:

(A) The vessel has been fitted with:

(i) A continuous secondary seal extending from the floating roof to the tank wall (rim-mounted secondary seal); or

(ii) A closure or other device which controls VOC emissions with an effectiveness equal to or greater than a seal required under subparagraph (A)(i) as approved in writing by DEQ.

(B) All seal closure devices meet the following requirements:

(i) There are no visible holes, tears, or other openings in the seals or seal fabric;

(ii) The seals are intact and uniformly in place around the circumference of the floating roof between the floating roof and the tank wall; and

(iii) For vapor mounted seals, the accumulated area of gaps exceeding 0.32 cm (1/8 inch) in width between the secondary seal and the tank wall are determined by the method in subsection (d) and must not exceed 21.2 cm2 per meter of tank diameter (1.0 in2 per foot of tank diameter).

(C) All openings in the external floating roof, except for automatic bleeder vents, rim space vents, and leg sleeves, are:

(i) Equipped with covers, seals, or lids in the closed position except when the openings are in actual use; and

(ii) Equipped with projections into the tank which remain below the liquid surface at all times.

(D) Automatic bleeder vents are closed at all times except when the roof is floated off or landed on the roof leg supports;

(E) Rim vents are set to open only when the roof is being floated off the leg supports or at the manufacturer's recommended setting;

(F) Emergency roof drains are provided with slotted membrane fabric covers or equivalent covers which cover at least 90 percent of the area of the opening; and

(G) The owner or operator of a VOC liquid storage vessel with an external floating roof subject to subsection (c) must:

(i) Perform routine inspections semi-annually in order to ensure compliance with paragraphs (A) through (F) and the inspections must include a visual inspection of the secondary seal gap;

(ii) Measure the secondary seal gap annually in accordance with subsection (d) when the floating roof is equipped with a vapor-mounted primary seal; and

(iii) Maintain records of the types of VOC liquids stored, the maximum true vapor pressure of the liquid as stored, and the results of the inspections performed in subparagraphs (G)(i) and (ii).

(H) The owner or operator of a VOC liquid storage vessel having a capacity equal to or less than 150,000 liters (39,000 gallons) with an external floating roof, but containing a VOC liquid with a true vapor pressure greater than 7.00 kPa (1.0 psi), must maintain records of the average monthly storage temperature, the type of liquid, and the maximum true vapor pressure for all VOC liquids with a true vapor pressure greater than 7.0 kPa;

(I) The owner or operator of a VOC liquid storage vessel subject to this rule, must submit to DEQ, as a minimum, annual reports summarizing the inspections;

(J) Copies of all records and reports under paragraphs (G) (H), and (I) must be retained by the owner or operator for a minimum of five years after the date on which the record was made or the report submitted;

(K) Copies of all records and reports under this section must immediately be made available to DEQ, upon verbal or written request, at any reasonable time;

(L) DEQ may, upon written notice, require more frequent reports or modify the monitoring and recordkeeping requirements, when necessary to accomplish the purposes of this rule.

(d) Secondary Seal Compliance Determination:

(A) The owner or operator of any volatile organic compound source required to comply with section (4) must demonstrate compliance by the methods of this section;

(B) A person proposing to conduct a volatile organic compound emissions test must notify DEQ of the intent to test not less than 30 days before the proposed initiation of the tests so DEQ may observe the test. The notification must contain the information required by, and be in a format approved by DEQ;

(C) Compliance with subparagraph (4)(c)(B)(iii) is determined by:

(i) Physically measuring the length and width of all gaps around the entire circumference of the secondary seal in each place where a 0.32 cm (1/8 inch) uniform diameter probe passes freely (without forcing or binding against the seal) between the seal and tank wall; and

(ii) Summing the area of the individual gaps.

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

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 21-1978, f. & ef. 12-28-78; DEQ 17-1979, f. & ef. 6-22-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0160

**340-232-0160**

**Surface Coating in Manufacturing**

(1) No person may operate a coating line which emits into the atmosphere volatile organic compounds in excess of the limits in section (5), expressed as pounds VOC per gallon of coating applied, excluding water and exempt solvents, unless an alternative emission limit is approved by DEQ pursuant to section (3) or emissions are controlled to an equivalent level pursuant to section (7).

(2) Exemptions:

(a) This rule does not apply to airplanes painted out of doors in open air; automobile and truck refinishing; customized top coating of automobiles and trucks, if production is less than 35 vehicles per day; marine vessels and vessel parts painted out in the open air; flat wood coating; wood furniture and wood cabinets; wooden doors, mouldings, and window frames; machine staining of exterior wood siding; high temperature coatings (for service above 500° F.); lumber marking coatings; potable water tank inside coatings; high performance inorganic zinc coatings, air dried, applied to fabricated steel; and markings by stencil for railroad cars;

(b) This rule does not apply to:

(A) Sources whose VOC potential to emit before add on controls from activities identified in section (5) are less than 10 tons per year (or 3 pounds VOC/hour or 15 pounds actual VOC/day); or

(B) Sources used exclusively for chemical or physical analysis or determination of product quality and commercial acceptance (such as research facilities, pilot plant operations, and laboratories) unless:

(i) The operation of the source is an integral part of the production process; or

(ii) The emissions from the source exceed 363 kilograms (800 pounds) in any calendar month.

(3) Exceptions:

(a) On a case-by-case basis, DEQ may approve exceptions to the emission limits specified in section (5), upon documentation by the source that an alternative emission limit would satisfy the federal criteria for reasonably available control technology (RACT);

(b) Included in this documentation must be a complete analysis of technical and economic factors which:

(A) Prevent the source from using both compliance coatings and pollution control devices; and

(B) Justify the alternative emission limit sought by the source.

(c) The alternative emission limit approved by DEQ will be incorporated into the source's Air Contaminant Discharge Permit, or Title V operating permit, and will be effective upon approval by EPA as a source specific SIP revision.

(4) Applicability: This rule applies to each coating line, which includes the application area, flashoff area, air and forced air dryer, and oven used in the surface coating of the parts and products in subsections (5)(a) through (j).

(5) Process and Limitation: These emission limitations must be based on a daily average except subsection (5)(e) must be based on a monthly average. If more than one emission limitation in this rule applies to a specific coating, then the most stringent emission limitation must be applied:

(a) Can Coating:

(A) Sheet basecoat (exterior and interior) and over-varnish; two-piece can exterior (basecoat and over-varnish) 2.8 pounds/gallon;

(B) Two- and three-piece can interior and exterior body spray, two-piece can exterior end (spray or roll coat) 4.2 pounds/gallon;

(C) Three-piece can side-seam spray 5.5 pounds/gallon;

(D) End sealing compound 3.7 pounds/gallon;

(E) End Sealing Compound for fatty foods 3.7 pounds/gallon.

(b) Fabric Coating 2.9 pounds/gallon;

(c) Vinyl Coating 3.8 pounds/gallon;

(d) Paper Coating 2.9 pounds/gallon;

(e) Existing Coating of Paper and Film in the Medford-Ashland AQMA 55 pounds\*

[**NOTE:** \*55 pounds VOC per 1000 square yards of material per pass.]

(f) Auto and Light Duty Truck Coating:

(A) Prime 1.9 pounds/gallon;

(B) Topcoat 2.8 pounds/gallon;

(C) Repair 4.8 pounds/gallon;

(g) Metal Furniture Coating 3.0 pounds/gallon;

(h) Magnet Wire Coating 1.7 pounds/gallon;

(i) Large Appliance Coating 2.8 pounds/gallon;

(j) Miscellaneous Metal Parts and Products:

(A) Clear Coatings 4.3 pounds/gallon;

(B) Forced Air Dried or Air Dried 3.5 pounds/gallon;

(C) Extreme Performance Coatings 3.5 pounds/gallon;

(D) Other Coatings (i.e., Powder, oven dried) 3.0 pounds/gallon;

(E) High Performance Architectural Coatings 3.5 pounds/gallon.

(6) Compliance Determination: Compliance with this rule must be determined by testing in accordance with 40 CFR Part 60 EPA Method 18, 24, 25, a material balance method, or an equivalent plant specific method approved by and on file with DEQ. The limit in section (1) of VOC in the coating is based upon an assumed solvent density, and other assumptions unique to a coating line; where conditions differ, such as a different solvent density, a plant specific limit developed pursuant to the applicable Control Technology Guideline document may be submitted to DEQ for approval.

(7) Reduction Method: Compliance with the emission limits of sections (3) and (5) must be achieved by:

(a) The application of low solvent content coating technology;

(b) An incineration system which oxidizes at least 90.0 percent of the nonmethane volatile organic compounds entering the incinerator (VOC measured as total combustible carbon) to carbon dioxide and water; or

(c) An equivalent means of VOC removal. The equivalent means must be approved by DEQ and will be incorporated in the source's Air Contaminant Discharge Permit or Title V Permit, and will be effective upon approval by EPA as a source-specific SIP revision. Other alternative emission controls approved by DEQ and allowed by EPA may be used to provide an equivalent means of VOC removal.

(8) Recordkeeping Requirements:

(a) A current list of coatings must be maintained which provides all the coating data necessary to evaluate compliance, including the following information, where applicable:

(A) Coating catalyst and reducer used;

(B) Mix ratio of components used;

(C) VOC content of coating as applied; and

(D) Oven temperature.

(b) Where applicable, a monthly record must be maintained indicating the type and amount of solvent used for cleanup and surface preparation;

(c) Such records must be retained and available for inspection by DEQ for a period of five years.

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

Stat. Auth.: ORS 468.020 & ORS 468A.025
Stats. Implemented: ORS 468.020 & ORS 468A.025
Hist.: DEQ 21-1978, f. & ef. 12-28-78; DEQ 17-1979, f. & ef. 6-22-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; Section (5) Renumbered from 340-22-173; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0170

**340-232-0170**

**Aerospace Component Coating Operations**

(1) No owner or operator of an aerospace component coating facility may emit into the atmosphere volatile organic compounds in excess of the following limits, expressed as pounds VOC per gallon of coating applied, excluding water and exempt solvents, unless an alternative emission limit is approved by DEQ pursuant to section (4) or emissions to the atmosphere are controlled to an equivalent level pursuant to section (10):

(a) Primer -- 2.9 pounds/gallon;

(b) Interior Topcoat -- 2.8 pounds/gallon;

(c) Electric or Radiation Effect Coating -- 6.7 pounds/gallon;

(d) Extreme Performance Interior Topcoat -- 3.5 pounds/gallon;

(e) Fire Insulation Coating -- 5.0 pounds/gallon;

(f) Fuel Tank Coating -- 6.0 pounds/gallon;

(g) High Temperature Coating\* -- 6.0 pounds/gallon;

(h) Sealant -- 5.0 pounds/gallon;

(i) Self-Priming Topcoat -- 3.5 pounds/gallon;

(j) Topcoat -- 3.5 pounds/gallon;

(k) Pretreatment Wash Primer -- 3.5 pounds/gallon;

(l) Sealant Bonding Primer -- 6.0 pounds/gallon;

(m) Temporary Protective Coating -- 2.1 pounds/gallon;

\*(For conditions between 350° F. - 500° F.)

(2) Exemptions: This rule does not apply to the following:

(a) The exterior of fully assembled airplanes painted out of doors, high temperature coatings (for conditions over 500° F.), adhesive bonding primer, flight test coatings, and space vehicle coatings;

(b) Sources whose potential emit from activities identified in section (1) before add on controls of volatile organic compounds are less than ten tons per year (or 3 pounds VOC/hour or 15 pounds VOC/day actual);

(c) The use of separate coating formulations in volumes of less than 20 gallons per calendar year. No source may use more than a combined total of 250 gallons per calendar year of exempt coatings. Records of coating usage must be maintained as per section (8); or

(d) Sources used exclusively for chemical or physical analysis or determination of product quality and coating performance (such as research facilities and laboratories) unless:

(A) The operation of the source is an integral part of the production process; or

(B) The emissions from the source exceed 363 kilograms (800 pounds) in any calendar month.

(3) Exceptions:

(a) On a case-by-case basis, DEQ may approve exceptions to the emission limits specified in section (1), upon documentation by the source that an alternative emission limit would satisfy the federal criteria for reasonably available control technology (RACT);

(b) Included in this documentation must be a complete analysis of technical and economic factors which:

(A) Prevent the source from using both compliance coatings and pollution control devices; and

(B) Justify the alternative emission limit sought by the source.

(c) The alternative emission limit approved by DEQ will be incorporated into the source's Air Contaminant Discharge Permit and will be effective upon approval by EPA as a source-specific SIP revision.

(4) Applicability: This rule applies to each coating line, which includes the application area, flashoff area, air and forced air dryer, and oven used in the surface coating of aerospace components in subsections (1)(a) through (m) . If more than one emission limitation in this rule applies to a specific coating, then the most stringent emission limitation must be applied.

(5) Solvent Evaporation Minimization:

(a) Closed containers must be used for the storage or disposal of cloth or paper used for solvent surface preparation and cleanup;

(b) Fresh and spent solvent must be stored in closed containers;

(c) Organic compounds may not be used for the cleanup of spray equipment unless equipment is used to collect the cleaning compounds and to minimize their evaporation;

(d) Containers of coating, catalyst, thinner, or solvent may not be left open to the atmosphere when not in use.

(6) Stripper Limitations: No stripper may be used which contains more than 400 grams/liter (3.3 lbs./gal.) of VOC or which has a true vapor pressure of 1.3 kPa (0.19 psia) at actual usage temperature.

(7) Maskant for Chemical Processing Limitation: No maskant may be applied for chemical processing unless the VOC emissions from coating operations are reduced by 85 percent, or the coating contains less than 600 grams of VOC per liter (5.0 pounds/gallon) of coating excluding water, as applied.

(8) Compliance determination: Compliance with this rule must be determined by testing in accordance with 40 CFR, Part 60, Appendix A, Method 24 for determining the VOC content of the coating materials. Emissions from the coating processes and/or VOC emissions control efficiencies must be determined by testing in accordance with 40 CFR, Part 60, Appendix A, Method 18, 25, California Method ST-7, a material balance method, or an equivalent plant specific method approved by EPA and DEQ and on file with DEQ. The limit in section (1) of VOC in the coating is based upon an assumed solvent density, and other assumptions unique to a coating line; where conditions differ, such as a different solvent density, a plant specific limit may be submitted to DEQ and EPA for approval.

(9) Reduction Method: The emission limits of section (1) must be achieved by:

(a) The application of a low solvent content coating technology;

(b) A vapor collection and disposal system; or

(c) An equivalent means of VOC removal. The equivalent means must be approved by DEQ and will be incorporated in the source's Air Contaminant Discharge Permit or Title V Operating Permit, and will be effective upon approval by EPA as a source-specific SIP revision. Other alternative emission controls approved by DEQ and allowed by EPA may be used to provide an equivalent means of VOC removal.

(10) Recordkeeping Requirements:

(a) A current list of coatings must be maintained which provides all of the coating data necessary to evaluate compliance, including the following information, where applicable:

(A) A daily record indicating the mix ratio of components used; and

(B) The VOC content of the coating as applied.

(b) A monthly record must be maintained indicating the type and amount of solvent used for cleanup and surface preparation;

(c) A monthly record must be maintained indicating the amount of stripper used;

(d) Such records must be retained and available for inspection by DEQ for a period of five years.

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

Stat. Auth.: ORS 468.020 & ORS 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0175

**340-232-0180**

**Degreasers**

Cold cleaners, open top vapor degreasers, and conveyorized degreasers are exempt from this rule if they use fluids which are not photochemically reactive. These fluids are defined in the definition of Volatile Organic Compound (VOC) under OAR 340-200-0020.

(1) The owner or operator of dip tank cold cleaners must comply with the equipment specifications in this section:

(a) Be equipped with a cover that is readily opened and closed. This is required of all cold cleaners, whether a dip tank or not;

(b) Be equipped with a drain rack, suspension basket, or suspension hoist that returns the drained solvent to the solvent bath;

(c) Have a freeboard ratio of at least 0.5;

(d) Have a visible fill line.

(2) An owner or operator of a cold cleaner must follow the required operating parameters and work practices. The owner must post and maintain in the work area of each cold cleaner a pictograph or instructions clearly explaining the work practices in this section:

(a) The solvent level may not be above the fill line;

(b) The spraying of parts to be cleaned must be performed only within the confines of the cold cleaner;

(c) The cover of the cold cleaner must be closed when not in use or when parts are being soaked or cleaned by solvent agitation;

(d) Solvent-cleaned parts must be rotated to drain cavities or blind holes and then set to drain until dripping has stopped;

(e) Waste solvent must be stored in covered containers and returned to the supplier or a disposal firm handling solvents for final disposal, such that no greater than 20 percent of the waste by weight can evaporate into the atmosphere. Handling of the waste must also be done in accordance with DEQ's solid and Hazardous Waste Rules, OAR 340 division 100.

(3) The owner or operator must maintain cold cleaners in good working condition and free of solvent leaks.

(4) If the solvent has a volatility greater than 2.0 kPa (0.3 psi) measured at 38° C. (100° F.), or if the solvent is agitated or heated, then the cover must be designed so that it can be easily operated with one hand or foot.

(5) If the solvent has a volatility greater than 4.3 kPa (0.6 psi) measured at 38° C. (100° F.), then the drainage facility must be internal, so that parts are enclosed under the cover while draining. The drainage facility may be external for applications where an internal type cannot fit into the cleaning system.

(6) If the solvent has a volatility greater than 4.3 kPa (0.6 psi) measured at 38° C. (100° F.), or if the solvent is heated above 50° C. (120° F.), then one of the following solvent vapor control systems must be used:

(a) The freeboard ratio must be equal to or greater than 0.70; or

(b) Water must be kept over the solvent, which must be insoluble in and heavier than water; or

(c) Other systems of equivalent control, such as a refrigerated chiller.

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

Stat. Auth.: ORS 468.020 & ORS 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 21-1978, f. & ef. 12-28-78; DEQ 17-1979, f. & ef. 6-22-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0180

**340-232-0190**

**Open Top Vapor Degreasers**

(1) The owner or operator of all open top vapor degreasers must comply with the following equipment specifications:

(a) Be equipped with a cover that may be readily opened and closed. When a degreaser is equipped with a lip exhaust, the cover must be located below the lip exhaust. The cover must move horizontally or slowly so as not to agitate and spill the solvent vapor. The degreaser must be equipped with at least the following three safety switches:

(A) Condenser flow switch and thermostat to shut off sump heat if coolant is either not circulating or too warm;

(B) Spray safety switch to shut off spray pump or conveyor if the vapor level drops excessively, (e.g., greater than 10 cm (4 inches));

(C) Vapor level control thermostat to shut off sump heat when vapor level rises too high.

(b)(A) A closed design such that the cover opens only when the part enters or exits the degreaser and when the degreaser starts up, forming a vapor layer, the cover may be opened to release the displaced air, and either;

(B) A freeboard ratio equal to or greater than 0.75; or

(C) A freeboard, refrigerated or cold water, chiller.

(c) Post a permanent and conspicuous pictograph or instructions clearly explaining the following work practices:

(A) Do not degrease porous or absorbent materials such as cloth, leather, wood or rope;

(B) The cover of the degreaser should be closed at all times except when processing workloads;

(C) When the cover is open the lip of the degreaser should not be exposed to steady drafts greater than 15.3 meters per minute (50 feet/minute);

(D) Rack parts so as to facilitate solvent drainage from the parts;

(E) Workloads should not occupy more than one-half of the vapor-air interface area;

(F) When using a powered hoist, the vertical speed of parts in and out of the vapor zone should be less than 3.35 meters per minute (11 feet/minute);

(G) Degrease the workload in the vapor zone until condensation ceases;

(H) Spraying operations should be done within the vapor layer;

(I) Hold parts in the degreaser until visually dry;

(J) When equipped with a lip exhaust, the fan should be turned off when the cover is closed;

(K) The condenser water must be turned on before the sump heater when starting up a cold vapor degreaser. The sump heater must be turned off and the solvent vapor layer allowed to collapse before closing the condenser water when shutting down a hot vapor degreaser;

(L) Water may not be visible in the solvent stream from the water separator.

(2) A routine inspection and maintenance program must be implemented for the purpose of preventing and correcting solvent losses, as for example, from dripping drain taps, cracked gaskets, and malfunctioning equipment. Leaks must be repaired immediately.

(3) Sump drainage and transfer of hot or warm solvent must be carried out using threaded or other leakproof couplings.

(4) Still and sump bottoms must be kept in closed containers.

(5) Waste solvent must be stored in covered containers and returned to the supplier or a disposal firm handling solvents for final disposal, such that no greater than 20 percent of the waste (by weight) can evaporate into the atmosphere. Handling of the waste must also be done in accordance with DEQ's Solid and Hazardous Waste Rules, OAR 340 division 100.

(6) Exhaust ventilation may not exceed 20 cubic meters/minute per square meter (65 cubic feet per minute per square foot) of degreaser open area, unless necessary to meet OSHA requirements. Ventilation fans may not be used near the degreaser opening.

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

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 21-1978, f. & ef. 12-28-78; DEQ 17-1979, f. & ef. 6-22-79: DEQ 23-1980, f. & ef. 9-26-80; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0183

**340-232-0200**

**Conveyorized Degreasers**

(1) The owner or operator of conveyorized cold cleaners and conveyorized vapor degreasers must comply with the following operating requirements:

(a) Exhaust ventilation should not exceed 20 cubic meters per minute per square meter (65 cubic feet per minute per square foot) of degreaser opening, unless necessary to meet OSHA requirements. Workplace fans should not be used near the degreaser opening;

(b) Post in the immediate work area a permanent and conspicuous pictograph or instructions clearly explaining the following work practices:

(A) Rack parts for best drainage;

(B) Maintain vertical speed of conveyored parts to less than 3.35 meters per minute (11 feet/minute);

(C) The condenser water must be turned on before the sump heater when starting up a cold vapor degreaser. The sump heater must be turned off and the solvent vapor layer allowed to collapse before closing the condenser water when shutting down a hot vapor degreaser.

(2) A routine inspection and maintenance program must be implemented for the purpose of preventing and correcting solvent losses, as for example, from dripping drain taps, cracked gaskets, and malfunctioning equipment. Leaks must be repaired immediately.

(3) Sump drainage and transfer of hot or warm solvent must be carried out using threaded or other leakproof couplings.

(4) Still and sump bottoms must be kept in closed containers.

(5) Waste solvent must be stored in covered containers and returned to the supplier or a disposal firm handling solvents for final disposal, such that no greater than 20 percent of the waste (by weight) can evaporate into the atmosphere. Handling of the waste must also be done in accordance with DEQ's Solid and Hazardous Waste Rules, OAR 340 division 100.

(6) All conveyorized cold cleaners and conveyorized vapor degreasers with air/vapor interfaces of 2.0 m2 or greater must have one of the following major control devices installed and operating:

(a) Carbon adsorption system, exhausting less than 25 ppm of solvent averaged over a complete adsorption cycle, based on exhaust ventilation of 15 m3/minutes per m2 of air/vapor area, when down-time covers are open; or

(b) Refrigerated chiller with control effectiveness equal to or better than subsection (a); or

(c) A system with control effectiveness equal to or better than subsection (a).

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

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 21-1978, f. & ef. 12-28-78; DEQ 17-1979, f. & ef. 6-22-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0186

**340-232-0220**

**Flat Wood Coating**

(1) This rule applies to all flat wood manufacturing and surface finishing facilities, that manufacture the following products:

(a) Printed interior panels made of hardwood plywood and thin particleboard;

(b) Natural finish hardwood plywood panels; or

(c) Hardboard paneling with Class II finishes.

(2) This rule does not apply to the manufacture of exterior siding, tileboard, particleboard used as a furniture component, or paper or plastic laminates on wood or wood-derived substrates.

(3) No owner or operator of a flat wood manufacturing facility subject to this rule may emit volatile organic compounds from a coating application system in excess of:

(a) 2.9 kilograms per 100 square meters of coated finished product (6.0 pounds/1,000 square feet) from printed interior panels, regardless of the number of coats applied;

(b) 5.8 kilograms per 100 square meters of coated finished product (12.0 pounds/1,000 square feet) from natural finish hardwood plywood panels, regardless of the number of coats applied; and

(c) 4.8 kilograms per 100 square meters of coated finished product (10.0 pounds/1,000 square feet) from Class II finishes on hardboard panels, regardless of the number of coats applied.

(4) The emission limits in section (3) must be achieved by:

(a) The application of low solvent content coating technology; or

(b) An incineration system which oxidizes at least 90.0 percent of the nonmethane volatile organic compounds entering the incinerator (VOC measured as total combustible carbon) to carbon dioxide and water; or

(c) An equivalent means of VOC removal. The equivalent means must be approved in writing by DEQ. The time period used to determine equivalency may not exceed 24 hours.

(5) A capture system must be used in conjunction with the control devices in subsections (4)(b) and (c). The design and operation of a capture system must be consistent with good engineering practice and must provide for an overall emission reduction sufficient to meet the emission limitations in section (3).

(6) Compliance Demonstration:

(a) The owner or operator of a volatile organic compound source required to comply with this rule must demonstrate compliance by the methods of subsection (c), or an alternative method approved by DEQ;

(b) A person proposing to conduct a volatile organic compound emissions test must notify DEQ of the intent to test not less than 30 days before the proposed initiation of the tests so DEQ may observe the test;

(c) Test procedures in 40 CFR, Part 60, EPA Method 18, 24, or 25 must be used to determine compliance with section (3);

(d) DEQ may accept, instead of the coating analysis required by paragraph (c)(A), a certification by the coating manufacturer of the composition of the coating, if supported by actual batch formulation records. In the event of any inconsistency between a Method 18, 24, or 25 test and a facility's formulation data, the Method 18, 24, or 25 test will govern;

(e) If an add-on control device is used, continuous monitors of the following parameters must be installed, periodically calibrated, and operated at all times that the associated control device is operating:

(A) Exhaust gas temperature of all incinerators;

(B) Temperature rise across a catalytic incinerator bed; and

(C) Breakthrough of VOC on a carbon absorption unit.

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

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 23-1980, f. & ef. 9-26-80; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0200

**340-232-0230**

**Rotogravure and Flexographic Printing**

(1) No owner or operator of a packaging rotogravure, publication rotogravure, flexographic or specialty printing facility, with the potential to emit before add on controls greater than 100 tons/year, employing ink containing solvent may operate, cause, allow or permit the operation of the press unless:

(a) The volatile fraction of ink, as it is applied to the substrate contains 25.0 percent by volume or less of organic solvent and 75 percent by volume or more of water; (b) The ink as it is applied to the substrate, less water, contains 60.0 percent by volume or more nonvolatile material; or

(c) The owner or operator installs and operates:

(A) A carbon absorption system which reduces the volatile organic emissions from the capture system by at least 90.0 percent by weight;

(B) An incineration system which oxidizes at least 90.0 percent of the nonmethane volatile organic compounds (VOC measured as total combustible carbon) to carbon dioxide and water; or

(C) An alternative volatile organic compound pollution control device demonstrated to have at least a 90.0 percent removal efficiency, measured across the air pollution control device, that has been approved by DEQ.

(2) A capture system must be used in conjunction with the air pollution control devices in subsection (1)(c). The design and operation of a capture system must be consistent with good engineering practice, and must provide for a control efficiency in volatile organic compound emissions of at least:

(a) 75.0 percent where a publication rotogravure process is employed;

(b) 65.0 percent where a packaging rotogravure process is employed; or

(c) 60.0 percent where a flexographic printing process is employed.

(3) Compliance Demonstration:

(a) Upon request of DEQ, the owner or operator of a volatile organic compound source must demonstrate compliance by the methods of this section or an alternative method approved by DEQ. All tests must be made by, or under the direction of, a person qualified by training and/or experience in the field of air pollution testing.

(b) A person proposing to conduct a volatile organic compound emissions test must notify DEQ of the intent to test not less than 30 days before the proposed initiation of the tests so DEQ may observe the test. The notification must contain the information required by, and be in a format approved by, DEQ.

(c) Test procedures to determine compliance with this rule must be approved by DEQ and consistent with:

(A) EPA test Method 18, 24, or 25, 40 CFR, Part 60; or California Method ST-7; or

(B) DEQ may accept, instead of ink-solvent analysis, a certification by the ink manufacturer of the composition of the ink-solvent, if supported by actual batch formulation records. In the event of any inconsistency between an EPA Method test and a facility's formulation data, the EPA Method test will govern.

(d) If an add-on control device is used, continuous monitors of the following parameters must be installed, periodically calibrated, and operated at all times that the associated control device is operating:

(A) Exhaust gas temperature of all incinerators;

(B) Breakthrough of VOC on a carbon adsorption unit; and

(C) Temperature rise across a catalytic incinerator bed.

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

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 23-1980, f. & ef. 9-26-80; DEQ 3-1986, f. & ef. 2-12-86; DEQ 8-1991, f. & cert. ef. 5-16-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0210

**DIVISION 234**

**EMISSION STANDARDS FOR WOOD PRODUCTS
INDUSTRIES**

[

**340-234-0010**

**Definitions**

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

(1) "Baseline emissions rate" means a source's actual emissions rate during the baseline period, as defined in OAR 340-200-0020, expressed as pounds of emissions per thousand square feet of finished product, on a 1/8" basis.

(2) "BLS" means black liquor solids, dry weight.

(3) "Continuous monitoring" means instrumental sampling of a gas stream on a continuous basis, excluding periods of calibration.

(4) "Daily arithmetic average" means the average concentration over the twenty-four hour period in a calendar day, as determined by continuous monitoring equipment or reference method testing. Determinations based on EPA reference methods using the DEQ Source Sampling Manual consist of three separate consecutive runs having a minimum sampling time of sixty minutes each and a maximum sampling time of eight hours each. The three values for concentration (ppm or grains/dscf) are averaged and expressed as the daily arithmetic average which is used to determine compliance with process weight limitations, grain loading or volumetric concentration limitations and to determine daily emission rate.

(5) "Dry standard cubic meter" means the amount of gas that would occupy a volume of one cubic meter, if the gas were free of uncombined water, at a temperature of 20° C. (68° F.) and a pressure of 760 mm of mercury (29.92 inches of mercury). The corresponding English unit is dry standard cubic foot.

(6) "Kraft mill" or "mill" means any industrial operation which uses for a cooking liquor an alkaline sulfide solution containing sodium hydroxide and sodium sulfide in its pulping process.

(7) "Lime kiln" means any production device in which calcium carbonate is thermally converted to calcium oxide.

(8) "Non-condensables" mean gases and vapors, contaminated with TRS compounds, from the digestion and multiple-effect evaporation processes of a mill.

(9) "Operations" includes plant, mill, or facility.

10) "Other sources"as used in OAR 340-234-0200 through 340-234-0270 means sources of TRS emissions in a kraft mill other than recovery furnaces, lime kilns, smelt dissolving tanks, sewers, drains, categorically insignificant activities and wastewater treatment facilities including but not limited to:

(a) Vents from knotters, brown stock washing systems, evaporators, blow tanks, blow heat accumulators, black liquor storage tanks, black liquor oxidation system, pre-steaming vessels, tall oil recovery operations; and

(b) Any vent which is shown to contribute to an identified nuisance condition.

11) "Production" As used in OAR 340-234-0200 through 340-234-0270 means the daily amount of air-dried unbleached pulp, or equivalent, produced during the 24-hour period each calendar day, or DEQ approved equivalent period, and expressed in air-dried metric tons (admt) per day. The corresponding English unit is air-dried tons (adt) per day;

(12) "Recovery furnace" means the combustion device in which dissolved wood solids are incinerated and pulping chemicals recovered from the molten smelt. For OAR 340-234-0200 through 340-234-0270, and where present, this term includes the direct contact evaporator.

(13) "Recovery system" means the process by which all or part of the cooking chemicals may be recovered, and cooking liquor regenerated from spent cooking liquor, including evaporation, combustion, dissolving, fortification, and storage facilities associated with the recovery cycle.

(14) "Smelt dissolving tank vent" means the vent serving the vessel used to dissolve the molten smelt produced by the recovery furnace.

(15) "Special problem area" means the formally designated Portland, Eugene-Springfield, and Medford AQMAs and other specifically defined areas that the EQC may formally designate in the future. The purpose of such designation will be to assign more stringent emission limits as may be necessary to attain and maintain ambient air standards or to protect the public health or welfare.

(16) "Tempering oven" means any facility used to bake hardboard following an oil treatment process.

(17) "Wigwam waste burner" means a burner which consists of a single combustion chamber, has the general features of a truncated cone, and is used for incineration of wastes.

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

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468A.025
Hist.: [DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93]; [DEQ 50, f. 2-9-73, ef. 3-1-73; DEQ 137, f. & ef. 6-10-77; DEQ 2-1990, f. & cert. ef. 1-24-90; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 22-1995, f. & cert. ef. 10-6-95]; [DEQ 2-1990, f. & cert. ef. 1-24-90; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 22-1995, f. & cert. ef. 10-6-95]; [DEQ 26, f. 3-31-71, ef. 4-25-71; DEQ 132, f. & ef. 4-11-77; DEQ 7-1979, f. & ef. 4-20-79; DEQ 22-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 4-1995, f. & cert. ef. 2-17-95]; [DEQ 32, f. 11-23-71, ef. 12-15-71; DEQ 15-1980, f. & ef. 5-23-80; DEQ 4-1993, f. & cert. ef. 3-10-93]; [DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93]; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0005, 340-025-0150, 340-025-0220, 340-025-0305, 340-025-0350, 340-025-0410; DEQ 8-2007, f. & cert. ef. 11-8-07

**Wigwam Waste Burners**

**340-234-0100**

**Wigwam Waste Burners**

(1) Operation of wigwam waste burners is prohibited.

(2) Emissions from wigwam waste burners included in a source's netting basis as of October 18, 2007 shall not be subtracted from the netting basis, except as provided in OAR 340-222-0046.

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

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0010; DEQ 8-2007, f. & cert. ef. 11-8-07

**Kraft Pulp Mills**

**340-234-0200**

**Statement of Policy and Applicability**

(1) Policy. Recent technological developments have enhanced the degree of malodorous emission control possible for the kraft pulping process. While recognizing that complete malodorous and particulate emission control is not presently possible, consistent with the meteorological and geographical conditions in Oregon, it is hereby declared to be the policy of DEQ to:

(a) Require, in accordance with a specific program and time table for all sources at each operating mill, the highest and best practicable treatment and control of atmospheric emissions from kraft mills through the utilization of technically feasible equipment, devices, and procedures. Consideration will be given to the economic life of equipment, which when installed, complied with the highest and best practicable treatment requirement.

(b) Require degrees and methods of treatment for major and minor emission points that will minimize emissions of odorous gases and eliminate ambient odor nuisances.

(c) Require effective monitoring and reporting of emissions and reporting of other data pertinent to air quality or emissions. DEQ will use these data in conjunction with ambient air data and observation of conditions in the surrounding area to develop and revise emission and ambient air standards, and to determine compliance therewith.

(d) Encourage and assist the kraft pulping industry to conduct a research and technological development program designed to progressively reduce kraft mill emissions, in accordance with a definite program, including specified objectives and time schedules.

(2) Applicability. OAR 340-234-0200 through 340-234-0270 apply to existing and new kraft pulp mills.

[**NOTE**: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040 with the exception of references to Total Reduced Sulfur.]

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 50, f. 2-9-73, ef. 3-1-73; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0155

**340-234-0210**

**Emission Limitations**

(1) Emission of Total Reduced Sulfur (TRS):

(a) Recovery Furnaces:

(A) The emissions of TRS from each recovery furnace placed in operation before January 1, 1969, may not exceed 10 ppm and 0.15 Kg/metric ton (0.30 pound/ton) of production as daily arithmetic averages;

(B) TRS emissions from each recovery furnace placed in operation after January 1, 1969, and before September 25, 1976, or any recovery furnace modified significantly after January 1, 1969, and before September 25, 1976, to expand production must be controlled such that the emissions of TRS may not exceed 5 ppm and 0.075 Kg/metric ton (0.150 pound/ton) of production as daily arithmetic averages.

(b) Lime Kilns. Lime kilns must be operated and controlled such that emissions of TRS do not exceed 20 ppm as a daily arithmetic average and 0.05 Kg/metric ton (0.10 pound/ton) of production as a daily arithmetic average. This subsection applies to those sources where construction was initiated prior to September 25, 1976.

(c) Smelt Dissolving Tanks. TRS emissions from each smelt dissolving tank may not exceed 0.0165 gram/Kg BLS (0.033 pound/ton BLS) as a daily arithmetic average.

(d) Non-Condensables. Non-condensables from digesters, multiple-effect evaporators and contaminated condensate stripping must be continuously treated to destroy TRS gases by thermal incineration in a lime kiln or incineration device capable of subjecting the non-condensables to a temperature of not less than 650° C. (1,200° F.) for not less than 0.3 second. An alternate device meeting the above requirements must be available in the event adequate incineration in the primary device cannot be accomplished. Venting of TRS gases during changeover must be minimized but in no case may the time exceed one-hour.

(e) Other Sources:

(A) The total emission of TRS from other sources may not exceed 0.078 Kg/metric ton (0.156 pound/ton) of production as a daily arithmetic average;

(B) Miscellaneous Sources and Practices. If DEQ determines that sewers, drains, and anaerobic lagoons significantly contribute to an odor problem, a program for control will be required.

(2) Particulate Matter:

(a) Recovery Furnaces. The emissions of particulate matter from each recovery furnace stack may not exceed:

(A) 2.0 kilograms per metric ton (4.0 pounds per ton) of production as a daily arithmetic average;

(B) 0.30 gram per dry standard cubic meter (0.13 grain per dry standard cubic foot) as a daily arithmetic average; and

(C) Thirty-five percent opacity for a period or periods aggregating more than 30 minutes in any 180 consecutive minutes or more than 60 minutes in any 24 consecutive hours (excluding periods when the facility is not operating).

(b) Lime Kilns. The emissions of particulate matter from each lime kiln stack may not exceed:

(A) 0.50 kilogram per metric ton (1.00 pound per ton) of production as a daily arithmetic average;

(B) 0.46 gram per dry standard cubic meter (0.20 grain per dry standard cubic foot) as a daily arithmetic average; and

(C) The visible emission limitations in section (4).

(c) Smelt Dissolving Tanks. The emission of particulate matter from each smelt dissolving tank vent may not exceed:

(A) A daily arithmetic average of 0.25 kilogram per metric ton (0.50 pound per ton) of production; and

(B) The visible emission limitations in section (4).

(d) Replacement of or modification or a rebuild of an existing particulate pollution control device for which a capital expenditure of 50 percent or more of the replacement cost of the existing device is required, other than ongoing routine maintenance, after July 1, 1988 will result in more restrictive standards as follows:

(A) Recovery Furnaces:

(i) The emission of particulate matter from each affected recovery furnace stack may not exceed 1.00 kilogram per metric ton (2.00 pounds per ton) of production as a daily arithmetic average; and

(ii) 0.10 gram per dry standard cubic meter (0.044 grain per dry standard cubic foot) as a daily arithmetic average.

(B) Lime Kilns:

(i) The emission of particulate matter from each affected lime kiln stack may not exceed 0.25 kilogram per metric ton (0.50 pound per ton) of production as a daily arithmetic average; and

(ii) 0.15 gram per dry standard cubic meter (0.067 grain per dry standard cubic foot) as a daily arithmetic average when burning gaseous fossil fuel; or

(iii) 0.50 kilogram per metric ton (1.00 pound per ton) of production as a daily arithmetic average; and

(iv) 0.30 gram per dry standard cubic meter 0.13 grain per dry standard cubic foot) as a daily arithmetic average when burning liquid fossil fuel.

(C) Smelt Dissolving Tanks. The emissions of particulate matter from each smelt dissolving tank vent may not exceed 0.15 kilogram per metric ton (0.30 pound per ton) of production as a daily arithmetic average.

(3) Sulfur Dioxide (SO2). Emissions of sulfur dioxide from each recovery furnace stack may not exceed a three-hour arithmetic average of 300 ppm on a dry-gas basis except when burning fuel oil. The sulfur content of fuel oil used must not exceed the sulfur content of residual and distillate oil established in OAR 340-228-0100 and 340-228-0110, respectively.

(4) Emissions from each kraft mill source, with the exception of the mill’s emissions attributable to a recovery furnace, may not equal or exceed 20 percent opacity as a six minute average.

(5) New Source Performance Standards. New or modified sources that commenced construction after September 24, 1976, are subject to each provision of this rule and the New Source Performance Standards, 40 CFR 60 subpart BB as adopted under OAR 340-238-0060, whichever is more stringent.

**NOTE:** Except for OAR 340-234-0210(1), this rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 50, f. 2-9-73, ef. 3-1-73; DEQ 137, f. & ef. 6-10-77; DEQ 2-1990, f. & cert. ef. 1-24-90; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0165; DEQ 8-2007, f. & cert. ef. 11-8-07

**340-234-0220**

**More Restrictive Emission Limits**

The DEQ may establish more restrictive emission limits than the numerical emission standards contained in OAR 340-234-0210 and maximum allowable daily mill site emission limits in kilograms or pounds per day for an individual mill upon a finding by DEQ that:

(1) The individual mill is located or is proposed to be located in a special problem area or an area where ambient air standards are exceeded or are projected to be exceeded or where the emissions will have a significant air quality impact in an area where the standards are exceeded; or

(2) An odor or nuisance problem has been documented at any mill, in which case the TRS emission limits may be reduced below the regulatory limits; or DEQ may require the mill to undertake an odor emission reduction study program; or

(3) Other rules which are more stringent apply.

**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040 with the exception of references to Total Reduced Sulfur.

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 50, f. 2-9-73, ef. 3-1-73; DEQ 137, f. & ef. 6-10-77; DEQ 2-1990, f. & cert. ef. 1-24-90; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0170; DEQ 8-2007, f. & cert. ef. 11-8-07

**340-234-0240**

**Monitoring**

(1) Total Reduced Sulfur (TRS). Each mill must continuously monitor TRS using the following:

(a) The monitoring equipment must determine compliance with the emission limits and reporting requirements established by OAR 340-234-0200 through 340-234-0270, and must continuously sample and record concentrations of TRS;

(b) The sources monitored must include, but are not limited to individual recovery furnaces, and lime kilns. All sources must be monitored down-stream of their respective control devices, in either the ductwork or the stack, using the DEQ Continuous Monitoring Manual;

(c) Unless otherwise authorized or required by permit, at least once per year, vents from other sources as required in OAR 340-234-0210(1)(e), other sources, must be sampled to demonstrate the representativeness of the emission of TRS using EPA Method 16, 16A, 16B or continuous emission monitors. Such samples must consist of three separate consecutive runs of one-hour each using the DEQ Source Sampling Manual. Continuous emissions monitors must be operated for three consecutive hours using the DEQ Continuous Monitoring Manual. All results must be reported to DEQ;

(d) Smelt dissolving tank vents must be sampled for TRS quarterly except that testing may be semi-annual when the preceding six source tests were less than 0.0124 gram/Kg BLS (0.025 pound/ton BLS) using EPA Method 16, 16A, 16B or continuous emission monitors. Such samples must consist of three separate consecutive runs of one-hour each using the DEQ Source Sampling Manual.

(2) Particulate Matter:

(a) Each mill must sample the recovery furnace, lime kiln and smelt dissolving tank vent for particulate emissions as measured by EPA Method 5 or 17 using the DEQ Source Sampling Manual. Particulate matter emission determinations by EPA Method 5 must use water as the cleanup solvent instead of acetone, and consist of the average of three separate consecutive runs having a minimum sampling time of 60 minutes each, a maximum sampling time of eight hours each, and a minimum sampling volume of 31.8 dscf each.

(A) When applied to recovery furnace gases "dry standard cubic meter" requires adjustment of the gas volume to that which would result in a concentration of 8% oxygen if the oxygen concentration exceeds 8%.

(B) When applied to lime kiln gases "dry standard cubic meter" requires adjustment of the gas volume to that which would result in a concentration of 10% oxygen if the oxygen concentration exceeds 10%.

(C) The mill must demonstrate that oxygen concentrations are below the values in (A) and (B) above or furnish oxygen levels and corrected data.

(b) Each mill must provide continuous monitoring of opacity of emissions discharged to the atmosphere from each recovery furnace stack using the DEQ Continuous Monitoring Manual.

(c) Recovery furnace particulate source tests must be performed quarterly except that testing may be semi-annual when the preceding six source tests were less than 0.225 gram/dscm (0.097 grain/dscf) for furnaces subject to OAR 340-234-0210(2)(a) or 0.075 gram/dscm (0.033 grain/dscf) for furnaces subject to OAR 340-234-0210(2)(d)(A);

(d) Lime kiln source tests must be performed semi-annually;

(e) Smelt dissolving tank vent source tests must be performed quarterly except that testing may be semi-annual when the preceding six source tests were less than 0.187 kilogram per metric ton (0.375 pound per ton) of production.

(3) Sulfur Dioxide (SO2). Representative sulfur dioxide emissions from each recovery furnace must be determined at least once each month by the average of three one-hour source tests using the DEQ Source Sampling Manual or from continuous emission monitors. If continuous emission monitors are used, the monitors must be operated for three consecutive hours using the DEQ Continuous Monitoring Manual.

(4) Combined Monitoring. DEQ may allow the monitoring for opacity of a combination of more than one emission stream if each individual emission stream has been demonstrated with the exception of opacity to be in compliance with all the emission limits of OAR 340-234-0210. DEQ may establish more stringent emission limits for the combined emission stream.

(5) New Source Performance Standards Monitoring. New or modified sources that are subject to the New Source Performance Standards, 40 CFR Part 60, Subpart BB, must conduct monitoring or source testing as required by Subpart BB. In addition, when these rules are more stringent than Subpart BB, DEQ may require some or all of the relevant monitoring in this section.

**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040 with the exception of references to Total Reduced Sulfur.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 50, f. 2-9-73, ef. 3-1-73; DEQ 137, f. & ef. 6-10-77; DEQ 2-1990, f. & cert. ef. 1-24-90; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0180; DEQ 8-2007, f. & cert. ef. 11-8-07

**340-234-0250**

**Reporting**

If required by DEQ or by permit, each mill must report data for each calendar month by the last day of the subsequent calendar month as follows:

(1) Applicable daily average emissions of TRS gases expressed in parts per million of H2S on a dry gas basis with oxygen concentrations, if oxygen corrections are required, for each source included in the approved monitoring program.

(2) Daily average emissions of TRS gases in pounds of total reduced sulfur per equivalent ton of pulp processed, expressed as H2S, for each source included in the approved monitoring program.

(3) Maximum daily three-hour average emission of SO2 based on all samples collected from the recovery furnace, expressed as ppm, dry basis.

(4) All daily average opacities for each recovery furnace stack where transmissometers are utilized.

(5) All six-minute average opacities from each recovery furnace stack that exceeds 35 percent.

(6) Daily average kilograms of particulate per equivalent metric ton (pounds of particulate per equivalent ton) of pulp produced for each recovery furnace stack.

(7) Unless otherwise approved in writing, all periods of non-condensable gas bypass must be reported.

(8) Each kraft mill must furnish, upon request of DEQ, such other pertinent data as DEQ may require to evaluate the mill's emission control program.

(9) Monitoring data reported must reflect actual observed levels corrected for oxygen, if required, and analyzer calibration.

(10) Oxygen concentrations used to correct regulated pollutant data must reflect oxygen concentrations at the point of measurement of regulated pollutants.

**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040 with the exception of references to Total Reduced Sulfur.

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 50, f. 2-9-73, ef. 3-1-73; DEQ 132, f. & ef. 6-10-77; DEQ 2-1990, f. & cert. ef. 1-24-90; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0185; DEQ 8-2007, f. & cert. ef. 11-8-07

**340-234-0270**

**Chronic Upset Conditions**

If DEQ determines that an upset condition is chronic and correctable by installing new or modified process or control procedures or equipment, the owner or operator must submit to DEQ a program and schedule to effectively eliminate the deficiencies causing the upset conditions. Such reoccurring upset conditions causing emissions in excess of applicable limits may be subject to civil penalty or other appropriate action.

[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040 with the exception of references to Total Reduced Sulfur.]

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 50, f. 2-9-73, ef. 3-1-73; DEQ 2-1990, f. & cert. ef. 1-24-90; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0205

**Neutral Sulfite Semi-Chemical (NSSC) Pulp Mills**

**340-234-0300**

**340-234-0310**

**340-234-0320**

**340-234-0330**

**340-234-0340**

**340-234-0350**

**340-234-0360**

**Sulfite Pulp Mills**

**340-234-0400**

**340-234-0410**

**340-234-0420**

**340-234-0430**

**Board Products Industries (Veneer, Plywood, Particleboard, Hardboard**

**340-234-0500**

**Applicability and General Provisions**

(1) OAR 340-234-0500 through 340-234-0530 establish minimum performance and emission standards for veneer, plywood, particleboard, and hardboard manufacturing operations.

(2) Emission limitations established herein are in addition to, and not in lieu of, general emission standards for visible emissions, fuel burning equipment, and refuse burning equipment, except as provided for in OAR 340-234-0510.

(3) Each affected veneer, plywood, particleboard, and hardboard plant must proceed with a progressive and timely program of air pollution control. Each plant must, at the request of DEQ, submit periodic reports in such form and frequency as directed to demonstrate the progress being made toward full compliance with OAR 340-234-0500 through 340-234-0530.

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

Stat. Auth.: ORS 468 & 468A

Stats. Implemented: ORS 468A.025

Hist.: DEQ 26, f. 3-31-71, ef. 4-25-71; DEQ 132, f. & ef. 4-11-77; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 17-1993, f. & cert. ef. 11-4-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0500; DEQ 8-2007, f. & cert. ef. 11-8-07

**340-234-0510**

**Veneer and Plywood Manufacturing Operations**

(1) Veneer Dryers:

(a) Consistent with OAR 340-234-0500(1) through (3), it is the object of this section to control air contaminant emissions, including, but not limited to, condensable hydrocarbons such that visible emissions from each veneer dryer are limited to a level which does not cause a characteristic "blue haze" to be observable;

(b) No person may operate any veneer dryer such that visible air contaminants emitted from any dryer stack or emission point exceed:

(A) An average operating opacity of 10 percenton at least three days within any 12-month period which are separated from each other by at least 30 days, as determined using EPA Method 9; or

(B) A maximum opacity of 20 percent at any time, as measured using EPA Method 9.

(c) Particulate emissions from wood fired veneer dryers may not exceed:

(A) 0.75 pounds per 1,000 square feet of veneer dried (3/8 inch basis) for units using fuel which has a moisture content equal to or less than 20 percent by weight on a wet basis as measured by ASTM D4442-84;

(B) 1.50 pounds per 1,000 square feet of veneer dried (3/8 inch basis) for units using fuel which has a moisture content greater than 20 percent by weight on a wet basis as measured by ASTM D4442-84; or

(C) , 0.40 pounds per 1,000 pounds of steam generated in boilers which exhaust gases to the veneer dryer.

(d) Exhaust gases from fuel burning equipment vented to the veneer dryer are exempt from OAR 340-228-0210;

(e) Each veneer dryer must be maintained and operated at all times such that air contaminant generating processes and all contaminant control devices must be at full efficiency and effectiveness so that the emission of air contaminants are kept at the lowest practicable levels;

(f) No person may willfully cause or permit the installation or use of any means, such as dilution, which, without resulting in a reduction in the total amount of air contaminants emitted, conceals an emission which would otherwise violate this rule;

(g) Where effective measures are not taken to minimize fugitive emissions, DEQ may require that the equipment or structures in which processing, handling, and storage are done, be tightly closed, modified, or operated in such a way that air contaminants are minimized, controlled, or removed before discharge to the open air;

(h) DEQ may require more restrictive emission limits than provided in subsections (1)(b) and(c) for an individual plant upon a finding by the EQC that the individual plant is located or is proposed to be located in a special problem area. The more restrictive emission limits for special problem areas may be established on the basis of allowable emissions expressed in opacity, pounds per hour, or total maximum daily emissions to the atmosphere, or a combination thereof.

(2) Other Emission Sources:

(a) The combined particulate emissions from veneer and plywood mill sources, including, but not limited to, sanding machines, saws, presses, barkers, hogs, chippers, and other material size reduction equipment, process or space ventilation systems, and truck loading and unloading facilities must not exceed a plant specific average hourly emission rate (pounds/hour) determined by multiplying the plant production capacity by one pound per 1,000 square feet. The plant production capacity is the maximum production in terms of 1,000 square feet on a 3/8 inch basis of finished product for a typical operating shift divided by the number of hours in the operating shift.

(b) Excepted from subsection (2)(a) are veneer dryers, fuel burning equipment, and refuse burning equipment.

(c) Compliance with the average hourly emission rate is determined by summing the emissions from the affected sources as determined by emission factor calculations or actual emissions data for a 24 hour period divided by 24.

(3) Monitoring and Reporting: DEQ may require any veneer dryer facility to establish an effective program for monitoring the visible air contaminant emissions from each veneer dryer emission point. The program must be reviewed and approved by DEQ and must consist of the following:

(a) A specified minimum frequency for performing visual opacity determinations on each veneer dryer emission point;

(b) All data obtained must be recorded on copies of a "Veneer Dryer Visual Emissions Monitoring Form" provided by DEQ or on an alternative form which is approved by DEQ; and

(c) A specified period during which all records must be maintained at the mill site for inspection by authorized representatives of DEQ.

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

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 26, f. 3-31-71, ef. 4-25-71; DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 43(Temp), f. & ef. 5-5-72 thru 9-1-72; DEQ 48, f. 9-20-72, ef. 10-1-72; DEQ 52, f. 4-9-73, ef. 5-1-73; DEQ 83, f. 1-30-75, ef. 2-25-75; DEQ 132, f. & ef. 4-11-77; DEQ 7-1979, f. & ef. 4-20-79; DEQ 10-1985, f. & ef. 8-8-85; DEQ 22-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0510; DEQ 8-2007, f. & cert. ef. 11-8-07

**340-234-0520**

**Particleboard Manufacturing Operations**

(1) Truck Dump and Storage Areas:

(a) Every person operating or intending to operate a particleboard manufacturing plant must enclose truck dump and storage areas holding or intended to hold raw materials to prevent windblown particle emissions from these areas from being deposited upon property not under the ownership of said person;

(b) The temporary storage of raw materials outside the regularly used areas of the plant site is prohibited unless the person who desires to temporarily store such raw materials first notifies DEQ and receives written approval for said storage:

(A) When authorized by DEQ, temporary storage areas must be operated to prevent windblown particulate emissions from being deposited upon property not under the ownership of the person storing the raw materials;

(B) Any temporary storage areas authorized by DEQ may not be operated in excess of six (6) months from the date they are first authorized.

(c) Any person who proposes to control windblown particulate emissions from truck dump storage areas other than by enclosure must apply to DEQ for written authorization to utilize alternative controls. The application must describe in detail the plan proposed to control windblown particulate emissions and indicate on a plot plan the nearest location of property not under ownership of the applicant.

(2) Other Emission Sources:

(a) The combined particulate emissions from particleboard plant sources including, but not limited to, hogs, chippers, and other material size reduction equipment, process or space ventilation systems, particle dryers, classifiers, presses, sanding machines, and materials handling systems must not exceed a plant specific average hourly emission rate (pounds per hour) determined by multiplying the plant production capacity by three pounds per 1000 square feet. The plant production capacity is the maximum production in terms of 1,000 square feet on a 3/4 inch basis of finished product for a typical operating shift divided by the number of hours in the operating shift.

(b) Excepted from subsection (2)(a) are truck dump and storage areas, fuel burning equipment, and refuse burning equipment.

(c) Compliance with the average hourly emission rate is determined by summing the emissions from the affected sources as determined by emission factor calculations or actual emissions data for a 24 hour period divided by 24.

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

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468.020 & 468A.025
Hist.: DEQ 26, f. 3-31-71, ef. 4-25-71; DEQ 130, f. & ef. 3-22-77; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 4-1995, f. & cert. ef. 2-17-95; DEQ 3-1996, f. & cert. ef. 1-29-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0320; DEQ 8-2007, f. & cert. ef. 11-8-07

**340-234-0530**

**Hardboard Manufacturing Operations**

(1) Truck Dump and Storage Areas:

(a) Every person operating or intending to operate a hardboard manufacturing plant must enclose all truck dump and storage areas holding or intended to hold raw materials to prevent windblown particle emissions from these areas from being deposited upon property not under the ownership of said person;

(b) The temporary storage of raw materials outside the regularly used areas of the plant site is prohibited unless the person who desires to temporarily store such raw materials first notifies DEQ and receives written approval:

(A) When authorized by DEQ, temporary storage areas must be operated to prevent windblown particulate emissions from being deposited upon property not under the ownership of the person storing the raw materials;

(B) Any temporary storage areas authorized by DEQ may not be operated in excess of six (6) months from the date they are first authorized.

(c) Alternative Means of Control. Any person who desires to control windblown particulate emissions from truck dump and storage areas other than by enclosure must first apply to DEQ for written authorization to utilize alternative controls. The application must describe in detail the plan proposed to control windblown particulate emissions and indicate on a plot plan the nearest location of property not under ownership of the applicant.

(2) Other Emission Sources:

(a) For hardboard plants that did not exist during the baseline period, the combined particulate emissions from all emissions sources at the plant must not exceed a plant specific hourly average emission rate (pounds per hour) determined by multiplying the plant production capacity by one pound per 1,000 square feet of production. The plant production capacity is the maximum production in terms of 1000 square feet on a 1/8 inch finished basis for a typical operating shift divided by the number of hours in the operating shift.

(b) For hardboard plants that existed during the baseline period, the combined particulate emissions from the plant must not exceed the lesser of:

(A) A plant specific hourly average emission rate (pounds per hour) determined by multiplying the plant production capacity by two pounds per 1,000 square feet of production. The plant production capacity is the maximum production in terms of 1,000 square feet on a 1/8 inch finished basis for a typical operating shift divided by the number of hours in the operating shift, or

(B) The sum of the baseline emissions rate (pounds per hour) of the press/cooling vent and the lesser of:

(i) The baseline emissions rate (pounds per hour) from all sources at the plant, excluding the press/cooling vents; or

(ii) A plant specific hourly average emission rate (pounds per hour) determined by multiplying the plant production capacity by one pound per 1,000 square feet of production. The plant production capacity is the maximum production in terms of 1,000 square feet on a 1/8 inch finished basis for a typical operating shift divided by the number of hours in the operating shift.

(c) Excepted from subsections (a) and (b) are truck dump and storage areas, fuel burning equipment, and refuse burning equipment.

(d) Compliance with the average hourly emission rate is determined by summing the emissions from the affected sources as determined by emission factor calculations or actual emissions data for a 24 hour period divided by 24.

(3) Emissions from Hardboard Tempering Ovens:

(a) No person may operate any hardboard tempering oven unless all gases and vapors emitted from said oven are treated in a fume incinerator capable of raising the temperature of said gases and vapors to at least 1500° F. for 0.3 seconds or longer except as allowed by paragraph (b);

(b) Specific operating temperatures lower than 1500° F. may be approved by DEQ using 40 CFR Part 63, Subpart DDDD, NESHAP for Plywood and Composite Wood Products.

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

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468.020 & 468A.025
Hist.: DEQ 26, f. 3-31-71, ef. 4-25-71; DEQ 130, f. & ef. 3-22-77; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 4-1995, f. & cert. ef. 2-17-95; DEQ 3-1996, f. & cert. ef. 1-29-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0325; DEQ 8-2007, f. & cert. ef. 11-8-07

**340-234-0540**

**Testing and Monitoring**

All source tests must be done using the DEQ Source Sampling Manual. (1) Veneer dryers, wood particle dryers, fiber dryers and press/cooling vents must be tested using DEQ Method 7.

(2) Air conveying systems must be tested using DEQ Method 8.

(3) Fuel burning equipment must be tested using DEQ Method 5. When combusting wood fuel by itself or in combination with any other fuel, the emission results are corrected to 12% CO2. When combusting fuels other than wood, the emission results are corrected to 50% excess air.

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

**DIVISION 236**

**EMISSION STANDARDS FOR SPECIFIC INDUSTRIES**

**340-236-0010**

**Definitions**

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

(1) "Dusts" means minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, or sweeping.

(2) "Hot mix asphalt plants" means those facilities and equipment which convey or batch load proportioned quantities of cold aggregate to a drier, and heat, dry, screen, classify, measure, and mix the aggregate with asphalt for purposes of paving, construction, industrial, residential, or commercial use.

(3) "Portable hot mix asphalt plants" means those hot mix asphalt plants which are designed to be dismantled and are transported from one job site to another job site.

(4) "Process weight" means the total weight of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. The "process weight per hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

(5) "Special control areas" means an area designated in OAR 340-204-0070 and:

(a) Any incorporated city or within six miles of the city limits of said incorporated city;

(b) Any area of the state within one mile of any structure or building used for a residence;

(c) Any area of the state within two miles straight line distance or air miles of any paved public road, highway, or freeway having a total of two or more traffic lanes.

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

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A.025
Hist.: [DEQ 49, f. 2-9-73, ef. 3-1-73; DEQ 4-1993, f. & cert. ef. 3-10-93]; [DEQ 60, f. 12-5-73, ef. 12-25-73; DEQ 10-1982, f. & ef. 6-18-82; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 26-1995, f. & cert. ef. 12-6-95; DEQ 18-1998, f. & cert. ef. 10-5-98]; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0105, 340-025-0260; DEQ 8-2007, f. & cert. ef. 11-8-07

**Primary Aluminum Standards**

**340-236-0100**

**340-236-0110**

**340-236-0120**

**340-236-0130**

**340-236-0140**

**340-236-0150**

**Laterite Ore Production of Ferronickel**

**340-236-0200**

**340-236-0210**

**340-236-0220**

**340-236-0230**

**Reduction of Animal Matter**

**340-236-0310**

**Control Facilities Required**

(1) A person may not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapors and gas-entrained effluents from such an article, machine, equipment or other contrivance are:

(a) Incinerated at temperatures of not less than 1,200° Fahrenheit for a period of not less than 0.3 seconds; or

(b) Processed in such a manner determined by DEQ to be equally, or more, effective for the purpose of air pollution control than section (1).

(2) A person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this rule must provide, properly install and maintain in calibration, in good working order and in operation, devices as specified by DEQ, for indicating temperature, pressure or other operating conditions.

(3) For the purpose of OAR 340-236-0300 through 340-236-0330, "reduction" is defined as any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating.

(4) The provisions of OAR 340-236-0300 through 340-236-0330 do not apply to any article, machine, equipment, or other contrivance used exclusively for the processing of food for human consumption.

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.025
Hist.: SA 30, f. 6-7-68, ef. 8-1-68; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0055

**340-236-0320**

**Monitoring of Reduction Facilities**

(1)(a) When requested by DEQ for the purpose of formulating plans in conjunction with industries who are or may be sources of air pollution, and to investigate sources of air pollution, monitoring data must be submitted for plant operational periods and must include:

(A) Continuous or at least hourly influent and effluent temperature readings on the condenser;

(B) Continuous or at least hourly temperature readings on the after-burner;

(C) Estimated weights of finished products processed in pounds per hour;

(D) Hours of operation per day; and

(E) A narrative description to accurately portray control practices, including the housekeeping measures employed.

(b) Except as otherwise required under the Oregon Public Records Law, ORS 192.410 to 192.505, when requested by the plant manager any information relating to processing or production must be kept confidential by DEQ and may not be disclosed or made available to competitors or their representatives in the rendering industry.

(2) Whenever a breakdown of operating facilities occurs or unusual loads or conditions are encountered that cause or may cause release of excessive and malodorous gases or vapors, DEQ must be immediately notified.

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.025
Hist.: SA 30, f. 6-7-68, ef. 8-1-68; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0060

**340-236-0330**

**Housekeeping of Plant and Plant Area**

The plant facilities and premises are to be kept clean and free of accumulated raw material, products, and waste materials. The methods used for housekeeping must include, but not be limited to:

(1) A washdown at least once each working day, of equipment, facilities and building interiors that come in contact with raw or partially processed material, with steam or hot water and detergent or equivalent additive.

(2) All solid wastes must be stored in covered containers and disposed of daily in an incinerator or fill, approved by DEQ; or by contract with a company or municipal department providing such service.

(3) Disposal of liquid and liquid-borne waste in a manner approved by DEQ.

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.025
Hist.: SA 30, f. 6-7-68, ef. 8-1-68; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0065

**Hot Mix Asphalt Plants**

**340-236-0410**

**Control Facilities Required**

(1) No person may operate any hot mix asphalt plant, either portable or stationary, located within any area of the state outside special control areas unless all dusts and gaseous effluents generated by the hot mix asphalt plant are controlled by a control device or devices with a removal efficiency for particulate matter of at least 80 percent by weight. To determine compliance with this standard, the owner or operator must conduct a particulate matter source test using DEQ Method 5 at the inlet and outlet of the control device. If it is not feasible to conduct a particulate matter source test at the inlet to the control device, the owner or operator must provide documentation demonstrating that the control device is designed to meet the standard and prepare and implement an operation and maintenance plan for ensuring that the control device will have at least an 80% removal efficiency when operated.

(2) No person may operate any hot mix asphalt plant, either portable or stationary, located within any special control area of the state without installing and operating systems or processes for the control of particulate emissions so as to comply with the emission limits established by the process weight table, Table 1, attached herewith and by reference made a part of this rule. Compliance is determined using DEQ Method 5. All source tests must be done using the DEQ Source Sampling Manual.

(3) Hot mix asphalt plants are subject to the emission limitations in OAR 340-208-0110(1), 340-226-0210, and 340-238-0060, as applicable.

(4) If requested by DEQ, the owner or operator must develop a fugitive emission control plan.

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

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 49, f. 2-9-73, ef. 3-1-73; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0110; DEQ 8-2007, f. & cert. ef. 11-8-07

**340-236-0420**

**Other Established Air Quality Limitations**

The emission limits established under OAR 340-236-0400 through 340-236-0440 are in addition to visible emission and other ambient air standards, established or to be established by the EQC, unless otherwise provided by rule.

[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 49, f. 2-9-73, ef. 3-1-73; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0115

**340-236-0430**

**340-236-0440**

**Ancillary Sources of Emission -- Housekeeping of Plant Facilities**

(1) Ancillary air contamination sources from a hot mix asphalt plant and its facilities which emit air contaminants into the atmosphere such as, but not limited to, the drier openings, screening and classifying system, hot rock elevator, bins, hoppers, and pug mill mixer, must be controlled at all times so as to maintain the highest possible level of air quality and the lowest possible discharge of air contaminants.

(2) The handling of aggregate and truck traffic must be conducted at all times so as to minimize emissions into the atmosphere.

[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 49, f. 2-9-73, ef. 3-1-73; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0125

**Solid Waste Landfills**

**340-236-0500**

**Emission Standards for Municipal Solid Waste Landfills**

(1) Applicability. This rule applies to small and large municipal solid waste landfills in the following categories:

(a) Landfills that have accepted waste since 11/08/87;

(b) Landfills with no modifications after 5/30/91;

(c) Landfills that closed after 11/08/87 with no modifications after 5/30/91.

(2) General Requirements. Landfills subject to this rule must comply with 40 CFR Section 60.751 through 60.759, as adopted under OAR 340-238-0060, except as noted in Section 4 of this rule.

(3) Permitting requirements. Landfills subject to this rule must comply with Oregon Title V Operating Permit program requirements (Title V) as specified in OAR 340 divisions 218 and 220 except as noted in (c):

(a) Existing large landfills must submit a complete Oregon Title V Operating Permit application one year after EPA approves the 111(d) State Plan associated with this rule;

(b) Existing small landfills that are major sources as defined in OAR 340-200-0020 must submit a complete Federal Operating Permit application within one year of becoming a major source;

(c) The exemption from the Oregon Title V Operating Permit program in OAR 340-218-0020 for sources that are not major does not apply to sources subject to this rule.

(4) Reporting requirements. Landfills subject to this rule must comply with the following:

(a) Large landfills listed in Subsection (1)(a) through (c) must comply with the following:

(A) Submit an Initial Design Capacity Report and an Initial Nonmethane Organic Compound Report within 90 days of the effective date of this rule; and

(B) Submit an annual Nonmethane Organic Compound Report until nonmethane emissions are 50 Mg/yr.

(b) Small landfills listed in subsection (1)(a) through (c) must submit an Initial Design Capacity Report and an Initial Nonmethane Organic Compound Report within 90 days of the effective date of this rule.

(5) Definitions. As used in this rule:

(a) "Closed municipal solid waste landfill" (closed landfill) means a landfill in which solid waste is no longer being placed, and in which no additional solid wastes will be placed without first filing a notification of modification as prescribed under 40 CFR 60.7(a)(4). Once a notification of modification has been filed, and additional solid waste is placed in the landfill, the landfill is no longer closed. A landfill is considered closed after meeting the criteria of 40 CFR 258.60;

(b) "Effective date" means the date this rule is filed with the Secretary of State;

(c) "Existing municipal solid waste landfill" (existing landfill) means a municipal solid waste landfill that began construction, reconstruction or modification before 5/30/91and has accepted waste at any time since 11/08/87 or has additional design capacity available for future waste deposition;

(d) "Large municipal solid waste landfill" (large landfill) means a municipal solid waste landfill with a design capacity greater than or equal to 2.5 million megagrams or 2.5 million cubic meters;

(e) "Modification" means an action that results in an increase in the design capacity of the landfill;

(f) "Municipal solid waste landfill" (landfill) means an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. A municipal solid waste landfill may also receive other types of RCRA Subtitle D wastes such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of a municipal solid waste landfill may be separated by access roads and may be publicly or privately owned. A municipal solid waste landfill may be a new municipal solid waste landfill, an existing municipal solid waste landfill, or a lateral expansion (modification);

(g) "New municipal solid waste landfill" (new landfill) means a municipal solid waste landfill that began construction, reconstruction or modification or began accepting waste on or after 5/30/91; and

(h) "Small municipal solid waste landfill" (small landfill) means a municipal solid waste landfill with a design capacity less than 2.5 million megagrams or 2.5 million cubic meters.

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.040
Hist.: DEQ 8-1997, f. & cert. ef. 5-6-97; DEQ 22-1998, f. & cert. ef. 10-21-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0745

**DIVISION 240**

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

**340-240-0030**

**Definitions**

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

(1) "Air conveying system" means an air moving device, such as a fan or blower, associated ductwork, and a cyclone or other collection device, the purpose of which is to move material from one point to another by entrainment in a moving airstream.

(2) "Design criteria" means the numerical as well as verbal description of the basis of design, including but not necessarily limited to design flow rates, temperatures, humidities, contaminant descriptions in terms of types and chemical species, mass emission rates, concentrations, and specification of desired results in terms of final emission rates and concentrations, and scopes of vendor supplies and owner-supplied equipment and utilities, and a description of any operational controls.

(3) "Domestic waste" means combustible household waste, other than wet garbage, such as paper, cardboard, leaves, yard clippings, wood, or similar materials generated in a dwelling housing four (4) families or less, or on the real property on which the dwelling is situated.

(4) “Fireplace” is defined in OAR 340-262-0450.

(5) "Grants Pass Urban Growth Area" and "Grants Pass Area" means the area within the Grants Pass Urban Growth Boundary as shown on the Plan and Zoning Maps for the City of Grants Pass as of 1 February 1988.

(6) “Klamath Falls Nonattainment Area” means the area as defined in OAR 340-204-0010.

(7) "La Grande Urban Growth Area" means the area within the La Grande Urban Growth Boundary as shown on the Plan and Zoning Maps for the City of La Grande as of 1 October 1991.

(8) "Lakeview Urban Growth Area" means the area within the Lakeview Urban Growth Boundary as shown on the Plan and Zoning Maps for the Town of Lakeview as of 25 October 1993.

(9) "Open burning" means burning conducted in such a manner that combustion air and combustion products may not be effectively controlled including, but not limited to, burning conducted in open outdoor fires, burn barrels, and backyard incinerators.

(10) "Rebuilt boiler" means a physical change after April 29, 1988, to a wood-waste boiler or its air-contaminant emission control system which is not considered a modified source and for which the fixed, depreciable capital cost of added or replacement components equals or exceeds fifty percent of the fixed depreciable cost of a new component which has the same productive capacity

(11) "Refuse" means unwanted material.

(12) "Refuse burning equipment" means a device designed to reduce the volume of solid, liquid, or gaseous refuse by combustion.

(13) "Wigwam waste burner" means a burner which consists of a single combustion chamber, has the general features of a truncated cone, and is used for the incineration of wastes.

(14) "Wood waste boiler" means equipment which uses indirect heat transfer from the products of combustion of wood waste to provide heat or power.

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

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468.020 & 468A.025
Hist.: DEQ 4-1978, f. & ef. 4-7-78; DEQ 9-1979, f. & ef. 5-3-79; DEQ 3-1980, f. & ef. 1-28-80; DEQ 14-1981, f. & ef. 5-6-81; DEQ 22-1989, f. & cert. ef. 9-26-89; DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 4-1995, f. & cert. ef. 2-17-95; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 3-1996, f. & cert. ef. 1-29-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0010; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2005, f. & cert. ef. 1-4-05

**340-240-0050**

**Compliance Testing Requirements**

(1) For demonstrating compliance with the standards in this division, testing must be done in accordance with the DEQ Source Sampling Manual.

(2) For demonstrating compliance with particulate standards, testing must be conducted using the following test methods:

(a) For wood waste boilers – DEQ Method 5. Results must be corrected to 12% CO2, as follows:

(i) C(12% CO2) = C x 12/%CO2

(ii) As used in paragraph (i):

C(12%CO2) = Particulate matter emission concentration corrected to 12% CO2;

C = Particulate matter emission concentration as measured by Oregon DEQ Method 5; and

% CO2 = Percent CO2 in the exhaust gas, as measured by EPA Method 3 (or equivalent) during each particulate matter test run.

(b) For veneer dryers, wood material dryers, press and other process vents – DEQ Method 7; and

(c) For air conveying systems - DEQ Method 5 or 8.

(3) For demonstrating compliance with opacity standards, observations must be made in accordance with EPA Method 9 or continuous opacity monitoring systems certified in accordance with the DEQ Continuous Monitoring Manual.

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

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

**The Medford-Ashland Air Quality Maintenance**

**Area and the Grants Pass Urban Growth Area**

**340-240-0110**

**Wood Waste Boilers**

(1) No person may cause or permit the emission of particulate matter from any boiler with a heat input capacity greater than 35 million Btu/hour unless the boiler has been equipped with emission control devices which:

(a) Limits emissions of particulate matter to LAER as defined by DEQ at the time DEQ approves the control device; and

(b) Limits visible emissions such that opacity does not exceed 5% as a six minute average, unless the permittee demonstrates by source test that emissions can be limited to LAER at higher visible emissions, but in no case may emissions equal or exceed 10% opacity as a six minute average. Specific opacity limits will be included in the permit for each affected source.

(2) For boilers existing in the baseline period with a heat input capacity greater than 35 million Btu/hour, boiler mass emission limits for the purpose of establishing the facility's netting basis under OAR 340-222-0046 will be based on particulate matter emissions of 0.030 grains per dry standard cubic foot, corrected to 12% CO2.

(3) Rebuilt Boilers are subject to OAR 340-240-0110(1). Boiler mass emissions for purposes of OAR 340-222-0041 will be based on LAER at the time DEQ approves the rebuilt boiler.

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

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468.020 & 468A.025
Hist.: DEQ 4-1978, f. & ef. 4-7-78; DEQ 29-1980, f. & ef. 10-29-80; DEQ 14-1986, f. & ef. 6-20-86; DEQ 22-1989, f. & cert. ef. 9-26-89; DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 4-1995, f. & cert. ef. 2-17-95; DEQ 22-1996, f. & cert. 10-22-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0015; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2005, f. & cert. ef. 1-4-05

**340-240-0120**

**Veneer Dryer Emission Limitations**

(1) No person may operate any veneer dryer such that visible air contaminants emitted from any dryer stack or emission point exceed the opacity limits specified in subsection (a) or such that emissions of particulate matter exceed the mass emission limits of any of subsections (b) through (f):

(a)(i) An average operating opacity of five percent on each of three separate days; or

(ii) A maximum opacity of ten percent as a six minute average as measured by EPA Method 9 at any time, unless the permittee demonstrates by source test that it can achieve the emission limits in subsections (b) through (f) at higher visible emissions than specified in subsection (a) , but in no case may emissions exceed the visible air contaminant limitations of OAR 340-234-0510(1)(b). Specific opacity limits will be included in the permit for each affected source;

(b) 0.30 pounds per 1,000 square feet of veneer dried (3/8" basis) for direct natural gas or propane fired veneer dryers;

(c) 0.30 pounds per 1,000 square feet of veneer dried (3/8" basis) for steam heated veneer dryers;

(d) 0.40 pounds per 1,000 square feet of veneer dried (3/8" basis) for direct wood fired veneer dryers using fuel which has a moisture content equal to or less than 20 percent by weight on a wet basis as measured by ASTM D4442-84;

(e) 0.45 pounds per 1,000 square feet of veneer dried (3/8" basis) for direct wood fired veneer dryers using fuel which has a moisture content greater than 20 percent by weight on a wet basis as measured by ASTM D4442-84; or

(f) In addition to subsections (e) and (f), 0.20 pounds per 1,000 pounds of steam generated in any boiler that exhausts its combustion gases to the veneer dryer.

(2) Exhaust gases from fuel burning equipment vented to the veneer dryer are exempt from OAR 340-228-0210.

(3) No person may operate a veneer dryer unless:

(a) The owner or operator has submitted a program and time schedule for installing an emission-control system which has been approved in writing by DEQ as being capable of complying with subsections (1)(a) through (g);

(b) The veneer dryer is equipped with an emission-control system which has been approved in writing by DEQ and is capable of complying with subsections (1)(a) through (g); or

(c) The owner or operator has demonstrated and DEQ has agreed in writing that the dryer is capable of being operated and is operated in continuous compliance with subsections (1)(a) through (g).

(4) Each veneer dryer must be maintained and operated at all times such that air contaminant generating processes and all contaminant control devices are at full efficiency and effectiveness so that the emission of air contaminants is kept at the lowest practicable levels.

(5) No person may willfully cause or permit the installation or use of any means, such as dilution, which, without resulting in a reduction in the total amount of air contaminants emitted, conceals an emission which would otherwise violate this rule.

(6) Where effective measures are not taken to minimize fugitive emissions, DEQ may require that the equipment or structures in which processing, handling and storage are done, be tightly closed, modified, or operated in such a way that air contaminants are minimized, controlled, or removed before discharge to the open air.

[**NOTE:** These rules are included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]

Stat. Auth.: ORS 468 & 468A

Stats. Implemented: ORS 468A.025

Hist.: DEQ 22-1989, f. & cert. ef. 9-26-89; DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0021; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2005, f. & cert. ef. 1-4-05

**340-240-0130**

**Air Conveying Systems (Medford-Ashland AQMA Only)**

All air conveying systems emitting greater than 10 tons per year of particulate matter to the atmosphere must, with the prior written approval of DEQ, be equipped with a particulate emissions control device or devices with a design removal efficiency of at least 98.5 percent.

[**NOTE:** These rules are included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 4-1978, f. & ef. 4-7-78; DEQ 22-1989, f. & cert. ef. 9-26-89; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0025; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2005, f. & cert. ef. 1-4-05

**340-240-0140**

**Wood Particle Dryers at Particleboard Plants**

(1) No person may cause or permit the total emission of particulate matter from all wood particle dryers at a particleboard plant site to exceed 0.40 pounds per 1,000 square feet of board produced by the plant on a 3/4" basis of finished product equivalent.

(2) No person may cause or permit the visible emissions from the wood particle dryers at a particleboard plant to exceed 10 percent opacity as a six minute average, unless the permittee demonstrates by source test that the particulate matter emission limit in section (1) can be achieved at higher visible emissions. In no case are emissions allowed to equal or exceed 20 percent opacity as a six minute average. Specific opacity limits will be included in the permit for each affected source.

[**NOTE:** These rules are included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 4-1978, f. & ef. 4-7-78; DEQ 14-1981, f. & ef. 5-6-81; DEQ 14-1986, f. & ef. 6-20-86; DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0030; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2005, f. & cert. ef. 1-4-05

**340-240-0160**

**Wigwam Waste Burners**

No person owning or controlling any wigwam waste burner may cause or permit the operation of the wigwam waste burner.

[**NOTE:** These rules are included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 4-1978, f. & ef. 4-7-78; DEQ 29-1980, f. & ef. 10-29-80; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0035; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

**340-240-0170**

**340-240-0180**

**Control of Fugitive Emissions (Medford-Ashland AQMA Only)**

(1) All sawmills, plywood mills and veneer manufacturing plants, particleboard and hardboard plants, asphalt plants, rock crushers, animal feed manufacturers, and other major industrial facilities as identified by DEQ, must prepare and implement site-specific plans for the control of fugitive emissions.

(2) Fugitive emission-control plans must identify reasonable measures to prevent particulate matter from becoming airborne. Special care will be taken by the facility to avoid the migration of material onto the public road system. Such reasonable measures include, but are not limited to the following:

(a) The systematic paving of all unpaved roads and areas on which vehicular traffic occurs. Until an area is paved, subsection (2)(b) applies;

(b) Scheduled application of water, or other suitable chemicals on unpaved roads, log storage or sorting yards, materials stockpiles, and other surfaces which can create airborne dust. Dust suppressant material must not adversely affect water quality;

(c) Periodic sweeping or cleaning of paved roads and other areas as necessary to prevent migration of material onto the public road system;

(d) Full or partial enclosure of materials stockpiled in cases where application of water or suitable chemicals are not sufficient to prevent particulate matter from becoming airborne;

(e) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials;

(f) Adequate containment during sandblasting or other similar operations;

(g) Covering, at all times when in motion, open bodied trucks transporting materials likely to become airborne; and

(h) Procedures for the prompt removal of earthen material, dirt, dust, or other material from paved streets.

(3) Reasonable measures may include landscaping and using vegetation to reduce the migration of material onto public and private roadways.

(4) The facility owner or operator must supervise and control fugitive emissions and material that may become airborne caused by the activity of outside contractors delivering or removing materials at the site.

(5) The site-specific fugitive dust emissions control plan must be submitted to DEQ prior to or within 60 days of permit issuance or renewal. DEQ will approve or deny the plan within 30 days.

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

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A.025
Hist.: DEQ 6-1983, f. & ef. 4-18-83; DEQ 22-1989, f. & cert. ef. 9-26-89; DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 4-1995, f. & cert. ef. 2-17-95; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ16-1998, f. & cert. ef. 9-23-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0043; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2005, f. & cert. ef. 1-4-05

**340-240-0210**

**Continuous Monitoring**

(1) DEQ will require the installation and operation of instrumentation for measuring and recording emissions and/or the parameters which affect the emission of air contaminants from wood-waste fired boilers, veneer dryers, fiber dryers, and particle dryers to ensure that the sources and the air pollution control devices are operated at all times at their full efficiency and effectiveness so that the emission of air contaminants is kept at the lowest practicable level. The instrumentation must be periodically calibrated. The method and frequency of calibration must be approved in writing by DEQ. Continuous monitoring equipment and operation must be in accordance with the DEQ Continuous Monitoring Manual . The recorded information must be kept for a period of at least one year and must be made available to DEQ upon request.

(2) At a minimum, the monitoring required under paragraph (1) must include:

(a) Continuous monitoring and monthly reporting of carbon monoxide concentration and oxygen concentration for any wood-waste fired boiler with a heat input capacity greater than 35 million BTU/hr or for any wood-waste boiler using a wet scrubber as pollution control device and steam production rate for any wood-waste fired boiler;

(b) Continuous monitoring and monthly reporting of pressure drop, scrubber water pressure, and scrubber water flow or other parameters deemed by DEQ to be equal or better indicators of proper operation of the wet scrubber used as pollution control device for any wood-waste fired boiler, veneer dryer, particle dryer, or fiber dryer; and

(c) Continuous monitoring and monthly reporting of opacity for any wood-waste fired boiler not controlled by a wet scrubber.

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

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468.020 & 468A.025
Hist.: DEQ 4-1978, f. & ef. 4-7-78; DEQ 22-1989, f. & cert. ef. 9-26-89; DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 22-1996, f. & cert. 10-22-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0050; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2005, f. & cert. ef. 1-4-05

**340-240-0220**

**Source Testing**

(1) The owner or operator of the following sources of particulate emissions must make or have made tests to determine the type, quantity, quality, and duration of emissions, and/or process parameters affecting emissions, using the DEQ Source Sampling Manual at the following frequencies:

(a) Wood Waste Boilers with heat input capacity greater than 35 million Btu/hour -- Once every year;

(b) Veneer Dryers -- Once every three years;

(c) Wood Particle Dryers at Hardboard and Particleboard Plants -- Once every year;

(d) Wood Waste Boilers with heat input capacity equal to or less than 35 million BTU/hour with dry emission control devices -- Once every three years.

(2) Source testing must begin at these frequencies within 90 days of the date by which compliance is to be achieved for each individual emission source.

(3) These source testing requirements will remain in effect unless waived in writing by DEQ because of adequate demonstration that the source is consistently operating at lowest practicable levels, or that continuous emission monitoring systems are producing equivalent information.

(4) Source tests on wood waste boilers must not be performed during periods of soot blowing, grate cleaning, or other abnormal operating conditions. The maximum steaming rate for the boiler may not exceed the average steam production rate measured during the source test by more than ten percent (10%).

(5) Source tests must be performed within 90 days of the startup of air pollution control systems.

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

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468.020 & 468A.025
Hist.: DEQ 4-1978, f. & ef. 4-7-78; DEQ 14-1986, f. & ef. 6-20-86; DEQ 22-1988, f. & cert. ef. 9-26-89; DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 22-1996, f. & cert. 10-22-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0055; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2005, f. & cert. ef. 1-4-05

**340-240-0230**

**340-240-0250**

**Open Burning**

Open burning of domestic waste is prohibited on any day or at any time when DEQ advises fire permit issuing agencies that open burning is not allowed because of adverse meteorological or air quality conditions.

[**NOTE:** These rules are included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 4-1978, f. & ef. 4-7-78; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0070; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

**La Grande Urban Growth Area**

**340-240-0310**

**340-240-0320**

**Wood-Waste Boilers**

No person may cause or permit the emission into the atmosphere from any wood-waste boiler that is located on a plant site where the total heat input capacity from all wood-waste boilers is greater than 35 million Btu/hr:

(1) Any air contaminant which is equal to or greater than 10 percent opacity as a six minute average, unless the permittee demonstrates by source test that the source can comply with the emission limit in section (2) at higher opacity but in no case may emissions equal or exceed 20 percent opacity as a six minute average. Specific opacity limits will be included in the permit for each affected source.

(2) Particulate matter in excess of 0.05 grains per standard cubic foot, corrected to 12 percent CO2.

[**NOTE:** These rules are included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0210; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

**340-240-0330**

**Wood Particle Dryers at Particleboard Plants**

(1) No person may cause or permit the total emission of particulate matter from all wood particle dryers at a particleboard plant site to exceed 0.40 pounds per 1,000 square feet of board produced by the plant on a 3/4" basis of finished product equivalent.

(2) No person may cause or permit the visible emissions from the wood particle dryers at a particleboard plant to exceed 10 percent opacity as a six minute average, unless the permittee demonstrates by source test that the particulate matter emission limit in section (1) can be achieved at higher visible emissions, but in no case may emissions equal or exceed 20 percent opacity as a six minute average. Specific opacity limits will be included in the permit for each affected source.

[**NOTE:** These rules are included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0330; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

**340-240-0350**

**Air Conveying Systems**

(1) No person may cause or permit the emission of particulate matter in excess of 0.10 grains per standard cubic foot from any air conveying system emitting less than or equal to ten tons of particulate matter to the atmosphere during any 12-month period beginning on or after January 1, 1990 except as allowed by section (2).

(2) The owner or operator of an existing source who is unable to comply with OAR 340-226-0210(1)(a)(B) or (b)(C) may request that DEQ grant an extension allowing the source up to one year to comply with the standard, and DEQ may grant such extension if it determines that such period is necessary for the installation of controls.

(3) All air conveying systems emitting greater than 10 tons of particulate matter to the atmosphere during any 12-month period beginning on or after January 1, 1990 must be equipped with a particulate emissions control device or devices with a rated control efficiency of at least 98.5 percent .

(4) No person may cause or permit the emission of any air contaminant which is equal to or greater than five percent opacity as a six minute average from any air conveying system subject to section (3).

[**NOTE:** These rules are included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0225; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

**340-240-0360**

**Fugitive Emissions**

The owner or operator of any sawmill, plywood mill or veneer manufacturing plant, particleboard plant, or hardboard plant that is located in the La Grande Urban Growth Area must comply with OAR 340-240-0180.

[**NOTE:** These rules are included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0230; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

**The Lakeview Urban Growth Area**

**340-240-0410**

**Control of Fugitive Emissions**

(1) All sawmills, plywood mills and veneer manufacturing plants, particleboard and hardboard plants, asphalt plants, stationary rock crushers, and sources subject to OAR 340-240-0420 must prepare and implement site-specific plans for the control of fugitive emissions.

(2) Fugitive emission control plans must identify reasonable measures to prevent particulate matter from becoming airborne. Such reasonable measures must include, but not be limited to, the following:

(a) Scheduled application of water or other suitable chemicals on unpaved roads, log storage or sorting yards, materials stockpiles, and other surfaces which can create airborne dust;

(b) Full or partial enclosure of materials stockpiled in cases where application of water, or chemicals are not sufficient to prevent particulate matter from becoming airborne;

(c) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials;

(d) Adequate containment during sandblasting or other similar operations;

(e) Covering, at all times when in motion, open bodied trucks transporting materials likely to become airborne; and

(f) Procedures for the prompt removal from paved streets of earthen material, dirt, dust, or other material which does or may become airborne.

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

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0310; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

**340-240-0420**

**Requirement for Operation and Maintenance Plans**

(1) With the exception of basic and general permit holders, a permit holder must prepare and implement operation and maintenance plans for non-fugitive sources of particulate matter.

(2) The purposes of the operation and maintenance plans are to:

(a) Reduce the number of upsets and breakdowns in particulate control devices;

(b) Reduce the duration of upsets and downtimes; and

(c) Improve the efficiency of control devices during normal operations.

(3) The operation and maintenance plans should consider, but not be limited to, the following:

(a) Personnel training in operation and maintenance;

(b) Preventative maintenance procedures, schedule and records;

(c) Logging of the occurrence and duration of all upsets, breakdowns and malfunctions which result in excessive emissions;

(d) Routine follow-up evaluation of upsets to identify the cause of the problem and changes needed to prevent a recurrence;

(e) Periodic source testing of pollution control units as required by a permit;

(f) Inspection of internal wear points of pollution control devices during scheduled shutdowns; and

(g) Inventory of key spare parts.

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

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468.020 & ORS 468A.025
Hist.: DEQ-10-1995, f. & cert. ef. 5-1-95; DEQ 22-1996, f. & cert. 10-22-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0320; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

**340-240-0430**

**Source Testing**

The owner or operator of the following sources of particulate emissions must make or have made tests to determine the type, quantity, quality, and duration of emissions, and/or process parameters affecting emissions, the using the DEQ Source Sampling Manual at the following frequency: wood waste boilers with total heat input capacity equal to or greater than 35 million Btu/hour -- Once every three years.

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

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468.020 & ORS 468A.025
Hist.: DEQ-10-1995, f. & cert. ef. 5-1-95; DEQ 22-1996, f. & cert. 10-22-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0330; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

**Klamath Falls Nonattainment Area**

**340-240-0510**

**Opacity Standard**

(1) Except as provided in section (2), no person conducting a commercial or industrial activity may cause or permit the emission of any air contaminant into the atmosphere from any stationary source including fuel or refuse burning equipment, that exhibits equal to or greater than 20% opacity as a six minute average

(2) Exceptions to section (1) include the following:

(a) This rule does not apply to fugitive emissions.

b) For wood-fired boilers that were constructed or installed prior to June 1, 1970 and not modified since that time, visible emissions during grate cleaning operations must not equal or exceed 40% opacity as a six minute average, except that:

(A) Beginning June 30, 2013, this exception will only apply if the owner or operator conducts the grate cleaning in accordance with a grate cleaning plan that has been approved by DEQ; and

(B) The owner or operator must prepare a grate cleaning plan in consultation with DEQ and submit the plan to DEQ by June 1, 2013.

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

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468.020 & ORS 468A.025.
Hist.: DEQ 10-2012, f. & cert. ef. 12-11-12

**340-240-0550**

**Requirements for New Sources When Using Residential Wood Fuel-Fired Device Offsets**

(1) All new or modified sources subject to OAR 340 division 224 may opt to use wood fuel-fired device emission reductions from within the nonattainment or maintenance area to satisfy the offset requirements of OAR 340-224-0050 or OAR 340-224-0250:

(a) Offsets for decommissioning fireplaces and non-certified woodstoves (including fireplace inserts) are obtained at a ratio of at least 1:1 (i.e., one ton of emission reductions from fireplaces and non-certified wood stoves offsets one ton of emissions from a proposed new or modified industrial point source proposed to be located inside or impacting the nonattainment area or maintenance area);

(b) Offsets must be obtained from within the Klamath Falls Nonattainment Area and Maintenance Area; and

(c) The emission reductions offsets must be approved by the DEQ and comply with OAR 340-240-0560.

(2) The net air quality benefit analysis specified in OAR 340-224-0530(4) is not applicable to offsets meeting the criteria in subsections (1)(a) through (c) .

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

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468.020 & 468A.025
Hist.: DEQ 10-2012, f. & cert. ef. 12-11-12

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

**340-240-0560**

(1) Annual emissions reductions offsets (PM2.5 and PM10) are determined as follows:

(a) For fireplaces, the emission reductions offsets for decommissioning the fireplace and replacing it with a:

(A) certified fireplace insert is 0.02 tons for each replaced device;

(B) pellet stove insert is 0.03 tons for each replaced device; or

(C) alternative non-wood burning heating system is 0.04 tons for each replaced device.

**Note:** As used in this rule, “Certified” includes catalytic and non-catalytic designs, unless otherwise specified.

(b) For non-certified fireplace inserts, the emission reduction for replacing the heating device with a:

(A) certified fireplace insert is 0.02 tons for each replaced device;

(B) pellet stove is 0.04 tons for each replaced device; or

(C) alternative non-wood burning heating system is 0.04 tons for each replaced device

(c) For conventional (non-certified) woodstoves, the emission reduction for replacing the heating device with a:

(A) certified woodstove (including both catalytic and non-catalytic designs) or certified fireplace insert is 0.03 tons for each replaced device; or

(B) pellet stove is 0.05 tons for each replaced device; or

(C) alternative non-wood burning heating system is 0.06 tons for each replaced device

(d) For certified woodstoves (including both catalytic and non-catalytic designs), the emission reduction for replacing the heating device with a:

(A) pellet stove is 0.03 tons for each replaced device; or

(B) alternative non-wood burning heating system is 0.04 tons for each replaced device

(2) For the emission reductions identified in section (1) to be considered permanent, the person responsible for taking credit for the emission reductions must obtain and maintain the following records for at least 5 years from the date that the proposed industrial point source commences operation:

(a) the address of the residence where the emission reduction occurred;

(b) the date that the emission reduction was achieved;

(c) purchase and installation records for certified woodstoves, certified inserts, or alternative non-wood burning heating systems;

(d) records for permanently decommissioning fireplaces, if applicable; and

(e) disposal records for non-certified woodstoves or fireplace inserts removed.

(3) The records identified in section (2) may be provided by a third party authorized and monitored by the DEQ to procure the emission reductions identified in section (1).

(4) All emission reductions must be achieved prior to startup of the proposed source using the emission reductions as offsets in the permitting action specified in OAR 340 division 224.

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

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

Hist.: DEQ 10-2012, f. & cert. ef. 12-11-12

**340-240-0610**

**Continuous Monitoring for Industrial Sources**

(1) The owner or operator of an Oregon Title V Operating Permit program source, as defined in OAR 340-200-0020 must install and operate instrumentation for measuring and recording emissions or the parameters that affect the emission of particulate matter from wood-fired boilers by June 1, 2015, to ensure that the sources and the air pollution control devices are operated at all times at their full efficiency and effectiveness so that the emission of particulate matter is kept at the lowest practicable level. Continuous monitoring equipment and operation must be in accordance with the DEQ Continuous Monitoring Manual.

(2) At a minimum, the monitoring required under paragraph (1) must include:

 (a) Continuous monitoring of control device parameters for any wood- fired boiler.

(b) Continuous monitoring of opacity for any wood- fired boiler not controlled by a wet scrubber.

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

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468.020 & 468A.025
Hist.: DEQ 10-2012, f. & cert. ef. 12-11-12

**DIVISION 242**

**RULES APPLICABLE TO THE PORTLAND AREA**

**Industrial Emission Management Program**

**340-242-0400**

**Applicability**

(1) OAR 340-242-0430 through 340-242-0440 apply to all new sources or modifications at existing sources that have increases of VOC or NOx equal to or greater than the SER and are located in the Portland Air Quality Maintenance Area (AQMA).

(2) OAR 340-242-0430 and 340-242-0440 apply to new sources and modifications at existing sources that have increases of CO equal to or greater than the SER and are located within the Portland Metro area or that are located outside the Portland Metro area but that will have a significant air quality impact within the Portland Metro area.

**NOTE:** These rules are included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A.025
Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0700; DEQ 3-2007, f. & cert. ef. 4-12-07

**340-242-0410**

**Definition of Terms**

The definitions in OAR 340-200-0020, 340-204-0010 and this rule apply in OAR 340-242-0400 through 340-242-0440. If the same term is defined in this rule and OAR 340-200-0020 or 340-204-0010, the definition in this rule applies in OAR 340-242-0400 through 340-242-0440.

(1) "PSEL" means the Plant Site Emission Limit of an individual regulated pollutant specified in an Air Contaminant Discharge Permit or Oregon Title VOperating Permit issued to a source by DEQ, pursuant to OAR 340 division 216 or 218.

(2) "Unused PSEL" means the difference between a source's actual emissions and its permitted level or PSEL in 1990 or 1992, whichever is lower, as determined through DEQ's emission inventory data.

(3) "Unused PSEL Donation Source" means any source that voluntarily returned to DEQ unused PSEL, as part of the Unused PSEL Donation Program in OAR 340-242-0420.

**NOTE:** These rules are included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A.025
Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0710; DEQ 3-2007, f. & cert. ef. 4-12-07

**340-242-0420**

**Unused PSEL Donation Program**

(1) This program encourages owners or operators of VOC and NOx sources identified in OAR 340-242-0400(1) to donate unused PSEL to DEQ. Under this program, donations can be either permanent or temporary. For a source to participate in this program it must have entered into an agreement with DEQ prior to January 1, 2006.

(2) VOC sources donating at least 35 percent of their unused PSEL and NOx sources donating at least 50 percent of their unused PSEL will receive the following incentives and considerations from DEQ for participating in this program:

(a) Exemption from the Employee Commute Options (ECO) Program in OAR 340-242-0010 through 340-242-0290 for the duration of the Portland Ozone Maintenance plan;

(b) Priority permit processing for any required air quality permit;

(c) In accordance with OAR 340-242-0430 and 340-242-0440(1), priority use of up to 50 percent of any remaining growth allowance. This applies only to sources making permanent donations, pursuant to section (3); and

(d) Other considerations may be added to the donation agreement on a case-by-case basis, consistent with DEQ's rules and statutes.

(3) DEQ will adjust the PSEL of sources providing permanent donations to reflect the emissions donated. Permanent donations will result in adjustment to the source's baseline emission rate and PSEL, consistent with the definition of "major modification" under OAR 340-224-0025 and changes to PSELs required under 340-222-0035.

(4) Sources participating in this program must enter into a donation agreement with DEQ that identifies the commitments of both parties. Any such agreement is legally binding and enforceable.

**NOTE:** These rules are included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A.025
Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0720; DEQ 3-2007, f. & cert. ef. 4-12-07

**340-242-0430**

**Industrial Growth Allowances**

(1) This rule establishes industrial growth allowances for sources identified in OAR 340-242-0400. The amount of each growth allowance is defined in the SIP and is on file with DEQ.

(2) The owner or operator of a proposed new major source or major modification emitting VOCs, NOx, or CO may obtain a portion of the respective growth allowance pursuant to OAR 340-242-0440.

(3) If no emissions remain in the respective growth allowance, the owner or operator of the proposed major source or major modification must provide offsets as required under OAR 340 division 224.

**NOTE:** These rules are included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A.025
Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0730; DEQ 3-2007, f. & cert. ef. 4-12-07

**340-242-0440**

**Industrial Growth Allowance Allocation**

(1) The owner or operator of a proposed new major source or major modification emitting VOCs, NOx, or CO, as identified in OAR 340-242-0400, may obtain a portion of any remaining emissions in the respective growth allowance in accordance with procedures described in the SIP that is on file with DEQ, and based on the following conditions:

(a) Access is on a first-come-first-served basis, based on the submittal date of a complete permit application;

(b) Unused PSEL donation sources that meet the donation criteria specified in OAR 340-242-0420(2) have priority access to their respective growth allowance as a "tie-breaker" over non-donation sources;

(c) Except as provided below, no single source may receive an emissions allocation of more than 1,000 tons of either VOC or NOx or more than 50% of any remaining growth allowance; and

(d) A single source must apply to the EQC to receive more than 1,000 tons of VOC or NOx, but in no case more than 50% of the remaining growth allowance. To apply, sources must submit air quality and other information as required by DEQ justifying its request and must include information on significant economic, employment, or other benefits to the Portland area that will result from the proposed new major source or major modification, and the availability of emissions offsets. DEQ will evaluate ozone levels and expected trends to determine whether the proposed facility poses any risk to maintaining compliance with the ozone air quality standard prior to making a recommendation to the EQC regarding the source application.

(2) The amount of the CO growth allowance that can be allocated is identified in the Portland Area Carbon Monoxide Maintenance Plan, Section 4.58 of Volume 2 of the SIP on file with DEQ.

**NOTE:** These rules are included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A.025
Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0740; DEQ 10-2004, f. & cert. ef. 12-15-04; DEQ 3-2007, f. & cert. ef. 4-12-07

**Gasoline Vapors from Gasoline Transfer and Dispensing Operations**

**340-242-0510**

**Definitions**

The definitions in OAR 340-200-0020, 340-204-0010 and this rule apply in OAR 340-242-0500 through 340-242-0520. If the same term is defined in this rule and OAR 340-200-0020 or 340-204-0010, the definition in this rule applies in OAR 340-242-0500 through 340-242-0520.

(1) "Equivalent control" means the use of alternate operational and/or equipment controls for the reduction of gasoline vapor emissions, that have been approved by DEQ, such that the aggregate emissions of gasoline vapor from the facility do not exceed those from the application of defined reasonably available control technology.

(2) "Gasoline" means any petroleum distillate having a Reid vapor pressure of four pounds per square inch (28 kilopascals) or higher, used as a motor fuel.

(3) "Gasoline dispensing facility" means any site where gasoline is dispensed to motor vehicle, boat, or airplane gasoline tanks from stationary storage tanks.

(4) "Annual throughput" means the amount of gasoline transferred into or dispensed from a gasoline dispensing facility during 12 consecutive months.

(5) "Stage I vapor collection system" means a system where gasoline vapors are forced from a tank into a vapor-tight holding system or vapor control system through direct displacement by the gasoline being loaded.

(6) "Stage II vapor collection system" means a system where at least 90 percent, by weight, of the gasoline vapors that are displaced or drawn from a vehicle fuel tank during refueling are transferred to a vapor-tight holding system or vapor control system.

(7) "Substantially modified" means a modification of an existing gasoline-dispensing facility which involves the addition of one or more new stationary gasoline storage tanks or the repair, replacement or reconditioning of an existing tank.

(8) "Vapor control systems" means a system that prevents emissions to the outdoor atmosphere from exceeding 4.7 grains per gallon (80 grams per 1,000 liters) of petroleum liquid loaded.

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

Stat. Auth.: ORS 468.020 & ORS 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 7-1991, f. & cert. ef. 5-7-91 (and corrected 6-7-91); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 16-1996, f. & cert. ef. 8-14-96; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0401

**340-242-0520**

**General Provisions**

(1) No owner and/or operator of a gasoline-dispensing facility may transfer or allow the transfer of gasoline into a motor vehicle fuel tank at gasoline-dispensing facilities located in Clackamas, Multnomah or Washington Counties whose annual throughput exceeds 600,000 gallons, unless the gasoline-dispensing facility is equipped with a stage II vapor collection system which must be approved by DEQ before it is installed.

[NOTES: -1- Underground piping requirements are described in OAR 340-150-0001 through 340-150-0003 and 40 CFR 280.20(d). Systems installed according to American Petroleum Institute Publication 1615, "Installation of Underground Petroleum Storage System" or Petroleum Equipment Institute Publication RP100, "Recommended Practices for Installation of Underground Liquid Storage Systems" or American National Standards Institute Standard B31.4 "Liquid Petroleum Transportation Piping System" are considered approved systems.

-2- Above-ground stage II equipment requirements are based on systems recently approved in other states with established stage II programs. See DEQ for a list of approved equipment.]

(2) Owners and/or operators of gasoline-dispensing facilities subject to stage II vapor collection requirements must:

(a) Install all necessary stage II vapor collection and control systems, and make any modifications necessary to comply with the requirements;

(b) Provide adequate training and written instructions to the operator of the affected gasoline-dispensing facility and the gasoline transport vehicle;

(c) Replace, repair or modify any worn or ineffective component or design element to ensure the vapor-tight integrity and efficiency of the stage II vapor collection systems; and

(d) Connect and ensure proper operation of the stage II vapor collection systems whenever gasoline is being loaded, unloaded or dispensed.

(3) Approval of a stage II vapor collection system by DEQ does not relieve the owner and/or operator of the responsibility to comply with other applicable codes and regulations pertaining to fire prevention, weights and measures and safety matters.

(4) Regarding installation and testing of piping for stage II vapor collection systems:

(a) Piping must be installed in accordance with standards in OAR 340 division 150;

(b) Piping must be installed by a licensed installation service provider pursuant to OAR 340 division 160; and

(c) Piping must be tested prior to being placed into operation by an installation or tank tightness testing service provider licensed pursuant to OAR 340 division 160.

**NOTE:** Test methods are based on methods used in other states with established stage II programs. See the Oregon Department of Environmental Quality, Air Quality Division, for copies of the approved test methods.

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

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 7-1991, f. & cert. ef. 5-7-91 (and corrected 6-7-91); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 25-1994, f. & cert. ef. 11-22-94; DEQ 16-1996, f. & cert. ef. 8-14-96; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0402; DEQ 15-2008, f. & cert. ef 12-31-08

**Motor Vehicle Refinishing**

**340-242-0610**

**Definitions**

The definitions in OAR 340-200-0020, 340-204-0010 and this rule apply in 340-242-0600 through 340-242-0630. If the same term is defined in this rule and OAR 340-200-0020 or 340-204-0010, the definition in this rule applies in 340-242-0600 through 340-242-0630.

(1) "High volume, low pressure spray", or "HVLP" means equipment used to apply coatings with a spray device which operates at a nozzle air pressure between 0.1 and 10 pounds per square inch gravity (psig).

(2) "Motor vehicle" means a vehicle that is self-propelled or designed for self-propulsion as defined in ORS 801.360.

(3) "Motor vehicle refinishing" means the application of surface coating to on-road motor vehicles or non-road motor vehicles, or their existing parts and components, except Original Equipment Manufacturer (OEM) coatings applied at manufacturing plants.

(4) "Motor vehicle refinishing coating" means any coating designed for, or represented by the manufacturer as being suitable for motor vehicle refinishing.

(5) "Motor vehicle refinishing facility" means a location at which motor vehicle refinishing is performed.

(6) "Non-road motor vehicle" means any motor vehicle other than an on-road motor vehicle. "Non-Road Motor Vehicle" includes, but is not limited to, fixed load vehicles, farm tractors, farm trailers, all-terrain vehicles, and golf carts as these vehicles are defined in ORS Chapter 801.

(7) "On-road motor vehicle" means any motor vehicle which is required to be registered under ORS 803.300 or exempt from registration under 803.305(5), 803.305(6), or 803.305(15) through 803.305(19). "On-Road Motor Vehicle" includes, but is not limited to: passenger cars, trucks, vans, motorcycles, mopeds, motor homes, truck tractors, buses, tow vehicles, trailers other than farm trailers, and camper shells.

(8) "Public highway" means every public way, road, street, thoroughfare and place, including bridges, viaducts and other structures open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right.

(9) "Vehicle" means any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means.

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

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A.025
Hist.: DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 16-1996, f. & cert. ef. 8-14-96; DEQ 7-1999, f. 5-21-99, cert. ef. 7-12-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0710

**340-242-0620**

**Requirements for Motor Vehicle Refinishing in Portland AQMA**

Except as provided in section (3), persons performing motor vehicle refinishing of on-road motor vehicles within the Portland AQMA must:

(1) Clean any spray equipment, including paint lines, in a device which:

(a) Minimizes solvent evaporation during the cleaning, rinsing, and draining operations;

(b) Recirculates solvent during the cleaning operation so the solvent is reused; and

(c) Collects spent solvent to be available for proper disposal or recycling; and

(2) Apply motor vehicle refinishing coatings by one of the following methods:

(a) High Volume Low Pressure spray equipment, operated and maintained in accordance with the manufacturer's recommendations;

(b) Electrostatic application equipment, operated and maintained in accordance with the manufacturer's recommendations;

(c) Dip coat application;

(d) Flow coat application;

(e) Brush coat application;

(f) Roll coat application;

(g) Hand-held aerosol cans; or

(h) Any other coating application method which can be demonstrated to effectively control VOC emissions, and which has been approved in writing by DEQ.

(3) This rule is not applicable to any person who performs motor vehicle refinishing without compensation, and who performs refinishing on two or fewer on-road motor vehicles, or portions thereof, in any calendar year.

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

Stat. Auth.: ORS 468.020 & ORS 468A.035
Stats. Implemented: ORS 468A.035
Hist.: DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 7-1999, f. 5-21-99, cert. ef. 7-12-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0740

**340-242-0630**

**Inspecting and Testing Requirements**

The owner or operator of any facility subject to OAR 340-242-0600 through 340-242-0630 must, at any reasonable time, make the facility available for inspection by DEQ.

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

Stat. Auth.: ORS 468.020 & ORS 468A.035
Stats. Implemented: ORS 468A.035
Hist.: DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 7-1999, f. 5-21-99, cert. ef. 7-12-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0760

**Spray Paint**

**340-242-0700**

**340-242-0710**

**340-242-0720**

**340-242-0730**

**340-242-0740**

**340-242-0750**

**Area Source Common Provisions**

**340-242-0760**

**340-242-0770**

**340-242-0780**

**340-242-0790**

**DIVISION 244**

**OREGON FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM**

**Emission Standards for Gasoline Dispensing Facilities**

**340-244-0232**

Purpose

This rule establishes emission limitations and management practices for hazardous air pollutants (HAP) and volatile organic compounds (VOC) emitted from the loading of gasoline storage tanks and dispensing of fuel at gasoline dispensing facilities (GDF). This rule also establishes requirements to demonstrate compliance with the emission limitations and management practices.

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

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 15-2008, f. & cert. ef 12-31-08

**340-244-0234**

**Affected Sources**

(1) The affected source to which the emission standards apply is each GDF. The affected source includes each gasoline cargo tank during the delivery of product to a GDF and also includes each storage tank.

(2) The emissions standards in OAR 340-244-0236 through 340-244-0252 do not apply to agricultural operations as defined in ORS 468A.020. Agricultural operations are however required to comply with the Gasoline Dispensing NESHAP, if applicable (40 CFR part 63 subpart CCCCCC).

(3) All GDFs must comply with the requirements of OAR 340-244-0240.

(4) The owner or operator of a GDF must comply with the requirements of OAR 340-244-0242 for the following gasoline storage tanks:

(a) All tanks with a capacity of 250 gallons or more located at GDFs:

(A) Whose annual throughput is 480,000 gallons of gasoline or more;

(B) Whose monthly throughput is 100,000 gallons of gasoline or more; or

(C) In Clackamas, Multnomah, or Washington County whose annual throughput is 120,000 gallons of gasoline or more.

(b) All tanks with a capacity of 1,500 gallons or more located at GDFs in the Portland AQMA, Medford AQMA, or Salem SKATS.

(5) The owner or operator of a GDF must comply with the requirements of OAR 340-244-0242(4) for any gasoline storage tank equipped with a vapor balance system.

(6) An affected source must, upon request by DEQ or the EPA Administrator, demonstrate its annual or monthly throughput. For new or reconstructed affected sources, as specified in OAR 340-244-0236(2) and (3), recordkeeping to document monthly throughput must begin upon startup of the affected source. For existing sources, as specified in OAR 340-244-0236(4), recordkeeping to document monthly throughput must begin on January 10, 2008. For existing sources that are subject only because they load gasoline into fuel tanks other than those in motor vehicles, as defined in OAR 340-244-0030, recordkeeping to document monthly throughput must begin on January 24, 2011. Records required under this section must be kept for a period of 5 years.

(7) The owner or operator of an affected source, as defined in section (1), is not required to obtain an Oregon Title V Operating Permit as a result of being subject to OAR 340-244-0236 through 340-244-0252. However, the owner or operator of an affected source must still apply for and obtain an Oregon Title V Operating Permit if meeting one or more of the applicability criteria found in OAR 340-218-0020.

(8) The loading of aviation gasoline storage tanks at airports, and the subsequent transfer of aviation gasoline within the airport, is not subject to OAR 340-244-0236 through 340-244-0252, except in the Portland AQMA, Medford AQMA, Salem SKATS, and Clackamas, Multnomah, and Washington Counties. In these geographic areas, aviation gasoline is subject to OAR 340-244-0236 through 340-244-0252.

(9) Monthly throughput is the total volume of gasoline loaded into, or dispensed from, all the gasoline storage tanks located at a single affected GDF. If an area source has two or more GDFs at separate locations within the area source, each GDF is treated as a separate affected source.

(10) If the affected source’s throughput ever exceeds an applicable throughput threshold, the affected source will remain subject to the requirements for sources above the threshold, even if the affected source throughput later falls below the applicable throughput threshold.

(11) The dispensing of gasoline from a fixed gasoline storage tank at a GDF into a portable gasoline tank for the on-site delivery and subsequent dispensing of the gasoline into the fuel tank of a motor vehicle or other gasoline-fueled engine or equipment used within the area source is only subject to OAR 340-244-0240(1).

(12) For any affected source subject to the provisions of OAR 340-244-0232 through 340-244-0252 and another federal rule, the owner or operator may elect to comply only with the more stringent provisions of the applicable rules. The owner or operator of an affected source must consider all provisions of the rules, including monitoring, recordkeeping, and reporting. The owner or operator of an affected source must identify the affected source and provisions with which the owner or operator of an affected source will comply in the Notification of Compliance Status required under OAR 340-244-0246. The owner or operator of an affected source also must demonstrate in the Notification of Compliance Status that each provision with which the owner or operator of an affected source will comply is at least as stringent as the otherwise applicable requirements in OAR 340-244-0232 through 340-244-0252. The owner or operator of an affected source is responsible for making accurate determinations concerning the more stringent provisions, and noncompliance with this rule is not excused if it is later determined that your determination was in error, and, as a result, the owner or operator of an affected source is violating OAR 340-244-0232 through 340-244-0252. Compliance with this rule is the owner’s or operator’s responsibility and the Notification of Compliance Status does not alter or affect that responsibility.

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

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 4-2013, f. & cert. ef. 3-27-13

**340-244-0236**

**Affected Equipment or Processes**

(1) The emission sources to which this rule applies are gasoline storage tanks and associated equipment components in vapor or liquid gasoline service at new, reconstructed, or existing GDF that meet the criteria specified in OAR 340-244-0234. Pressure/vacuum vents on gasoline storage tanks and the equipment necessary to unload product from cargo tanks into the storage tanks at GDF are covered emission sources.

(2) An affected source is a new affected source if construction commenced on the affected source after November 9, 2006, and the applicability criteria in OAR 340-244-0234 are met at the time operation commenced.

(3) An affected source is reconstructed if meeting the criteria for reconstruction as defined in 40 CFR 63.2.

(4) An affected source is an existing affected source if it is not new or reconstructed.

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

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 1-2011, f. & cert. ef. 2-24-11

**340-244-0238**

**Compliance Dates**

(1) For a new or reconstructed affected source, the owner or operator must comply with the standards in OAR 340-244-0240 and 340-244-0242, as applicable, no later than January 10, 2008 or upon startup, whichever is later, except as follows:

(a) The owner or operator of a new or reconstructed GDF must comply with OAR 340-244-0240(1)(b) and (c) no later than July 1, 2009 or upon startup, whichever is later.

(b) For tanks located at a GDF with average monthly throughput less than 100,000 gallons of gasoline and not listed in OAR 340-244-0234(4)(a)(C) or (4)(b), must comply with OAR 340-244-0242, as applicable, no later than December 13, 2009 or upon startup, whichever is later.

(c) The owner or operator of a GDF subject to Table 2 of OAR 340-244-0242 must comply no later than September 23, 2008 or upon startup, whichever is later.

(2) For an existing affected source, the owner or operator must comply with the standards in OAR 340-244-0240 and 340-244-0242, as applicable, by no later than January 10, 2011, except as follows:

(a) For tanks with a capacity between 1,500 and 40,000 gallons and located in the Portland AQMA, Medford AQMA, or Salem SATS, the owner or operator must comply with the standards in OAR 340-244-0240(3) and 340-244-0242 no later than December 13, 2008.

(b) For tanks located at an affected source located in Clackamas, Multnomah, or Washington County, whose annual throughput exceeds 120,000 gallons, the owner or operator must comply with the standards in OAR 340-244-0240(3) and 340-244-0242 no later than December 13, 2008.

(c) The owner or operator of an existing GDF must comply with OAR 340-244-0240(1)(b) and (c) no later than July 1, 2009 or upon startup, whichever is later.

(3) For an existing affected source that becomes subject to the control requirements in OAR 340-244-0242 because of an increase in the monthly throughput, as specified in OAR 340-244-0234(4), the owner or operator must comply with the standards OAR 340-244-0242 no later than 3 years after the affected source becomes subject to the control requirements in OAR 340-244-0242.

(4) The initial compliance demonstration test required under OAR 340-244-0244(1)(a) and (b) must be conducted as specified in subsections (4)(a) and (b) of this rule.

(a) For a new or reconstructed affected source, the owner or operator must conduct the initial compliance test upon installation of the complete vapor balance system.

(b) For an existing affected source, the owner or operator must conduct the initial compliance test as specified in paragraph (4)(b)(A) or (B) of this rule.

(A) For vapor balance systems installed on or before December 15, 2009 at a GDF whose average monthly throughput is 100,000 gallons of gasoline or more, the owner or operator must test no later than 180 days after the applicable compliance date specified in section (2) or (3).

(B) For vapor balance systems installed after December 15, 2009, the owner or operator must test upon installation of a complete vapor balance system or a new gasoline storage tank.

(C) For a GDF whose average monthly throughput is less than or equal to 100,000 gallons of gasoline, the owner or operator is only required to test upon installation of a complete vapor balance system or a new gasoline storage tank.

(5) If the GDF is subject to the control requirements in OAR 340-244-0232 through 340-244-0252 only because it loads gasoline into fuel tanks other than those in motor vehicles, as defined in OAR 340-244-0030, the owner or operator of the GDF must comply with the standards in OAR 340-244-0232 through 340-244-0252 as specified in subsections (5)(a) and (b).

(a) If the GDF is an existing facility, the owner or operator of the GDF must comply by January 24, 2014.

(b) If the GDF is a new or reconstructed facility, the owner or operator of the GDF must comply by the dates specified in paragraphs (5)(b)(A) and (B).

(A) If startup of the GDF is after December 15, 2009, but before January 24, 2011, the owner or operator of the GDF must comply no later than January 24, 2011.

(B) If startup of the GDF is after January 24, 2011, the owner or operator of the GDF must comply upon startup of the GDF.

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

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 4-2013, f. & cert. ef. 3-27-13

**Emissions Limitations and Management Practices**

**340-244-0239**

**General Duties to Minimize Emissions**

Each owner or operator of an affected source must comply with the requirements of sections (1) and (2).

(1) The owner or operator of an affected source must, at all times, operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to DEQ and the EPA Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

(2) The owner or operator of an affected source must keep applicable records and submit reports as specified in OAR 340-244-0248(4) and 340-244-0250(2).

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 4-2013, f. & cert. ef. 3-27-13

**340-244-0240**

**Work Practice and Submerged Fill Requirements**

(1) The owner or operator of a GDF must not allow gasoline to be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. Measures to be taken include, but are not limited to, the following:

(a) Minimize gasoline spills;

(b) Do not top off or overfill vehicle tanks. If a person can confirm that a vehicle tank is not full after the nozzle clicks off (such as by checking the vehicle’s fuel tank gauge), the person may continue to dispense fuel using best judgment and caution to prevent a spill;

(c) Post a sign at the GDF instructing a person filling up a motor vehicle to not top off the vehicle tank;

(d) Clean up spills as expeditiously as practicable;

(e) Cover all open gasoline containers and all gasoline storage tank fill-pipes with a gasketed seal when not in use;

(f) Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.

(g) Ensure that cargo tanks unloading at the GDF comply with subsections (1)(a) through (e).

(2) Any cargo tank unloading at a GDF equipped with a functional vapor balance system must connect to the vapor balance system whenever gasoline is being loaded.

(3) Except as specified in section (4), the owner or operator of a GDF must only load gasoline into storage tanks at the facility by utilizing submerged filling, as defined in OAR 340-244-0030, and as specified in subsection (3)(a), (3)(b), or (3)(c). The applicable distances in subsections (3)(a) and (3)(b) must be measured from the point in the opening of the submerged fill pipe that is the greatest distance from the bottom of the storage tank.

(a) Submerged fill pipes installed on or before November 9, 2006, must be no more than 12 inches from the bottom of the storage tank.

(b) Submerged fill pipes installed after November 9, 2006, must be no more than 6 inches from the bottom of the storage tank.

(c) Submerged fill pipes not meeting the specifications of subsection (3)(a) or (3)(b) are allowed if the owner or operator of a GDF can demonstrate that the liquid level in the tank is always above the entire opening of the fill pipe. Documentation providing such demonstration must be made available for inspection by DEQ and the EPA Administrator during the course of a site visit.

(4) Gasoline storage tanks with a capacity of less than 250 gallons are not subject to the submerged fill requirements in section (3).

(5) The owner or operator of a GDF must submit the applicable notifications as required under OAR 340-244-0246.

(6) The owner or operator of a GDF must have records available within 24 hours of a request by DEQ or the EPA Administrator to document gasoline throughput.

(7) The owner or operator of a GDF must comply with the requirements of this rule by the applicable dates specified in OAR 340-244-0238.

(8) Portable gasoline containers that meet the requirements of 40 CFR part 59 subpart F are considered acceptable for compliance with subsection (1)(e).

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

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 4-2013, f. & cert. ef. 3-27-13

**340-244-0242**

**Vapor Balance Requirements**

(1) Except as provided in section (2), the owner or operator of a gasoline storage tank listed in OAR 340-244-0234(4), must meet the requirements in either subsection (1)(a) or (1)(b).

(a) Each management practice in Table 2 that applies to the GDF.

(b) If, prior to January 10, 2008, the owner or operator of a GDF operates a vapor balance system at the GDF that meets the requirements of either paragraph (1)(b)(A) or (1)(b)(B), the owner or operator of a GDF will be deemed in compliance with this section.

(A) Achieves emissions reduction of at least 90 percent.

(B) Operates using management practices at least as stringent as those in Table 2.

(2) Gasoline storage tanks equipped with floating roofs or the equivalent are not subject to the control requirements in section (1).

(3) The owner or operator of a cargo tank unloading at a GDF must comply with the requirements of OAR 340-244-0240(1) and management practices in Table 3.

(4) The owner or operator of a GDF subject to section (1) or having a gasoline storage tank equipped with a vapor balance system, must comply with the following requirements on and after the applicable compliance date in OAR 340-244-0238:

(a) When loading a gasoline storage tank equipped with a vapor balance system, connect and ensure the proper operation of the vapor balance system whenever gasoline is being loaded.

(b) Maintain all equipment associated with the vapor balance system to be vapor tight and in good working order.

(c) In order to ensure that the vapor balance equipment is maintained to be vapor tight and in good working order, have the vapor balance equipment inspected on an annual basis to discover potential or actual equipment failures.

(d) Replace, repair or modify any worn or ineffective component or design element within 24 hours to ensure the vapor-tight integrity and efficiency of the vapor balance system. If repair parts must be ordered, either a written or verbal order for those parts must be initiated within 2 working days of detecting such a leak. Such repair parts must be installed within 5 working days after receipt.

(5) The owner or operator of a GDF subject to section (1) must also comply with the following requirements:

(a) The applicable testing requirements in OAR 340-244-0244.

(b) The applicable notification requirements in OAR 340-244-0246.

(c) The applicable recordkeeping and reporting requirements in OAR 340-244-0248 and 340-244-0250.

(d) The owner or operator of a GDF must have records available within 24 hours of a request by DEQ or the EPA Administrator to document gasoline throughput.

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

[ED. NOTE: Tables referenced are not included in rule text. [Click here for PDF copy of tables](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/_340_tables/340-244-0242_3-27.pdf%22%20%5Ct%20%22_blank).]

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 4-2013, f. & cert. ef. 3-27-13

**Testing and Monitoring Requirements**

**340-244-0244**

**Testing and Monitoring Requirements**

(1) Each owner or operator of a GDF, at time of installation, as specified in OAR 340-244-0238(4), of a vapor balance system required under OAR 340-244-0242(1)(a), and every 3 years thereafter at a GDF with monthly throughput of 100,000 gallons of gasoline or more, must comply with the requirements in subsections (1)(a) and (b).

(a) The owner or operator of a GDF must demonstrate compliance with the leak rate and cracking pressure requirements, specified in item 1(g) of Table 2 of OAR 340-244-0242, for pressure-vacuum vent valves installed on gasoline storage tanks using the test methods identified in paragraph (1)(a)(A) or (B).

(A) California Air Resources Board Vapor Recovery Test Procedure TP–201.1E,—Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, adopted October 8, 2003 (incorporated by reference, see 40 CFR 63.14).

(B) Use alternative test methods and procedures in accordance with the alternative test method requirements in 40 CFR 63.7(f).

(b) The owner or operator of a GDF must demonstrate compliance with the static pressure performance requirement, specified in item 1(h) of Table 2 of OAR 340-244-0242, for the vapor balance system by conducting a static pressure test on the gasoline storage tanks using the test methods identified in paragraph (1)(b)(A), (1)(b)(B), or (1)(b)(C).

(A) California Air Resources Board Vapor Recovery Test Procedure TP–201.3,—Determination of 2-Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities, adopted April 12, 1996, and amended March 17, 1999 (incorporated by reference, see 40 CFR 63.14).

(B) Use alternative test methods and procedures in accordance with the alternative test method requirements in 40 CFR 63.7(f).

(C) Bay Area Air Quality Management District Source Test Procedure ST–30—Static Pressure Integrity Test—Underground Storage Tanks, adopted November 30, 1983, and amended December 21, 1994 (incorporated by reference, see 40 CFR 63.14).

(2) Each owner or operator of a GDF, choosing, under the provisions of 40 CFR 63.6(g), to use a vapor balance system other than that described in Table 2 of OAR 340-244-0242, must demonstrate to DEQ or upon request by the EPA Administrator, the equivalency of their vapor balance system to that described in Table 2 of OAR 340-244-0242 using the procedures specified in subsections (2)(a) through (c).

(a) The owner or operator of a GDF must demonstrate initial compliance by conducting an initial performance test on the vapor balance system to demonstrate that the vapor balance system achieves 95 percent reduction using the California Air Resources Board Vapor Recovery Test Procedure TP-201.1, -- Volumetric Efficiency for Phase I Vapor Recovery Systems, adopted April 12, 1996, and amended February 1, 2001, and October 8, 2003, (incorporated by reference, see 40 CFR 63.14).

(b) The owner or operator of a GDF must, during the initial performance test required under subsection (2)(a), determine and document alternative acceptable values for the leak rate and cracking pressure requirements specified in item 1(g) of Table 2 of OAR 340-244-0242 and for the static pressure performance requirement in item 1(h) of Table 2 of OAR 340-244-0242.

(c) The owner or operator of a GDF must comply with the testing requirements specified in section (1).

(3) Conduct of performance tests. Performance tests must be conducted under such conditions as DEQ or the EPA Administrator specifies to the owner or operator of a GDF based on representative performance (i.e., performance based on normal operating conditions) of the affected source. Upon request by DEQ or the EPA Administrator, the owner or operator of a GDF must make available such records as may be necessary to determine the conditions of performance tests.

(4) Owners and operators of gasoline cargo tanks subject to the provisions of Table 3 of OAR 340-244-0242 must conduct annual certification testing according to the vapor tightness testing requirements found in 40 CFR 63.11092(f).

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

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 4-2013, f. & cert. ef. 3-27-13

**Notifications, Records, and Reports**

**340-244-0246**

**Notifications**

(1) Each owner or operator of a GDF subject to the control requirements in OAR 340-244-0240(3) must comply with subsections (1)(a) through (c).

(a) The owner or operator of a GDF must submit an Initial Notification that the owner or operator is subject to the Gasoline Dispensing Facilities NESHAP by May 9, 2008, or at the time the owner or operator becomes subject to the control requirements in OAR 340-244-0240(3), unless the owner or operator meets the requirements in subsection (1)(c). If the owner or operator of a GDF is subject to the control requirements in OAR 340-244-0240(3) only because the owner or operator loads gasoline into fuel tanks other than those in motor vehicles, as defined on OAR 340-244-0030, the owner or operator must submit the initial notification by May 24, 2011. The Initial Notification must contain the information specified in paragraphs (1)(a)(A) through (D). The notification must be submitted to EPA’s Region 10 Office and DEQ as specified in 40 CFR 63.13.

(A) The name and address of the owner and the operator.

(B) The address (i.e., physical location) of the GDF.

(C) The volume of gasoline loaded into all storage tanks or on the volume of gasoline dispensed from all storage tanks during the previous twelve months.

(D) A statement that the notification is being submitted in response to the Gasoline Dispensing Facilities NESHAP and identifying the requirements in OAR 340-244-0240(1) through (3) that apply to the owner or operator of a GDF.

(b) The owner or operator of a GDF must submit a Notification of Compliance Status to EPA’s Region 10 Office and DEQ, as specified in 40 CFR 63.13, within 60 days of the applicable compliance date specified in OAR 340-244-0238, unless the owner or operator meets the requirements in subsection (1)(c). The Notification of Compliance Status must be signed by a responsible official who must certify its accuracy, must indicate whether the source has complied with the requirements of OAR 340-244-0232 through 340-244-0252, and must indicate whether the facility’s monthly throughput is calculated based on the volume of gasoline loaded into all storage tanks or on the volume of gasoline dispensed from all storage tanks. If the facility is in compliance with the requirements of OAR 340-244-0232 through 340-244-0252 at the time the Initial Notification required under subsection (1)(a) of this rule is due, the Notification of Compliance Status may be submitted in lieu of the Initial Notification provided it contains the information required under subsection (1)(a).

(c) If, prior to January 10, 2008, the owner or operator of a GDF is operating in compliance with an enforceable State rule or permit that requires submerged fill as specified in OAR 340-244-0240(3), the owner or operator is not required to submit an Initial Notification or a Notification of Compliance Status under subsection (1)(a) or (b).

(2) Each owner or operator of a GDF subject to the control requirements in OAR 340-244-0242 must comply with subsections (2)(a) through (e).

(a) The owner or operator of a GDF must submit an Initial Notification that the owner or operator is subject to the Gasoline Dispensing Facilities NESHAP by May 9, 2008, or at the time the owner or operator becomes subject to the control requirements in OAR 340-244-0242. If the owner or operator of a GDF is subject to the control requirements in OAR 340-244-0242 only because the owner or operator loads gasoline into fuel tanks other than those in motor vehicles, as defined on OAR 340-244-0030, the owner or operator must submit the initial notification by May 24, 2011. The Initial Notification must contain the information specified in paragraphs (2)(a)(A) through (C) of this rule. The notification must be submitted to EPA’s Region 10 Office and DEQ as specified in 40 CFR 63.13.

(A) The name and address of the owner and the operator.

(B) The address (i.e., physical location) of the GDF.

(C) The volume of gasoline loaded into all storage tanks or on the volume of gasoline dispensed from all storage tanks during the previous twelve months.

(D) A statement that the notification is being submitted in response to the Gasoline Dispensing Facilities NESHAP and identifying the requirements in OAR 340-244-0242 that apply to the owner or operator of a GDF.

(b) The owner or operator of a GDF must submit a Notification of Compliance Status to EPA’s Regional 10 Office and DEQ, as specified in 40 CFR 63.13, in accordance with the schedule specified in 40 CFR 63.9(h). The Notification of Compliance Status must be signed by a responsible official who must certify its accuracy, must indicate whether the source has complied with the requirements of OAR 340-244-0232 through 340-244-0252, and must indicate whether the facility’s monthly throughput is calculated based on the volume of gasoline loaded into all storage tanks or on the volume of gasoline dispensed from all storage tanks. If the facility is in compliance with the requirements OAR 340-244-0232 through 0252 at the time the Initial Notification required under subsection (2)(a) is due, the Notification of Compliance Status may be submitted in lieu of the Initial Notification provided it contains the information required under subsection (2)(a).

(c) If, prior to January 10, 2008, the owner or operator of a GDF satisfies the requirements in both paragraphs (2)(c)(A) and (B), the owner or operator is not required to submit an Initial Notification or a Notification of Compliance Status under subsections (2)(a) or (b).

(A) The owner or operator of a GDF operates a vapor balance system at the gasoline dispensing facility that meets the requirements of either subparagraphs (2)(c)(A)(i) or (ii).

(i) Achieves emissions reduction of at least 90 percent.

(ii) Operates using management practices at least as stringent as those in Table 2 of OAR 340-244-0242.

(B) The GDF is in compliance with an enforceable State rule or permit that contains requirements of subparagraphs (2)(c)(A)(i) and (ii).

(d) The owner or operator of a GDF must submit a Notification of Performance Test, as specified in 40 CFR 63.9(e), prior to initiating testing required by OAR 340-244-0244(1) and (2).

(e) The owner or operator of a GDF must submit additional notifications specified in 40 CFR 63.9, as applicable.

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

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 4-2013, f. & cert. ef. 3-27-13

**340-244-0248**

**Recordkeeping Requirements**

(1) Each owner or operator of a GDF must keep the following records:

(a) Records of all tests performed under OAR 340-244-0244(1) and (2);

(b) Records related to the operation and maintenance of vapor balance equipment required under OAR 340-244-0242. Any vapor balance component defect must be logged and tracked by station personnel using forms provided by DEQ or a reasonable facsimile.

(c) Records of total throughput volume of gasoline, in gallons, for each calendar month.

(d) Records of permanent changes made at the GDF and vapor balance equipment which may affect emissions.

(2) Records required under section (1) must be kept for a period of 5 years and must be made available for inspection by DEQ and the EPA Administrator during the course of a site visit.

(3) Each owner or operator of a gasoline cargo tank subject to the management practices in Table 3 of OAR 340-244-0242 must keep records documenting vapor tightness testing for a period of 5 years. Documentation must include each of the items specified in 40 CFR 63.11094(b)(2)(i) through (viii). Records of vapor tightness testing must be retained as specified in either subsection (3)(a) or (b).

(a) The owner or operator of a gasoline cargo tank must keep all vapor tightness testing records with the cargo tank.

(b) As an alternative to keeping all records with the cargo tank, the owner or operator of a gasoline cargo tank may comply with the requirements of paragraphs (3)(a)(A) and (B).

(A) The owner or operator of a gasoline cargo tank may keep records of only the most recent vapor tightness test with the cargo tank and keep records for the previous 4 years at their office or another central location.

(B) Vapor tightness testing records that are kept at a location other than with the cargo tank must be instantly available (e.g., via e-mail or facsimile) to DEQ and the EPA Administrator during the course of a site visit or within a mutually agreeable time frame. Such records must be an exact duplicate image of the original paper copy record with certifying signatures.

(4) Each owner or operator of a GDF must keep records as specified in subsections (4)(a) and (b).

(a) Records of the occurrence and duration of each malfunction of operation (i.e., process equipment) or the air pollution control and monitoring equipment.

(b) Records of actions taken during periods of malfunction to minimize emissions in accordance with OAR 340-244-0239(1), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

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

Stat. Auth.: ORS 468.020 & ORS 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 4-2013, f. & cert. ef. 3-27-13

**340-244-0250**

**Reporting Requirements**

(1) Each owner or operator of a GDF subject to the management practices in OAR 340-244-0242 must report to DEQ and the EPA Administrator the results of all volumetric efficiency tests required under OAR 340-244-0244(1) and (2). Reports submitted under this rule must be submitted within 180 days of the completion of the performance testing.

(2) Annual report. Each owner or operator of a GDF that has monthly throughput of 10,000 gallons of gasoline or more must report, by February 15 of each year, the following information, as applicable.

(a) The total throughput volume of gasoline, in gallons, for each calendar month.

(b) A summary of changes made at the facility on vapor recovery equipment which may affect emissions.

(c) List of all major maintenance performed on pollution control devices.

(d) The number, duration, and a brief description of each type of malfunction which occurred during the previous calendar year and which caused or may have caused any applicable emission limitation to be exceeded.

(e) A description of actions taken by the owner or operator of a GDF during a malfunction to minimize emissions in accordance with OAR 340-244-0239(1), including actions taken to correct a malfunction.

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

Stat. Auth.: ORS 468.020 & ORS 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 4-2013, f. & cert. ef. 3-27-13

**DIVISION 262**

**HEAT SMART PROGRAM FOR RESIDENTIAL WOODSTOVES
AND OTHER SOLID FUEL HEATING DEVICES**

**340-262-0450**

**Definitions**

The definitions in OAR 340-200-0020 and this rule apply to this division. If OAR 340-0200-0020 and this rule define the same term, the definition in this rule applies to this division.

(1) “Antique woodstove” means a woodstove built before 1940 that has an ornate construction and a current market value substantially higher than a common woodstove manufactured during the same period.

(2) “Central wood-fired furnace” means an indoor, wood-fired furnace that is thermostatically controlled, has a dedicated cold air inlet and dedicated hot air outlet, and is connected to heating ductwork for the entire residential structure.

(3) “CFR” means Code of Federal Regulations.

(4) "Consumer" means a person who buys a solid fuel burning device for personal use.

(5) "Cookstove" means an indoor wood-burning appliance designed for the primary purpose of cooking food.

(6) "Dealer" means a person that sells solid fuel burning devices to retailers or other dealers for resale. For the purpose of this Division, a dealer that is also an Oregon retailer will be considered to be only a retailer.

(7) “DEQ” means Oregon Department of Environmental Quality.

(8) "Destroy" means to demolish or decommission to the extent that restoration or reuse as a heating device is impossible.

(9) “EPA” means United States Environmental Protection Agency.

(10) “EQC” means Environmental Quality Commission

(11) "Federal Regulations" means 40 CFR, Part 60, Subpart AAA as in effect on July 1, 2010.

(12) "Fireplace" means a site-built or factory-built masonry fireplace that is designed to be used with an open combustion chamber and that is without features to control air-to-fuel ratios.

(13) “Hydronic heater” means a fuel-burning device which may be equipped with a heat storage unit, and which is designed to:

(a) Burn wood or other automatically fed fuels such as wood pellets, shelled corn, and wood chips;

(b) Be installed according to the manufacturer’s specifications either indoors or outdoors; and

(c) Heat building space and/or water via the distribution, typically through pipes, of a fluid heated in the device, typically water or a water/antifreeze mixture.

(14) "Manufacturer" means a person who designs a solid fuel burning device, constructs a solid fuel burning device or constructs parts for solid fuel burning devices.

(15) “Masonry heater” means a site-built or site-assembled, solid fueled heating device constructed of structural masonry mass used to store heat from intermittent fires burned rapidly in the structure’s firebox and slow release the heat to the site. Such solid-fueled heating device must meet the design and construction specifications set forth in ASTM E 1602-03, "Guide for Construction of Solid Fuel Burning Masonry Heaters."

(16) "New solid fuel burning device" or “new device” means a solid fuel burning device defined under ORS 468A.485(4)(a) that has not been sold, bargained, exchanged, given away, acquired secondhand, or otherwise had its ownership transferred from the person who first acquired it from a retailer.

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

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

(19) "Pellet stove" means a heating device that uses wood pellets, or other biomass fuels designed for use in pellet stoves, as its primary source of fuel.

(20) “Phase 1 emission level qualified model” is a model of a hydronic heater that achieves an average emission level of 0.60 lbs/million Btu heat input or less for all fuel types listed in the owner’s manual and/or mentioned in marketing/sales materials, as acknowledged by EPA in writing to the manufacturer as part of EPA’s acceptance of the model as a qualified model.

(21) “Phase 2 emission level qualified model” is a model of a hydronic heater that achieves an average emissions level of 0.32 lbs/million Btu heat output or less for all fuel types listed in the owner’s manual and/or mentioned in marketing/sales materials, and that did not exceed 18.0 grams/hr of fine particles in any individual test run that was used in the calculation of the average, as acknowledged by EPA in writing to the manufacturer as part of EPA’s acceptance of the model as a qualified model pursuant to the EPA Hydronic Heater Program Phase 2 Partnership Agreement.

(22) “Residential structure” has the meaning given that term in ORS 701.005.

(23) "Retailer" means a person engaged in the sale of solid fuel burning devices directly to consumers.

(24) “Solid fuel burning device” or “device” means a woodstove or any other device that burns wood, coal or other nongaseous or non-liquid fuels for aesthetic, space-heating or water-heating purposes in or for a private residential structure or a commercial establishment and that has a heat output of less than one million British thermal units per hour. Solid fuel burning device does not include:

(a) Fireplaces;

(b) Antique stoves;

(c) Pellet stoves;

(d) Masonry heaters;

(e) Central, wood-fired furnaces;

(f) Saunas; and

(g) Boilers providing process heat to a commercial, industrial, or institutional establishment that obtain construction approval under OAR 340-210-0205 through 340-210-0250.

(25) “Trash burner” means any equipment that is used to dispose of waste by burning and has not been issued an air quality permit under ORS 468A.040.

(26) “Treated wood” means wood of any species that has been chemically impregnated, painted or similarly modified to prevent weathering and deterioration.

(27) "Used solid fuel burning device" or “used device” means a solid fuel burning device that has been sold, bargained, exchanged, given away, or otherwise has had its ownership transferred.

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

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468A.035 & 468A.460 - 468A.515
Hist.: DEQ 2-2011, f. 3-10-11, cert. ef. 3-15-11; DEQ 7-2011(Temp), f. & cert. ef. 6-24-11 thru 12-19-11; Administrative correction, 2-6-12; DEQ 1-2012, f. & cert. ef. 5-17-12

**DIVISION 264**

**RULES FOR OPEN BURNING**

**340-264-0010**

**How to Use These Open Burning Rules**

(1) This division classifies all open burning into one of seven classes: Agricultural; Commercial; Construction; Demolition (which includes land clearing); Domestic (which includes burning commonly called "backyard burning" and burning of yard debris); Industrial; or Slash. Except for field burning within the Willamette Valley regulated through OAR 340 division 266 and slash burning administered by the forest practices smoke management plan of the Oregon Department of Forestry, this division prescribes requirements for and prohibitions of open burning for every location in the state. Generally, if a class of open burning is not specifically prohibited in a given location, then it is authorized subject to OAR 340-264-0050 and 340-264-0060 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal. In addition, some practices specifically mentioned in OAR 340-264-0040 are exempted from this division.

(2) Organization of rules:

(a) OAR 340-264-0020 is the Policy statement of the EQC setting forth the goals of this division;

(b) OAR 340-264-0030 contains definitions of terms that have specialized meanings within the context of this division;

(c) OAR 340-264-0040 lists specific types of open burning and practices that are not governed by this division;

(d) OAR 340-264-0050 lists general requirements that usually apply to any open burning governed by this division;

(e) OAR 340-264-0060 lists general prohibitions that apply to most open burning;

(f) OAR 340-264-0070 establishes the open burning schedule based on air quality and meteorological conditions as required by ORS 468A.570;

(g) OAR 340-264-0075 allows the delegation of some or all of the open burning authority to be administered by a local jurisdiction;

(h) OAR 340-264-0078 contains the legal description of Open Burning Control Areas and maps that generally depict these areas;

(i) OAR 340-264-0080 indexes each county of the state to a specific rule giving specific restrictions for each class of open burning applicable in the county;

(j) OAR 340-264-0100 through 340-264-0170 are rules that give specific restrictions to open burning for each class of open burning in the counties named in each rule;

(k) OAR 340-264-0180 provides for a letter permit authorization for open burning under certain circumstances in which open burning otherwise would be prohibited.

(3) Use of this division will be made easier by the following procedure:

(a) Read OAR 340-264-0050 and 340-264-0060 to understand general requirements and prohibitions that apply to all burning governed by this division;

(b) In OAR 340-264-0030 read the definitions of Agricultural, Commercial, Construction, Demolition, Domestic and Industrial open burning plus the definitions of land clearing and yard debris to determine the type of burning of concern. Also read OAR 340-264-0040 to determine if the type of burning is exempted from this division;

(c) Locate the rule (OAR 340-264-0100 through 340-264-0170) that governs the county in which burning is to take place. OAR 340-264-0090 is an index to the county rules;

(d) Read the sections of the county rules that apply to the type of burning to be accomplished;

(e) If not prohibited by this division, obtain a fire permit from the fire district, county court or county commissioners before conducting any burning;

(f) If the type of burning proposed is prohibited by this division, refer to OAR 340-264-0180 (Letter Permits) for a possible alternative.

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

Stat. Auth.: ORS 468, ORS 468A & ORS 477
Stats. Implemented: ORS 468A.555
Hist.: DEQ 27-1981, f. & ef. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0022; DEQ 21-2000, f. & cert. ef. 12-15-00

**340-264-0030**

**Definitions**

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

(1) "Agricultural burning for disease or pest control" means open burning of waste infected or infested with a disease or pest for which the County Extension Service or Oregon Department of Agriculture identify as having no other practicable control .

(2) "Agricultural operation" means an activity on land currently used or intended to be used primarily for the purpose of obtaining a profit in money by raising, harvesting and selling crops or by raising and selling livestock or poultry, or the produce thereof, which activity is necessary to serve that purpose. Agricultural operation also means activities conducted by not-for-profit agricultural research organizations, which activities are necessary to serve that purpose. It does not include the construction and use of dwellings customarily provided in conjunction with the agricultural operation.

(3) "Agricultural open burning" means the open burning of any agricultural waste, except as provided in OAR 340-264-0040(5).

(4) "Agricultural waste" means any waste material generated or used by an agricultural operation, excluding those materials described in OAR 340-264-0060(3).

(5) "Animal disease emergency" means the occurrence of a disease that the Oregon Department of Agriculture determines has potentially serious economic implications for the livestock industries of this state.

(6) "Auxiliary combustion equipment" includes, but is not limited to fans.

(7) "Combustion promoting materials" include, but are not limited to, propane, diesel oil, or jellied diesel.

(8) "Commercial open burning" means the open burning of any commercial waste.

(9) "Commercial waste" means:

(a) Any material except:

(A) Agricultural waste;

(B) Construction waste;

(C) Demolition waste;

(D) Domestic waste;

(E) Industrial waste; and

(F) Slash.

(b) Examples of commercial waste are waste material from offices, wholesale or retail yards and outlets, warehouses, restaurants, mobile home parks, domestic waste removed from the property of origin, and dwellings containing more than four family living units, such as apartments, condominiums, hotels, motels or dormitories.

 (10) "Construction open burning" means the open burning of any construction waste.

(11) "Construction waste" means any waste material generally used for, resulting from or produced by a building or construction project. Examples of construction waste are wood, lumber, paper, crating and packing materials processed for or used during construction, materials left after completion of construction, and materials collected during cleanup of a construction site.

(12) "Daylight hours" means the time between 7:30 a.m. and two hours before sunset.

(13)"Demolition open burning" means the open burning of demolition waste.

(14) "Demolition waste" means any material resulting from or produced by the complete or partial destruction or tearing down of any man-made structure, or the clearing of any site for land improvement or cleanup, excluding yard debris (domestic waste) and agricultural waste.

(15) "Domestic open burning" means the open burning of any domestic waste.

(16) "Domestic waste" means household waste material, which includes paper, cardboard, clothing, yard debris, or other material generated in or around a dwelling of four-or-fewer-family-living units, or on the real property appurtenant to the dwelling. Such waste materials generated in or around a dwelling of more than four-family-living units are commercial wastes. Once domestic waste is removed from the property of origin, it becomes commercial waste.

(17) "Fire hazard" means the presence or accumulation of combustible material of such nature and in sufficient quantity that its continued existence constitutes an imminent and substantial danger to life, property, public welfare, or adjacent lands.

(18) "Hazard to public safety" means fires that burn prohibited materials or result in smoke that substantially impairs visibility on a roadway.

(19)"Industrial open burning" means the open burning of any industrial waste.

(20) "Industrial waste" means any waste material, including process waste, produced as the direct result of any manufacturing or industrial process.

(21 "Land clearing" means the removal of trees, brush, logs, stumps, debris or man- made structures for the purpose of site clean-up or site preparation. All waste material generated by land clearing is demolition waste except those materials included in the definitions of agricultural wastes, yard debris (domestic waste), and slash.

(22) "Letter permit" means an authorization issued pursuant to OAR 340-264-0180 to burn select materials at a defined site and under certain conditions.

(23) "Local jurisdiction" means:

(a) The local fire permit issuing authority; or

(b) The local governmental entity having authority to regulate by law or ordinance.

(24) "Nuisance" means a substantial and unreasonable interference with another's use and enjoyment of real property, or the substantial and unreasonable invasion of a right common to members of the general public.

(25) "Open burning" means:

(a) Burning in open, outdoor fires;

(b) Burning in burn barrels; and

(c) Any other outdoor burning when combustion air is not effectively controlled and combustion products are not effectively vented through a stack or chimney.

(26) "Open burning control area" means an area established to control specific open burning practices or to maintain specific open burning standards that may be more stringent than those established for other areas of the state. Open burning control areas in the state are described in OAR 340-2640078.

(27) "Population" means the annual population estimate of incorporated cities within the State of Oregon issued by the Center for Population Research and Census, Portland State University, Portland, Oregon.

(28) "Slash" means forest debris or woody vegetation to be burned that is related to the management of forest land used for growing and harvesting timber.

(29) "Special open burning control area" means an area in the Willamette Valley where DEQ restricts the practice of open burning. These areas are described in OAR 340-264-0078(6).

(30) "Ventilation index" means a number calculated by DEQ relating to the ability of the atmosphere to disperse regulated pollutants. The ventilation index is the product of the measured or estimated meteorological mixing depth in hundreds of feet and the measured or estimated average wind speed in knots through the mixed layer.

(31) "Waste" includes any useless or discarded materials. Each waste is categorized in this division as one of the following types:

(a) Agricultural;

(b) Commercial;

(c) Construction;

(d) Demolition;

(e) Domestic;

(f) Industrial; or

(g) Slash.

(32) "Yard debris" means wood, needle or leaf materials from trees, shrubs or plants from the real property appurtenant to a dwelling of not more than four family living units so long as such debris remains on the property of origin. Once yard debris is removed from the property of origin, it becomes commercial waste. Yard debris is included in the definition of domestic waste.

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

Stat. Auth.: ORS 468, ORS 468A & ORS 477
Stats. Implemented: ORS 468A.555
Hist.: DEQ 123, f. & ef. 10-20-76; DEQ 23-1979, f. & ef. 7-5-79; DEQ 27-1981, f. & ef. 9-8-81; DEQ 10-1984, f. 5-29-84, ef. 6-16-84; DEQ 21-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0030; DEQ 21-2000, f. & cert. ef. 12-15-00

**340-264-0040**

**Exemptions, Statewide**

Except for the provisions contained in OAR 340-264-0050 and 340-264-0060, this division does not apply to:

(1) Recreational fires and ceremonial fires, for which a fire is appropriate.

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

(3) Fires set or permitted by any public agency when such fire is set or permitted in the performance of its official duty for the purpose of weed abatement, prevention or elimination of a fire hazard, or a hazard to public health or safety, or for instruction of employees in the methods of fire fighting, which in the opinion of the public agency is necessary. Every effort will be made by the public agency to conduct this burning during good smoke dispersal conditions and specifically avoiding periods during Air Pollution Advisories. The agency will adjust its schedule for setting such fires for better smoke dispersal if necessary. Open burning fires otherwise exempt from the requirements of this division are still subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshall.

(4) Agricultural open burning pursuant to ORS 468A.020. Agricultural open burning is still subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(5) Open field burning, propane flaming, and stack and pile burning in the Willamette Valley between the crests of the Cascade and Coast Ranges pursuant to OAR 340 division 266, Rules for Field Burning.

(6) Slash burning on forest land or within one-eighth mile of forest land permitted under the Oregon Smoke Management Program regulated by the Department of Forestry pursuant to ORS 477.515.

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

(8) Fires set for the purpose of disposal of dry tumbleweed plants (typically Russian Thistle and Tumbleweed Mustard plants) that have been broken off, and rolled about, by the wind.

(9) Agricultural burning for disease or pest control when the fire is set or authorized in writing by the Department of Agriculture.

(10) When caused by an authorized representative of the Department of Agriculture, open burning of carcasses of animals that have died or been destroyed because of an animal disease emergency.

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

Stat. Auth.: ORS 468, 468A & 477
Stats. Implemented: ORS 468A.025
Hist.: DEQ 123, f. & ef. 10-20-76; DEQ 23-1979, f. & ef. 7-5-79; DEQ 27-1981, f. & ef. 9-8-81; DEQ 10-1984, f. 5-29-84, ef. 6-16-84; DEQ 6-1992, f. & cert. ef. 3-11-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0035; DEQ 21-2000, f. & cert. ef. 12-15-00; DEQ 12-2008, f. & cert. ef. 9-17-08; DEQ 10-2012, f. & cert. ef. 12-11-12

**340-264-0050**

**General Requirements Statewide**

This rule applies to all open burning, unless expressly limited by any other rule, regulation, permit, ordinance, order or decree of the EQC or other agency having jurisdiction:

(1) The following persons are considered a responsible person for open burning in violation of this rule:

(a) Each person who is in ownership, control or custody of the real property on which open burning occurs, including any tenant thereof;

(b) Each person who is in ownership, control or custody of the material that is burned; and

(c) Any person who causes or allows open burning to be initiated or maintained.

(d) For purposes of this rule, a public agency in its official capacity that has issued the permit for burning is not considered a responsible person.

(2) A responsible person, or an expressly authorized agent, must constantly attend all open burning. This person must be capable of and have the necessary equipment for extinguishing the fire. This person also must completely extinguish the fire before leaving it.

(3) A responsible person must promptly extinguish any burning that is in violation of any rule of the Commission or of any permit issued by DEQ, unless DEQ has given written approval to such responsible person to use auxiliary combustion equipment or combustion promoting materials to minimize smoke production, and the responsible person complies with the requirements in the written approval. However, nothing in this section authorizes any violation of OAR 340-264-0060(2) or (3).

(4) To promote efficient burning and prevent excessive emissions of smoke, a responsible person must:

(a) Assure that all combustible material is dried to the extent practicable. This includes covering the combustible material when practicable to protect the material from moisture in any form, including precipitation or dew. However, nothing in this section authorizes any violation of OAR 340-264-0060(2) or (3);

(b) Loosely stack or windrow the combustible material to eliminate dirt, rocks and other noncombustible material and promote an adequate air supply to the burning pile, and provide the necessary tools and equipment to accomplish this;

(c) Periodically re-stack or feed the burning pile, insure that combustion is essentially completed and smoldering fires are prevented, and provide the necessary tools and equipment to accomplish this.

(5) Notwithstanding OAR 340-264-0040(4), each person sanitizing perennial or annual grass seed crops by open burning in counties outside the Willamette Valley must pay DEQ $4 for each acre burned:

(a) DEQ may contract with counties, rural fire protection districts, or other responsible individuals for the collection of the fees;

(b) All fees collected under this section must be deposited in the State Treasury to the credit of the Department of Agriculture Service Fund.

(6) Open burning in compliance with this division does not exempt any person from any civil or criminal liability for consequences or damages resulting from such burning, nor does it exempt any person from complying with any other applicable law, ordinance, regulation, rule, permit, order, or decree of this or any other governmental entity having jurisdiction.

(7) If any commercial, construction, or demolition debris burning allowed in OAR 340-264-0100 through 340-264-0170 violates OAR 340-264-0060(2), the open burning must be immediately extinguished. Any future burning of this material or similar material by the responsible person is prohibited unless DEQ issues a letter permit pursuant to OAR 340-264-0180.

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

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.555
Hist.: DEQ 123, f. & ef. 10-20-76; DEQ 23-1979, f. & ef. 7-5-79; DEQ 27-1981, f. & ef. 9-8-81; DEQ 6-1992, f. & cert. ef. 3-11-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0040; DEQ 21-2000, f. & cert. ef. 12-15-00

**340-264-0060**

**General Prohibitions Statewide**

This rule applies to all open burning, unless expressly limited by any other rule, regulation, permit, ordinance, or order or decree of the EQC or other agency having jurisdiction:

(1) The following persons are strictly liable for open burning in violation of this rule:

(a) Each person who is in ownership, control or custody of the real property on which open burning occurs, including any tenant thereof;

(b) Each person who is in ownership, control or custody of the material that is burned; and

(c) Any person who causes or allows open burning to be initiated or maintained.

(2) No person may cause or allow to be initiated or maintained any open burning that creates a nuisance or a hazard to public safety.

(3) No person may cause or allow to be initiated or maintained any open burning of any wet garbage, plastic, asbestos, wire insulation, automobile part, asphalt, petroleum product, petroleum treated material, rubber product, animal remains, or animal or vegetable matter resulting from the handling, preparation, cooking, or service of food or of any other material which normally emits dense smoke or noxious odors.

(4) No person may cause or allow to be initiated or maintained any open burning of any material in any part of the state on any day or at any time if DEQ has notified the State Fire Marshal that such open burning is prohibited because of meteorological or air quality conditions pursuant to OAR 340-264-0070.

(5) No agency may issue any fire permit authorizing any open burning of any material at any location on any day or at any time if DEQ has notified the State Fire Marshal that such open burning is prohibited because of meteorological or air quality conditions. If an agency issues a permit in violation of this rule, the permit does not excuse any person from complying with this section.

(6) No person may cause or allow to be initiated or maintained any open burning authorized by this Division during hours other than specified by DEQ.

(7) No person may cause or allow to be initiated or maintained any open burning at any solid waste disposal site unless authorized by a Solid Waste Permit issued pursuant to OAR 340-093-0050.

(8) No person may cause or allow to be initiated or maintained any open burning of debris removed from the property of origin unless the person receives a letter permit pursuant to OAR 340-264-0180. A letter permit is not required to burn agricultural waste removed from the property of origin provided the waste remains under control of the same responsible person.

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

Stat. Auth.: ORS 468A & ORS 468.020
Stats. Implemented: ORS 459.205
Hist.: DEQ 27-1981, f. & ef. 9-8-81; DEQ 10-1984, f. 5-29-84, ef. 6-16-84; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 9-1996, f. & cert. ef. 7-10-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0042; DEQ 21-2000, f. & cert. ef. 12-15-00

**340-264-0070**

**Open Burning Conditions**

Pursuant to ORS 468A.570, 476.380, 477.520 and 478.960, the following open burning conditions apply:

(1) Mandatory Prohibition Based on Adverse Air Quality Conditions:

(a) DEQ will notify the State Fire Marshal that all open burning is prohibited in all or a specified part of the state when DEQ declares:

(A) A particulate or sulfur dioxide alert pursuant to OAR 340-206-0030(2);

(B) A particulate or sulfur dioxide warning pursuant to OAR 340-206-0030(3); or

(C) An emergency for any air contaminant pursuant to OAR 340-206-0030(4).

(b) All open burning is prohibited until DEQ notifies the State Fire Marshal that the episode and prohibition are terminated.

(2) Discretionary Prohibition or Limitation Based on Meteorological Conditions:

(a) DEQ may notify the State Fire Marshal that all or specified types of open burning are prohibited or limited in all or any specified parts of the state based on any one or more of the following criteria affecting that part of the state:

(A) An air stagnation event as determined by DEQ;

(B) The daily maximum ventilation index calculated by DEQ for Willamette Valley Open Burning Control Areas or Umpqua Basin Open Burning Control Area is less than 200;

(C) The daily maximum ventilation index calculated by DEQ for the Rogue Basin Open Burning Control Area is less than 400 for all regulated open burning.

(D) DEQ determines there is poor ventilation;

(E) For regulation of burning of yard debris in urban areas, the amount of precipitation expected during the day; or

(F) Any other relevant factor.

(b) Such prohibitions or limits remain in effect until DEQ notifies the State Fire Marshal that the prohibition or limitation has been terminated;

(c) In deciding whether to prohibit or limit open burning pursuant to this section, DEQ will consider:

(A) The policy of the state set forth in ORS 468A.010;

(B) The relevant criteria set forth in ORS 468A.025(2);

(C) The extent and types of materials available to be burned;

(D) In the case of Agricultural open burning, the recommendations received from any local agricultural smoke management organization; and

(E) Any other relevant factor.

(d) In deciding whether to prohibit or limit any open burning pursuant to this section DEQ must give first priority to the burning of perennial grass seed crop used for grass seed production, second priority for annual grass seed crop used for grass seed production, third priority to grain crop burning, and fourth priority to all other burning.

(3) Unless prohibited or limited pursuant to section (1) or (2), open burning will be allowed only during daylight hours, and must be conducted consistent with the other rules in this division and the requirements and prohibitions of local jurisdiction and the State Fire Marshal.

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

Stat. Auth.: ORS 468, ORS 468A & ORS 477
Stats. Implemented: ORS 468A.555
Hist.: DEQ 27-1981, f. & ef. 9-8-81; DEQ 10-1984, f. 5-29-84, ef. 6-16-84; DEQ 21-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0043; DEQ 21-2000, f. & cert. ef. 12-15-00

**340-264-0075**

**Delegation of Authority**

Whenever DEQ finds that any city, county, fire protection district, forest protection district or state agency is capable of effectively administering the issuance and/or enforcement of permits under any or all of the open burning authority outlined within this division and is desirous of doing so, DEQ may delegate powers necessary for the issuance and/or enforcement of open burning permits to that entity. DEQ, upon finding that the entity is not effectively administering the program, may withdraw such delegation.

Stat. Auth.: ORS 468, ORS 468A & ORS 477
Stats. Implemented: ORS 468A.555
Hist.: DEQ 21-2000, f. & cert. ef. 12-15-00

**340-264-0078**

**Open Burning Control Areas**

Generally, areas around the more densely populated locations in the state and valleys or basins that restrict atmospheric ventilation are designated "Open Burning Control Areas". The practice of open burning may be more restrictive in open burning control areas than in other areas of the state. The specific open burning restrictions associated with these open burning control areas are listed in OAR 340-264-0100 through 340-264-0170 by county. The general locations of open burning control areas are depicted in Figures 2 through 5. The open burning control areas of the state are defined as follows:

(1) All areas in or within three miles of the incorporated city limit of all cities with a population of 4,000 or more.

(2) The Coos Bay Open Burning Control Area is located in Coos County with boundaries as generally depicted in Figure 3 Coos Bay Open Burning Control Area. The area is enclosed by a line beginning at a point approximately 4-1/2 miles WNW of the City of North Bend, at the intersection of the north boundary of T25S, R13W, and the coastline of the Pacific Ocean; thence east to the NE corner of T25S, R12W; thence south to the SE corner of T26S, R12W; thence west to the intersection of the south boundary of T26S, R14W and the coastline of the Pacific Ocean, thence northerly and easterly along the coastline of the Pacific Ocean to its intersection with the north boundary of T25S, R13W, the point of beginning.

(3) The Rogue Basin Open Burning Control Area is located in Jackson and Josephine Counties with boundaries as generally depicted in Figure 4 Rogue Basin Open Burning Control Area. The area is enclosed by a line beginning at a point approximately 4-1/2 miles NE of the City of Shady Cove at the NE corner of T34S, R1W, Willamette Meridian, thence south along the Willamette Meridian to the SW corner of T37S, R1W; thence east to the NE corner of T38S, R1E; thence south to the SE corner of T38S, R1E; thence east to the NE corner of T39S, R2E; thence south to the SE corner of T39S, R2E; thence west to the SW corner of T39S, R1E; thence NW along a line to the NW corner of T39S, R1W; thence west to the SW corner of T38S, R2W; thence north to the SW corner of T36S, R2W; thence west to the SW corner of T36S, R4W; thence south to the SE corner of T37S, R5W; thence west to the SW corner of T37S, R6W; thence north to the NW corner of T36S, R6W; thence east to the SW corner of T35S, R1W; thence north to the NW corner of T34S, R1W; thence east to the point of beginning.

(4) The Umpqua Basin Open Burning Control Area is located in Douglas County with boundaries as generally depicted in Figure 5 Umpqua Basis Open Burning Control Area. The area is enclosed by a line beginning at a point approximately four miles ENE of the City of Oakland, Douglas County, at the NE corner of T25S, R5W, Willamette Meridian, thence south to the SE corner of T25S, R5W; thence east to the NE Corner of T26S, R4W; thence south to the SE corner of T27S, R4W; thence west to the SE corner of T27S, R5W; thence south to the SE corner of T30S, R5W; thence west to the SW corner of T30S, R6W; thence north to the NW corner of T29S, R6W; thence west to the SW corner of T28S, R7W thence north to the NW corner of T27S, R7W; thence east to the NE corner of T27S, R7W; thence north to the NW corner of T26, R6W; thence east to the NE corner of T26S, R6W; thence north to the NW corner of T25S, R5W; thence east to the point of beginning.

(5) The boundaries of the Willamette Valley Open Burning Control Area are generally depicted in Figure 1 Willamette Valley Open Burning Control Area and Figure 2 Open Burning Control Areas. The area includes all of Benton, Clackamas, Linn, Marion, Multnomah, Polk, Washington and Yamhill Counties and that portion of Lane County east of Range 7 West.

(6) The Klamath Basin Open Burning Control Area is located in Klamath County with boundaries generally depicted in Figure 6 Klamath Basin Open Burning Control Area. The area is enclosed by a line beginning at the corner common to northwest corner of Section 31, Township 37 South, Range 9 East of the Willamette Meridian and southwest corner of Section 30 T37S, R9E W.M.; thence east approximately two miles to the northeast corner of Section 32; thence south approximately four miles to the southeast corner of Section 17, T38S, R9E W.M.; thence east approximately one mile to the southwest corner of Section 15,; thence north approximately one mile to the northwest corner of Section 15; thence east approximately 2 miles to the northeast corner of Section 14; thence south approximately one mile to the northwest corner of section 24; thence east approximately one mile to the northeast corner of Section 24; thence south approximately three miles to the southeast corner of Section 36; thence east approximately four miles to the northeast corner of Section 3, T39S, R10E W.M.; thence south approximately three miles to the southeast corner of Section 15; thence west approximately two miles to the southwest corner of Section16; thence south approximately two miles to the southeast corner of Section 29; thence west approximately five miles to the southwest corner of Section 27, T39S, R9E; thence north approximately one mile to the northeast corner of Section 27; thence west approximately four miles to the southwest corner of Section 24, T39S R8E; thence north approximately two miles to the northeast corner of Section 13; thence west approximately one mile to the southwest corner of Section 11; thence north approximately four miles to the northwest corner of Section 26 T38S, R8E; thence west one mile to the southwest corner of Section 22; thence north approximately one mile to the northwest corner of Section 22; thence west approximately one mile to the southwest corner of Section 16; thence north approximately one mile to the northeast corner of Section 16; thence west approximately one mile to the southwest corner of Section 8; thence north approximately two miles to the northwest corner of Section 5; thence east to the northeast corner of Section 1; thence north approximately one mile to the point of beginning.

(7) "Special Open Burning Control Areas" are established around cities within the Willamette Valley Open Burning Control Area. The boundaries of these special open burning control areas are determined as follows:

(a) Any area in or within three miles of the boundary of any city of more than 1,000 but less than 45,000 population;

(b) Any area in or within six miles of the boundary of any city of 45,000 or more population;

(c) Any area between areas established by this rule where the boundaries are separated by three miles or less;

(d) Whenever two or more cities have a common boundary, the total population of these cities will determine the applicability of subsection (a) or (b) and the municipal boundaries of each of the cities must be used to determine the limit of the special open burning control area.

(8) A domestic burning ban area around the Portland metropolitan area is generally depicted in Figure 1A Metropolitan Area Backyard Burning Boundaries. This area encompasses parts of the special control area in Clackamas, Multnomah and Washington Counties. Specific boundaries are listed in OAR 340-264-0120(5), 340-264-0130(5) and 340-264-0140(5). Domestic burning is prohibited in this area except as allowed pursuant to 340-264-0180.

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

[ED. NOTE: Figures referenced are not included in rule text. [Click here for PDF copy of figures](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/_340_tables/340-264-0078_12-11.pdf).]

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 27-1981, f. & ef. 9-8-81; DEQ 10-1984, f. 5-29-84, ef. 6-16-84; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0115; DEQ 21-2000, f. & cert. ef. 12-15-00, Renumbered from 340-264-0200; DEQ 10-2012, f. & cert. ef. 12-11-12

**340-264-0110**

**Benton, Linn, Marion, Polk, and Yamhill Counties**

Open burning requirements for Benton, Linn, Marion, Polk, and Yamhill Counties that form a part of the Willamette Valley Open Burning Control Area described in OAR 340-264-0078:

(1) Industrial open burning is prohibited, except as provided in OAR 340-264-0180.

(2) Agricultural open burning is allowed, subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(3) Commercial open burning is prohibited, except as provided in OAR 340-264-0180.

(4) Construction and Demolition open burning is allowed outside of special open burning control areas, subject to the requirements and prohibitions of local jurisdictions, the State Fire Marshal, OAR 340-264-0050, 340-264-0060 and 340-264-0070. Unless authorized pursuant to 340-264-0180, Construction and Demolition open burning is prohibited within special open burning control areas, including the following:

(a) Areas in or within six miles of the corporate city limit of:

(A) In Benton County, the City of Corvallis;

(B) In Marion County, the Cities of Salem and Keizer;

(C) In Polk County, the City of Salem.

(b) Areas in or within three miles of the corporate city limit of:

(A) In Benton County, the Cities of Albany, and Philomath;

(B) In Linn County, the Cities of Albany, Brownsville, Harrisburg, Lebanon, Lyons, Mill City, Tangent and Sweet Home;

(C) In Marion County the Cities of Aumsville, Gervais, Hubbard, Jefferson, Mill City, Mt. Angel, Silverton, Stayton, Sublimity, Turner and Woodburn;

(D) In Polk County, the Cities of Dallas, Falls City, Independence, Monmouth and Willamina;

(E) In Yamhill County, the Cities of Amity, Carlton, Dayton, Dundee, Lafayette, McMinnville, Newberg, Sheridan and Willamina.

(c) Any areas that meet the test in OAR 340-264-0078(6).

(5) Domestic open burning:

(a) As generally depicted in Figure 1 Willamette Valley Open Burning Control Area of OAR 340-264-0078, domestic open burning is prohibited in the special open burning control areas named in section (4), except open burning of yard debris is allowed beginning March first and ending June 15th, inclusive, and beginning October 1st and ending December 15th, inclusive, subject to 340-264-0050 and 340-264-0060 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal;

(b) Domestic open burning is allowed outside of special open burning control areas named in section (4), subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal;

(c) No person may cause or allow to be initiated or maintained any domestic open burning other than during daylight hours, unless otherwise specified by DEQ pursuant to OAR 340-264-0070.

(6) Slash burning on forest land within special open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

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

[ED. NOTE: Figures referenced are available from the agency.]

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.555
Hist.: DEQ 27-1981, f. & ef. 9-8-81; DEQ 10-1984, f. 5-29-84, ef. 6-16-84; DEQ 6-1992, f. & cert. ef. 3-11-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0060; DEQ 21-2000, f. & cert. ef. 12-15-00

**340-264-0120**

**Clackamas County**

Open burning requirements for Clackamas County:

(1) Industrial open burning is prohibited, except as provided in OAR 340-264-0180.

(2) Agricultural open burning is allowed, subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(3) Commercial open burning is prohibited, except as may be provided by OAR 340-264-0180.

(4) Construction and Demolition open burning is allowed outside of special open burning control areas, subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal. Unless authorized pursuant to 340-264-0180, Construction and Demolition open burning is prohibited within the following:

(a) Areas in or within six miles of the corporate city limits of Gladstone, Gresham, Happy Valley, Lake Oswego, Milwaukie, Oregon City, Portland, Rivergrove, Tualatin, West Linn and Wilsonville;

(b) Areas in or within three miles of the corporate city limits of Canby, Estacada, Molalla and Sandy.

(c) Any areas that meet the test in OAR 340-264-0078(7).

(5) Domestic open burning:

(a) Those areas where domestic burning is always prohibited (unless authorized under 340-264-0180): Beginning at the trisection of the Clackamas-Multnomah-Washington County Line; thence east and then northerly and then east following the Clackamas-Multnomah County Line to the intersection with the northwest corner of Section 27, T1S, R2E; thence south to the midpoint of the western boundary of Section 3, T2S, R2E; thence on a line east approximately 1/4 of a mile; thence south to the southern boundary of Section 3, T2S, R2E and the corner of Camp Withycombe (Oregon National Guard); thence west approximately 1/4 mile to the midpoint of the southern boundary of Section 3, T2S, R2E; thence on a line south to the Clackamas River and the Metro Boundary as defined in Oregon Revised Statutes (ORS) Chapter 268.125; thence following the Metro Boundary first southerly and then westerly to the intersection with the Willamette River, excepting that portion listed in subsection (b)(2); thence northeasterly along the Willamette River to the confluence with the Tualatin River; thence northwesterly along the Tualatin River to the intersection with U.S. Interstate Highway 205 (I-205); thence westerly along I-205 to the intersection with the Clackamas-Washington County Line; thence north along the Clackamas-Washington County Line to the trisection of the Clackamas-Multnomah-Washington County Line, the point of beginning.

(b) Those areas where domestic open burning is prohibited except for the burning of yard debris between March 1 and June 15, and between October 1 and December 15, subject to OAR 340-264-0050 through 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshall, are the areas that lie within both Clackamas County and the Metro Boundary and are not included in paragraph (a). Specifically, those areas are listed as follows:

(A) The area beginning at the point on the Clackamas-Washington County Line where it is intersected by I-205; thence easterly along I-205 to the intersection with the Tualatin River; thence southeasterly along the Tualatin River to the confluence with the Willamette River; thence southerly along the Willamette River to the intersection with the northern boundary of Section 15, T3S, R1E; thence west to the northwest corner of Section 15, T3S, R1E; thence north to the northwest corner of section 10, T3S, R1E; thence west to the northwest corner of Section 9, T3S, R1E; thence north to the northwest corner of Section 4, T3S, R1E; thence west to the intersection with the Clackamas-Washington County Line; thence north to the intersection with I-205, the point of beginning.

(B) The area bounded by Henrici Road on the south; Highway 213 on the west; Beaver Creek Road on the east; and the southern boundary of Clackamas Community College on the north.

(C) The area beginning at the point where the Clackamas-Multnomah County Line intersects the northwest corner of Section 27, T1S, R2E; thence south to the midpoint of the western boundary of Section 3, T2S, R2E; thence on a line east approximately 1/4 of a mile; thence south to the southern boundary of Section 3, T2S, R2E and the corner of Camp Withycombe; thence west 1/4 mile to the midpoint of the southern boundary of Section 3, T2S, R2E; thence on a line south to the Clackamas River; thence easterly along the Clackamas River to the intersection with the western boundary of Section 18, T2S, R3E; thence north to the northwest corner of Section 18, T2S, R3E; thence east to the northwest corner of Section 14, T2S, R3E; thence north to the northwest corner of Section 11, T2S, R3E; thence east to the intersection with Epperson Road; thence north-northwesterly along Epperson Road to the intersection with the Clackamas-Multnomah County Line at the northern boundary of Section 29, T1S, R2E; thence west along the county line to the northwest corner of Section 27, T1S, R2E, the point of beginning.

(c) Domestic open burning is allowed in all other areas of Clackamas County, subject to OAR 340-264-0050 and 340-264-0060 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal;

(d) No person may cause or allow to be initiated or maintained any domestic open burning other than during daylight hours unless specified by DEQ pursuant to OAR 340-264-0070.

(6) Slash burning on forest land within special open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

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

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.555
Hist.: DEQ 27-1981, f. & ef. 9-8-81; DEQ 10-1984, f. 5-29-84, ef. 6-16-84; DEQ 6-1992, f. & cert. ef. 3-11-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1995, f. & cert. ef. 5-25-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0065; DEQ 21-2000, f. & cert. ef. 12-15-00

**340-264-0130**

**Multnomah County**

Open burning requirements for Multnomah County:

(1) Industrial open burning is prohibited, except as provided in OAR 340-264-0180.

(2) Agricultural open burning is allowed, subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(3) Commercial open burning is prohibited, except as provided in OAR 340-264-0180.

(4) Construction and Demolition open burning, unless authorized pursuant to OAR 340-264-0180, is prohibited west of the Sandy River but is allowed east of the Sandy River, subject to 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(5) Domestic open burning:

(a) Those areas where open burning is always prohibited (unless authorized by 340-264-0180):

(A) The area encompassed by the line beginning at the point where the Multnomah, Clackamas, and Washington County lines meet at a trisection; thence east and then north and then east along the Multnomah-Clackamas County Line to the intersection with SE 172nd Avenue; thence north along SE 172nd Avenue to the intersection with SE Foster Road; thence southeasterly along SE Foster Road to the intersection with Jenne Road; thence northeasterly along Jenne Road to the intersection with SE 174th Avenue; thence north along SE 174th Avenue to the intersection with SE Marie Street; thence east along SE Marie Street to the intersection with SE 182nd Avenue; thence north along SE 182nd Avenue and continuing north as SE 182nd Avenue merges into SE 181st Avenue and then turns into NE 181st Avenue to the intersection with NE Sandy Boulevard; thence easterly along NE Sandy Boulevard to the intersection with NE 185th Drive; thence north along NE 185th Drive to the intersection with Marine Drive; thence continuing on a line due north to the Columbia River and the state line; thence following the Columbia River and the state line; thence following the Columbia River and the state line to the confluence of the Columbia and the Willamette Rivers; thence along the Willamette River to the Confluence with the Multnomah Channel and the Portland City Limits; thence following the Portland City Limits generally southerly to the intersection with Section 27, T1N, R1W and the Multnomah-Washington County Line; thence following the Multnomah-Washington County Line southwesterly and then south to the trisection of the Multnomah-Clackamas-Washington County Line, the point of beginning.

(B) All areas in northwest Multnomah County that are not contained within a Fire Protection District.

(C) The Burlington Water District.

(b) Those areas where domestic open burning is prohibited, except for the burning of yard debris between March 1 and June 15, and between October 1 and December 15 and subject to OAR 340-264-0050 through 340-264-0070 and the requirements and prohibitions of local jurisdictions and the State Fire Marshall, are the areas within Multnomah County that lie west of the Sandy River and are not included in OAR 340-264-0130(5)(a).

(c) Domestic open burning is allowed east of the Sandy River, subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal;

(d) No person may cause or allow to be initiated or maintained any domestic open burning other than during daylight hours unless otherwise specified by DEQ pursuant to OAR 340-264-0070.

(6) Slash burning on forest land within special open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

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

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.555
Hist.: DEQ 27-1981, f. & ef. 9-8-81; DEQ 10-1984, f. 5-29-84, ef. 6-16-84; DEQ 6-1992, f. & cert. ef. 3-11-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1995, f. & cert. ef. 5-25-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0070; DEQ 21-2000, f. & cert. ef. 12-15-00

**340-264-0140**

**Washington County**

Open burning requirements for Washington County:

(1) Industrial open burning is prohibited, except as provided in OAR 340-264-0180.

(2) Agricultural open burning is allowed, subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(3) Commercial open burning is prohibited, except as may be provided by OAR 340-264-0180.

(4) Construction and Demolition open burning, unless authorized pursuant to OAR 340-264-0180, is prohibited in all incorporated areas and areas within rural fire protection districts. Construction and demolition open burning is allowed in all other areas subject to 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(5) Domestic open burning:

(a) The area where open burning is always prohibited (unless authorized by 340-264-0180): Beginning at the point where U.S. Interstate Highway 205 (I-205) intersects the Washington-Clackamas County Line; thence west along I-205 to the Tualatin City Limits; thence following along the Tualatin City Limits westerly, southerly, westerly and northerly to the intersection with U.S. Highway 99; thence northerly along U.S. Highway 99 to the intersection with the Metro Boundary as defined in Oregon Revised Statutes (ORS) Chapter 268.125; thence following the Metro Boundary generally northerly and westerly to the intersection with the Tualatin Valley Highway; thence westerly along the Tualatin Valley Highway to the intersection with the western boundary of Section 11, T1S, R2W; thence north to the northwest corner of Section 2, T1S, R2W; thence east to the northwest corner of Section 2, T1S, R2W; thence north to the intersection with U.S. Highway 26; thence northwesterly along U.S. Highway 26 to the intersection with Cornelius Pass Road; thence northeasterly along Cornelius Pass Road to the intersection with the northern boundary of Section 23, T1N, R2W; thence east approximately 1/5 mile along the northern boundary of section 23, T1N, R2W to the southernmost point of the Orchard; thence north following the eastern boundary of the Orchard to the intersection with West Union Road; thence southeasterly and then easterly along West Union Road approximately 1.1 miles to a point approximately 1/4 mile west of the eastern boundary of Section 24, T1N, R2W; thence north on a line approximately 1000 feet; thence northeasterly on a line approximately 1/4 mile to the intersection of NW 185th Avenue and NW Springville Road; thence northeasterly along NW Springville Road approximately 1/4 mile to the one-quarter point of the northern boundary of Section 19, T1N, R1W; thence north approximately 400 feet; thence east to the intersection with NW 185th Avenue; thence north along 185th Avenue approximately 800 feet to the one-quarter point of the western boundary of Section 18, T1N, R1W; thence gradually northeasterly such that the Rock Creek Campus of Portland Community College is within the boundary approximately 1/2 mile to the midpoint of Section 18, T1N, R1W; thence south following the eastern boundary of the Rock Creek Campus of Portland Community College and continuing on a line due south to the intersection with NW Springville Road and the southern boundary of Section 18, T1N, R1W; thence northeasterly along NW Springville Road to the intersection with the Washington-Multnomah County Line; thence following the Washington County line southeasterly and then southerly to the point where the Washington-Clackamas County Line intersects I-205, the point of beginning.

(b) Those areas where domestic open burning is prohibited, except for the burning of yard debris between March 1 and June 15, and between October 1 and December 15, subject to OAR 340-264-0050 through 340-262-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshall:

(A) All incorporated areas in Washington County not listed in OAR 340-264-0140(5)(a) or 340-264-0140(5)(c).

(B) All unincorporated areas within municipal or rural fire districts.

(c) Those areas where domestic burning is allowed, subject to OAR 340-264-0050, and 340-264-0060 and the requirements and prohibitions of local jurisdictions and the State Fire Marshall:

(A) The area enclosed by a line beginning at the point where Highway 26 intersects the western boundary of Section 24, T2N, R4W; thence north to the northwest corner of Section 13, T2N, R4W; thence east to the midpoint of the northern boundary of Section 16, T2N, R3W; thence on a line south to the middle of Section 21, T2N, R3W; thence east to the intersection with the midpoint of the western boundary of Section 22, T2N, R3W; thence south to the southwest corner of Section 22, T2N, R3W; thence continuing south to the northern boundary of Washington County Donation Land Claim (DLC) #44; thence southeast and east following the northern boundary of Washington County DLC #44 to the eastern boundary of Washington County DLC #44; thence southwesterly along the eastern boundary of DLC #44 to the intersection with DLC Plot #76; thence continuing southwesterly along the eastern boundary of DLC #76 to the intersection with the Burlington Northern Railroad Line; thence northwesterly along the Burlington Northern Railroad Line to the intersection with the southern boundary of Section 32, T2N, R4W; thence west to the southwest corner of Section 36, T2N, R4W; thence north to the point where Highway 26 intersects the western boundary of Section 24, T2N, R4W, the point of beginning.

(B) All unincorporated areas of Washington County outside of municipal or rural fire districts.

(d) No person may cause or allow to be initiated or maintained any domestic open burning other than during daylight hours between 7:30 a.m. and two hours before sunset unless otherwise specified by DEQ pursuant to OAR 340-264-0070.

(6) Slash burning on forest land within special open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

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

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.555
Hist.: DEQ 27-1981, f. & ef. 9-8-81; DEQ 10-1984, f. 5-29-84, ef. 6-16-84; DEQ 6-1992, f. & cert. ef. 3-11-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1995, f. & cert. ef. 5-25-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0075; DEQ 21-2000, f. & cert. ef. 12-15-00

**340-264-0160**

**Lane County**

Open burning requirements for Lane County. That portion of Lane County east of Range 7 West, Willamette Meridian, forms a part of the Willamette Valley Open Burning Control Area as generally described in OAR 340-264-0078(5) and depicted in Figure 2 Open Burning Control Areas:

(1) The rules and regulations of LRAPA apply to all open burning in Lane County, provided such rules are no less stringent than the provisions of this Division. LRAPA may not regulate agricultural open burning.

(2) Industrial open burning is prohibited unless authorized pursuant to OAR 340-264-0180.

(3) Agricultural open burning is allowed subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal:

(4) Commercial open burning, unless authorized pursuant to OAR 340-264-0180, is prohibited in Lane County east of Range 7 West Willamette Meridian and in or within three miles of the city limit of Florence on the coast. Commercial open burning is allowed in the remaining areas of Lane County, subject to 340-264-0050 and 340-264-0060 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(5) Construction and Demolition open burning, unless authorized pursuant to OAR 340-264-0180, is prohibited within all fire districts and other areas specified in this section but is allowed elsewhere in Lane County, subject to 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal. Areas where open burning of construction and demolition waste is prohibited include:

(a) Bailey-Spencer RFPD;

(b) Coburg RFPD;

(c) Cottage Grove/South Lane Fire District;

(d) Creswell RFPD;

(e) Dexter RFPD except that portion east of the Willamette Meridian;

(f) Eugene RFPD No. 1;

(g) Goshen RFPD;

(h) Junction City Fire District;

(i) Junction City RFPD;

(j) Lane County Fire District #1;

(k) Lane RFPD No. 1 outside the Eugene-Springfield Urban Growth Boundary;

(l) Lowell RFPD;

(m) Marcola RFPD;

(n) McKenzie RFPD outside the Eugene-Springfield Urban Growth Boundary;

(o) Monroe RFPD that portion within Lane County;

(p) Oakridge RFPD;

(q) Pleasant Hill RFPD;

(r) Santa Clara RFPD outside the Eugene-Springfield Urban Growth Boundary;

(s) Westfir RFPD;

(t) Willakenzie RFPD;

(u) Zumwalt RFPD.

(6) Domestic open burning:

(a) Domestic open burning outside the fire districts listed in section (5) is allowed subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal;

(b) Domestic open burning is prohibited within all fire districts listed in section (5) except that open burning of yard debris is allowed subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal;

(c) Refer to LRAPA open burning rules for specific seasons and hours for domestic open burning.

(7) Slash burning on forest land within special open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

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

[ED. NOTE: Figures referenced are available from the agency.]

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.555
Hist.: DEQ 27-1981, f. & ef. 9-8-81; DEQ 10-1984, f. 5-29-84, ef. 6-16-84; DEQ 6-1992, f. & cert. ef. 3-11-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0085; DEQ 21-2000, f. & cert. ef. 12-15-00

**340-264-0170**

**Coos, Douglas, Jackson and Josephine Counties**

Open burning requirements for Coos, Douglas, Jackson and Josephine Counties:

(1) Open burning control areas:

(a) The Coos Bay open burning control area, as described in OAR 340-264-0078(2) and generally depicted in Figure 3 Coos Bay Open Burning Control Area of OAR 340-264-0078, is located in Coos County;

(b) The Umpqua Basin open burning control area, as described in OAR 340-264-0078(4) and generally depicted in Figure 5 Umpqua Basis Open Burning Control Area of OAR 340-264-0078, is located in Douglas County;

(c) The Rogue Basin open burning control area, as described in OAR 340-264-0078(3) and generally depicted in Figure 4 Rogue Basin Open Burning Control Area of OAR 340-264-0078, is located in Jackson and Josephine Counties.

(2) Industrial open burning is prohibited unless authorized pursuant to OAR 340-264-0180.

(3) Agricultural open burning is allowed subject to OAR 340-264-0050(5) and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(4) Commercial open burning is prohibited within the Coos Bay, Umpqua Basin and Rogue Basin open burning control areas and within three miles of the corporate city limits of Coquille, Reedsport and other areas that meet the standard in OAR 340-264-0078(1), unless authorized pursuant to OAR 340-264-0180. Commercial open burning is allowed in all other areas of these counties subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070 and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(5) Construction and Demolition open burning is prohibited within the Coos Bay, Umpqua Basin and Rogue Basin open burning control areas and within three miles of the corporate city limits of Coquille, Reedsport and other areas that meet the standard within OAR 340-264-0078(1), unless authorized pursuant to OAR 340-264-0180. Construction and Demolition open burning is allowed in other areas of these counties subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(6) Domestic open burning is allowed subject to OAR 340-264-0050, 340-264-0060, 340-264-0070 and section (7), and the requirements and prohibitions of local jurisdictions and the State Fire Marshal.

(7) Slash burning on forest land within open burning control areas not regulated by the Department of Forestry under the Smoke Management Program is prohibited, except as provided in OAR 340-264-0180.

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

[ED. NOTE: Figures referenced are available from the agency.]

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.555
Hist.: DEQ 27-1981, f. & ef. 9-8-81; DEQ 21-1991, f. & cert. ef. 11-13-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0090; DEQ 21-2000, f. & cert. ef. 12-15-00

**340-264-0180**

**Letter Permits**

(1) Open Burning of commercial, industrial, slash, construction or demolition waste on a singly occurring or infrequent basis or the open burning of yard debris that is otherwise prohibited, may be permitted by a letter permit issued by DEQ in accordance with this rule and subject to OAR 340-264-0050, 340-264-0060 and 340-264-0070, and the requirements and prohibitions of local jurisdictions and the State Fire Marshal. OAR 340-014-0025 and division 216 do not apply.

(2) A letter permit may only be issued on the basis of a written application for disposal of material by burning that has been approved by DEQ. Each application for a letter permit must contain the following items:

(a) The quantity and type of material proposed to be burned;

(b) A listing of all alternative disposal methods and potential costs that have been identified or investigated;

(c) The expected amount of time that will be required to complete the burning (not required for yard debris);

(d) The methods proposed to be used to insure complete and efficient combustion of the material;

(e) The location of the proposed burning site;

(f) A diagram showing the proposed burning site and the structures and facilities inhabited or used in the vicinity including distances thereto;

(g) The expected frequency of the need to dispose of similar materials by burning in the future;

(h) If the application is for prescribed burning of standing vegetation for the purpose of creating or restoring wetlands or for promoting or enhancing habitat for indigenous species of plants or animals, the application must also include a citation to the federal or state law or program requiring or authorizing such conversion or enhancement. The application must also include a statement from the appropriate agency responsible for implementing the law or program that open burning is the most practicable alternative for the conversion or enhancement.

(i) Any other information that the applicant considers relevant or DEQ may require;

(j) For open burning of yard debris:

(A) A "Hardship Permit Application" completed on a form supplied by DEQ; and

(B) Either payment of the appropriate fee pursuant to section (10) or a "waiver request" completed on a form supplied by DEQ.

(3) Upon receipt of a written application, DEQ may approve the application if it is satisfied that:

(a) The applicant has demonstrated that all reasonable alternatives have been explored and no practicable alternative method for disposal of the materials exists; and

(b) The proposed burning will not cause or contribute to significant degradation of air quality.

(c) For locations within Clackamas, Columbia, Multnomah and Washington counties, where open burning is otherwise prohibited, the following conditions must also be met. Letter permits may be issued only for disposing of:

(A) Material resulting from emergency occurrences, including but not limited to, floods, storms or oil spills;

(B) Material originating as yard debris that has been collected and stored by governmental jurisdictions, provided that no other reasonable means of disposal are available;

(C) Yard debris excluding grass clippings and leaf piles, on the property of a private residence where the inability to burn creates a significant hardship due to:

(i) An economic burden because the estimated cost of alternative means of yard debris disposal presents a financial hardship in relation to household income and expenses of the applicant;

(ii) A physical handicap, personal disability, chronic illness, substantial infirmity or other physical limitation substantially inhibiting the ability of the applicant to process or transport yard debris; or

(iii) Inaccessibility of yard debris, where steepness of terrain or remoteness of the debris site makes access by processing or transportation equipment unreasonable.

(4) DEQ may deny an application for a letter permit or revoke or suspend an issued letter permit on any of the following grounds:

(a) Any material misstatement or omission in the application or a history of such misstatements or omissions by the applicant;

(b) Any actual or projected violation of any statute, rule, regulation, order, permit, ordinance, judgment or decree.

(5) In making its determination under section (3), DEQ may consider:

(a) The conditions of the airshed of the proposed burning;

(b) The other air pollution sources in the vicinity of the proposed burning;

(c) The availability of other methods of disposal, and special circumstances or conditions that may impose a hardship on an applicant;

(d) The frequency of the need to dispose of similar materials in the past and expected in the future;

(e) The applicant's prior violations, if any;

(f) The projected effect upon persons and property in the vicinity; and

(g) Any other relevant factor.

(6) Each letter permit issued by DEQ pursuant to section (2) must contain at least the following elements:

(a) The location where burning is permitted to take place.

(b) The number of actual calendar days on which burning is permitted to take place, not to exceed seven. Burning pursuant to a permit for yard debris must be limited to three days per season unless satisfactory justification for more burning is provided by the applicant.

(c) The period during which the permit is valid, not to exceed a period of 30 consecutive days, except a permit for yard debris. The actual period in the permit must be specific to the needs of the applicant. DEQ may issue specific letter permits for shorter periods.

(d) A letter permit for yard debris is valid for a single burning season or for both the spring and fall burning seasons during a calendar year, as appropriate to the application and the fee paid pursuant to the schedule in section (10). The spring burning is from March 1 to June 15, inclusive, and the fall burning season is from October 1 to December 15, inclusive.

(e) Equipment and methods required to be used by the applicant to insure that the burning is accomplished in the most efficient manner over the shortest period of time to minimize smoke production.

(f) The limitations, if any, based on meteorological conditions required before burning may occur. Open burning under permits for yard debris must be limited to the hours and times that limit seasonal domestic yard debris burning permitted in the county where the burning under the letter permit is to occur.

(g) Reporting requirements for both starting the fire each day and completion of the requested burning, (optional for permits for yard debris).

(h) A statement that OAR 340-264-0050 and 340-264-0060 are fully applicable to all burning under the permit.

(i) Such other conditions as DEQ considers to be desirable.

(7) Regardless of the conditions contained in any letter permit, each letter permit, except permits for yard debris, will not be valid for more than 30 consecutive calendar days of which a maximum of seven can be used for burning. DEQ may issue specific letter permits for shorter periods.

(8) Letter permits are not renewable. Any request to conduct additional burning requires a new application and a new permit.

(9) No person may violate any condition, limitation, or term of a letter permit.

(10) All applications for a letter permit for yard debris must be accompanied by a permit fee payable to DEQ, or approved delegated authority, and become non-refundable upon issuance of the permit. The fee to be submitted is:

(a) For a single burning season, spring or fall — $20;

(b) For a calendar year — $30.

(11) DEQ may waive the single season permit fee if the applicant shows that the cost of the yard debris permit presents an extreme financial hardship in relation to the household income and expenses of the applicant.

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

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.555
Hist.: DEQ 27-1981, f. & ef. 9-8-81; DEQ 10-1984, f. 5-29-84, ef. 6-16-84; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0100; DEQ 21-2000, f. & cert. ef. 12-15-00

**340-264-0190**

**DIVISION 268**

**EMISSION REDUCTION CREDITS**

**340-268-0030**

**Emission Reduction Credits**

Any person who reduces emissions by implementing more stringent controls than required by a permit or an applicable regulation may create an emission reduction credit. Emission reduction credits must be created and banked within two years from the time of actual emission reduction.

(1) Creating Emission Reduction Credits. Emission reductions can be considered credits if all of the following requirements are met:

(a) The reduction is permanent due to continuous overcontrol, curtailment or shutdown of an existing activity or device.

(b) The reduction is in terms of actual emissions reduced at the source. The amount of the creditable reduction is the difference between the contemporaneous (any consecutive 12 calendar month period during the prior 24 calendar months) pre-reduction actual (or allowable, whichever is less) emissions and the post-reduction allowable emissions from the subject activity or device.

(c) The reduction is either:

(A) Enforceable by DEQ through permit conditions or rules adopted specifically to implement the reduction that make increases from the activity or device creating the reduction a violation of a permit condition; or

(B) The result of a physical design that makes such increases physically impossible.

(d) The reduction is surplus. Emission reductions must be in addition to any emissions used to attain or maintain NAAQS in the SIP.

(e) Sources in violation of air quality emission limitations may not create emission reduction credits from those emissions that are or were in violation of air quality emission limitations.

(f) If establishing emission reduction credits due to the replacement of residential wood fuel-fired devices in Klamath Falls, the source must use the procedures in OAR 340-240-0560 to calculate the emission reductions.

(g) Hazardous emissions reductions required to meet the MACT standards at 40 CFR part 61 and part 63, including emissions reductions to meet the early reduction requirements of section 112(i)(5), are not creditable as emission reduction credits for purposes of Major NSR in nonattainment or reattainment areas. However, any emissions reductions that are in excess of or incidental to the MACT standards are not precluded from being credited as emission reduction credits as long as all conditions of a creditable emission reduction credit are met.

(2) Banking of Emission Reduction Credits.

(a) The life of emission reduction credits may be extended through the banking process as follows:

(A) Emission reduction credits may be banked for ten years from the time of actual emission reduction.

(B) Requests for emission reduction credit banking must be submitted within the 2 year (24 calendar month) contemporaneous time period immediately following the actual emission reduction. (The actual emission reduction occurs when the airshed experiences the reduction in emissions, not when a permit is issued or otherwise changed).

(b) Banked emission reduction credits are protected during the banked period from rule required reduction, if DEQ receives the emission reduction credit banking request before DEQ submits a notice of a proposed rule or plan development action for publication in the Secretary of State's bulletin. The EQC may reduce the amount of any banked emission reduction credit that is protected under this section, if the EQC determines the reduction is necessary to attain or maintain an ambient air quality standard.

(c) Emission reductions must be in the amount of ten tons per year or more to be creditable for banking, except as follows:

(A) In the Medford-Ashland AQMA, PM10 emission reductions must be at least 3 tons per year.

(B) In Lane County, LRAPA may adopt lower levels.

(d) Emission reduction credits will not expire pending DEQ taking action on a timely banking request unless the 10 year period available for banking expires.

(3) Using Emission Reduction Credits: Emission reduction credits may be used for:

(a) Netting actions within the source that generated the credit, through a permit modification; or

(b) Offsets pursuant to the New Source Review program, OAR 340 division 224.

(4) Emission reduction credits are considered used when a complete NSR permit application is received by DEQ to apply the emission reduction credits to netting actions within the source that generated the credit, or to meet the offset and net air quality benefit requirements of the New Source Review program under OAR 340-224-0500 through 340-224-0540.

(5) Unused Emission Reduction Credits.

(a) Emission reduction credits that are not used, and for which DEQ does not receive a request for banking within the contemporaneous time period, will become unassigned emissions for purposes of the Plant Site Emission Limit (PSEL) and are no longer available for use as external offsets.

(b) Emission reduction credits that are not used prior to the expiration date of the credit will revert to the source that generated the credit and will be treated as unassigned emissions for purposes of the PSEL pursuant to OAR 340-222-0055 and are no longer available for use as external offsets.

(6) Emission Reduction Credit (ERC) Permit.

(a) DEQ tracks ERC creation and banking through the permitting process. The holder of ERCs must maintain either an ACDP, Title V permit, or an ERC Permit.

(b) DEQ issues ERC Permits for anyone who is not subject to the ACDP or Title V programs that requests an ERC or an ERC to be banked.

(c) An ERC permit will only contain conditions necessary to make the emission reduction enforceable and track the credit.

(d) Requests for emission reduction credit banking must be submitted in writing to DEQ and contain the following documentation:

(A) A detailed description of the activity or device controlled or shut down;

(B) Emission calculations showing the types and amounts of actual emissions reduced, including pre-reduction actual emission and post-reduction allowable emission calculations;

(C) The date or dates of actual reductions;

(D) The procedure that will render such emission reductions permanent and enforceable;

(E) Emission unit flow parameters including but not limited to temperature, flow rate and stack height;

(F) Description of short and long term emission reduction variability (if any).

(e) Requests for emission reduction credit banking must be submitted to DEQ within two years (24 months) of the actual emissions reduction. DEQ must approve or deny requests for emission reduction credit banking before they are effective. In the case of approvals, DEQ issues a permit to the owner or operator defining the terms of such banking. DEQ insures the permanence and enforceability of the banked emission reductions by including appropriate conditions in permits and, if necessary, by recommending appropriate revisions to the SIP.

(f) DEQ provides for the allocation of emission reduction credits in accordance with the uses specified by the holder of the emission reduction credits. The holder of ERCs must notify DEQ in writing when they are transferred to a new owner or site. Any use of emission reduction credits must be compatible with local comprehensive plans, statewide planning goals, and state laws and rules.

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

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468 & ORS 468A
Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0265; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1980 10-14-99; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01