**DIVISION 216**

**AIR CONTAMINANT DISCHARGE PERMITS**

**340-216-0020**

**Applicability**

This division applies to all sources listed in OAR 340-216-8005 . This division also applies to Oregon Title V Operating Permit program sources when an ACDP is required by OAR 340-218-0020 or OAR 340-224-0010. Sources referred to in OAR 340-216-8005 are subject to fees as set forth in OAR 340-216-8010.

(1) No person may construct, install, establish, develop or operate any air contaminant source which is listed in OAR 340-216-8005 without first obtaining an Air Contaminant Discharge Permit (ACDP) from DEQ or LRAPA and keeping a copy onsite at all times, unless otherwise deferred from the requirement to obtain an ACDP in subsection (1)(b) or DEQ has granted an exemption from the requirement to obtain an ACDP under subsection (1)(e ). More than one category in OAR 340-216-8005 may apply to a source. If a source meets the requirements of more than one of the following ACDP categories and the source is not eligible for a General ACDP that has been authorized by DEQ, then the source must obtain the higher level permit, listed here in order from lowest to highest: Basic, Simple and Standard. No person may continue to operate an air contaminant source if the ACDP expires, or is terminated or revoked; except as provided in OAR 340-216-0082.

(a) For portable sources, a single permit may be issued for operating at any area of the state if the permit includes the requirements from both DEQ and LRAPA. DEQ or LRAPA, depending where the portable source's corporate offices are located, will be responsible for issuing the permit. If the corporate office of a portable source is located outside of the state, DEQ will be responsible for issuing the permit.

(b) An air contaminant source required to obtain an ACDP or ACDP Attachment pursuant to a NESHAP under OAR division 244 or a NSPS under OAR division 238 is not required to submit an application for an ACDP or ACDP Attachment until four months after the effective date of the EQC’s adoption of the NESHAP or NSPS, and is not required to obtain an ACDP or ACDP Attachment until six months after the EQC’s adoption of the NESHAP or NSPS. In addition, DEQ may defer the requirement to submit an application for, or to obtain an ACDP or ACDP Attachment, or both, for up to an additional twelve months.

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

(d) OAR 340-216-0060(1)(b)(A), 340-216-0062(2)(b)(A), 340-216-0064(4)(a), and 340-216-0066(3)(a), do not relieve a permittee from the responsibility of complying with federal NESHAP or NSPS requirements that apply to the source even if DEQ has not incorporated such requirements into the permit.

 (e) DEQ may exempt a source from the requirement to obtain an ACDP if it determines that the source is subject to only procedural requirements, such as notification that the source is affected by an NSPS or NESHAP.

(2) No person may construct, install, establish, or develop any source that will be subject to the Oregon Title V Operating Permit program without first obtaining an ACDP from DEQ or LRAPA.

(3) No person may modify any source that has been issued an ACDP without first complying with the requirements of OAR 340-210-0205 through 340-210-0250.

(4) No person may modify any source required to have an ACDP such that the source becomes subject to the Oregon Title V Operating Permit program without complying with the requirements of OAR 340-210-0205 through 340-210-0250.

(5) No person may increase emissions above the PSEL by more than the de minimis emission levels specified in OAR 340-200-0020 without first applying for and obtaining a modified ACDP.

(6) Subject to the requirements in this division, LRAPA is designated by the EQC as the permitting agency to implement the Air Contaminant Discharge Permit program within its area of jurisdiction. LRAPA's program is subject to DEQ oversight. The requirements and procedures contained in this division pertaining to the Air Contaminant Discharge Permit program must be used by LRAPA to implement its permitting program until the LRAPA adopts superseding rules which are at least as strict as state 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 468.020
Stats. Implemented: ORS 468A
Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033; DEQ 125, f. & ef. 12-16-76; DEQ 20-1979, f. & ef. 6-29-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 13-1981, f. 5-6-81, ef. 7-1-81; DEQ 11-1983, f. & ef. 5-31-83; DEQ 3-1986, f. & ef. 2-12-86; DEQ 12-1987, f. & ef. 6-15-87; DEQ 27-1991, f. & cert. ef. 11-29-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0155; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1994, f. & cert. ef. 10-4-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1720; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 7-2007, f. & cert. ef. 10-18-07; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 9-2009(Temp), f. 12-24-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; DEQ 12-2010, f. & cert. ef. 10-27-10; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-1; DEQ 11-2011, f. & cert. ef. 7-21-11; DEQ 13-2011, f. & cert. ef. 7-21-11; DEQ 14-2011, f. cert. ef. 7-21-11; DEQ 4-2013, f. & cert. ef. 3-27-13

**340-216-0025**

**Types of Permits**

(1) Construction ACDP:

(a) A Construction ACDP may be used for approval of Type 3 changes specified in OAR 340-210-0220 at a source subject to the ACDP permit requirements in this division.

(b) A Construction ACDP is required for Type 3 changes specified in OAR 340-210-0225 at sources subject to the Oregon Title V Operating Permit requirements.

(2) General ACDP. A General ACDP is a permit for a category of sources for which individual permits are unnecessary in order to protect the environment, as determined by DEQ. An owner or operator of a source may be assigned to a General ACDP if DEQ has issued a General ACDP for the source category and:

(a) The source meets the qualifications specified in the General ACDP;

(b) DEQ determines that the source has not had ongoing, recurring, or serious compliance problems; and

(c) DEQ determines that a General ACDP would appropriately regulate the source.

(3) Short Term Activity ACDP. A Short Term Activity ACDP is a letter permit that authorizes the activity and includes any conditions placed upon the method or methods of operation of the activity. DEQ may issue a Short Term Activity ACDP for unexpected or emergency activities, operations, or emissions.

(4) Basic ACDP. A Basic ACDP is a permit that authorizes the regulated source to operate in conformance with the rules contained in OAR 340 divisions 200 to 268.

(a) Owners and operators of sources and activities listed in OAR 340-216-8005(1) must, at a minimum, obtain a Basic ACDP.

(b) Any owner or operator of a source required to obtain a Basic ACDP may obtain either a Simple or Standard ACDP.

(5) Simple ACDP.

(a) Owners and operators of sources and activities listed in OAR 340-216-8005(2) that do not qualify for a General ACDP and are not required to obtain a Standard ACDP must, at a minimum, obtain a Simple ACDP. Any source required to obtain a Simple ACDP may obtain a Standard ACDP. DEQ may determine that a source is ineligible for a Simple ACDP and must obtain a Standard ACDP based upon, but not limited to, the following considerations:

(A) The nature, extent, and toxicity of the source's emissions;

(B) The complexity of the source and the rules applicable to that source;

(C) The complexity of the emission controls and potential threat to human health and the environment if the emission controls fail;

(D) The location of the source; and

(E) The compliance history of the source.

(b) A Simple ACDP is a permit that contains:

(c) All relevant applicable requirements for source operation, including general ACDP conditions for incorporating generally applicable requirements;

(d) Generic PSELs for all regulated pollutants emitted at more than the de minimis emission level as provided in OAR 340 division 222 (a source requesting a non-generic PSEL must obtain a Standard ACDP);

(c) Testing, monitoring, recordkeeping, and reporting requirements sufficient to determine compliance with the PSEL and other emission limits and standards, as necessary; and

(d) A permit duration not to exceed 5 years.

(6) Standard ACDP:

(a) Applicability.

(A) The owner or operator of a source listed in OAR 340-216-8005(3) must obtain a Standard ACDP.

(B) The owner or operator of source listed in OAR 340-216-8005(2) which does not qualify for a General ACDP or Simple ACDP must obtain a Standard ACDP.

(C) The owner or operator of a source not required to obtain a Standard ACDP may obtain a Standard ACDP.

(b) A Standard ACDP is a permit that contains:

(A) All applicable requirements, including general ACDP conditions for incorporating generally applicable requirements;

(B) Source-specific PSELs or Generic PSELs, whichever are applicable, as specified in OAR 340 division 222;

(C) Testing, monitoring, recordkeeping, and reporting requirements sufficient to determine compliance with the PSEL and other emission limits and standards, as necessary; and

(D) A permit duration not to exceed 5 years.

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

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468.020 & 468A.025
Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033; DEQ 125, f. & ef. 12-16-76; DEQ 20-1979, f. & ef. 6-29-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 13-1981, f. 5-6-81, ef. 7-1-81; DEQ 11-1983, f. & ef. 5-31-83; DEQ 3-1986, f. & ef. 2-12-86; DEQ 12-1987, f. & ef. 6-15-87; DEQ 27-1991, f. & cert. ef. 11-29-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0155; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1994, f. & cert. ef. 10-4-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1720; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

**340-216-0030**

**Definitions**

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

 (1) “Basic technical modification” includes, but is not limited to changing source test dates if the equipment is not being operated, and similar changes.

(2) “Complex technical modification” includes, but is not limited to incorporating a complex new compliance method into a permit, adding a complex compliance method or monitoring for an emission point or control device not previously addressed in a permit, adding a complex new applicable requirement into a permit due to a change in process or change in rules, and similar changes.

(3) “Moderate technical modification” includes, but is not limited to adding a simple compliance method or monitoring for an emission point or control device not previously addressed in a permit, revising monitoring and reporting requirements other than dates and frequency, adding a new applicable requirement into a permit due to a change in process or change in rules , incorporating NSPS and NESHAP requirements, and similar changes.

(4) “Non-technical modification” means name changes, change of ownership, correction of typographical errors and similar administrative changes.

(5) “Simple technical modification” includes, but is not limited to modifying a compliance method to use different emission factors or process parameters, changing reporting dates or frequency, and similar changes.

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

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A.025
Hist.: DEQ 14-1999, f. & cert. ef. 10-14-99; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

**340-216-0040**

**Application Requirements**

(1) New Permits.

(a) Except for Short Term Activity ACDPs, any person required to obtain a new ACDP must provide the following general information, as applicable, using forms provided by DEQ in addition to any other information required for a specific permit type:

(A) Identifying information, including the name of the company, the mailing address, the facility address, and the nature of business (Standard Industrial Classification (SIC) code);

(B) The name and phone number of a local person responsible for compliance with the permit;

(C) The name of a person authorized to receive requests for data and information;

(D) A description of the production processes and related flow chart;

(E) A plot plan showing the location and height of air contaminant sources. The plot plan must also indicate the nearest residential or commercial property;

(F) The type and quantity of fuels used;

(G) An estimate of the amount and type of each air contaminant emitted by the source in terms of hourly, daily, or monthly and yearly rates, showing calculation procedures;

(H) Any information on pollution prevention measures and cross-media impacts the applicant wants DEQ to consider in determining applicable control requirements and evaluating compliance methods;

(I) Estimated efficiency of air pollution control devices under present or anticipated operating conditions;

(J) Where the operation or maintenance of air pollution control devices and emission reduction processes can be adjusted or varied from the highest reasonable efficiency and effectiveness, information necessary for DEQ to establish operational and maintenance requirements under OAR 340-226-0120(1) and (2);

(K) A Land Use Compatibility Statement signed by a local (city or county) planner either approving or disapproving construction or modification of the source, if required by the local planning agency;

(L) Any information required by OAR 340 divisions 224 and 225, including but not limited to control technology and analysis, air quality impact analysis; and information related to offsets and net air quality benefit, if applicable; and

(M) Any other information requested by DEQ.

(b) Applications for new permits should be submitted at least 60 days prior to when a permit is needed. When preparing an application, the applicant should also consider the timelines provided in paragraph (2)(b), as well as OAR 340-224-0030 (permit applications subject to NSR), to allow DEQ adequate time to process the application and issue a permit before it is needed.

(2) Renewal Permits. Except for Short Term Activity ACDPs, any person required to renew an existing permit must submit the information identified in section (1) using forms provided by DEQ, unless there are no significant changes to the permit. If there are significant changes, the applicant must provide the information identified in section (1) only for those changes.

(a) Where there are no significant changes to the permit, the applicant may use a streamlined permit renewal application process by providing the following information:

(A) Identifying information, including the name of the company, the mailing address, the facility address, and the nature of business (Standard Industrial Classification (SIC) code) using a form provided by DEQ; and

(B) A marked up copy of the previous permit indicating minor changes along with an explanation for each requested change.

(b) The owner or operator must submit an application for renewal of the existing permit by no later than:

(A) 30 days prior to the expiration date of a Basic ACDP;

(B) 120 days prior to the expiration date of a Simple ACDP; or

(C) 180 days prior to the expiration date of a Standard ACDP.

(c) DEQ must receive an application for reassignment to General ACDPs and attachments within 30 days prior to expiration of the General ACDPs or attachment.

(3) Permit Modifications. For Simple and Standard ACDP modifications, the applicant must provide the information in section (1) relevant to the requested changes to the permit and a list of any new requirements applicable to those changes.

(a) Applications for modifications to existing permits should be submitted at least 60 days prior to when a permit modification is needed.

(b) When preparing an application, the applicant should also consider the timelines provided in paragraph (2)(b), as well as OAR 340-224-0030 (permit applications subject to NSR), to allow DEQ adequate time to process the application and issue a permit before it is needed.

(4) Any owner or operator who fails to submit any relevant facts or who has submitted incorrect information in a permit application must, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information.

(5) The application must be completed in full and signed by the applicant or the applicant's legally authorized representative.

(6) Two copies of the application are required, unless otherwise requested by DEQ. At least one of the copies must be a paper copy, but the others may be in any other format, including electronic copies, upon approval by DEQ.

(7) A copy of permit applications subject to NSR under OAR 340 division 224, including all supplemental and supporting information, must also be submitted directly to the EPA.

(8) The name of the applicant must be the legal name of the facility or the owner's agent or the lessee responsible for the operation and maintenance of the facility. The legal name must be registered with the Secretary of State Corporations Division.

(9) All applications must include the appropriate fees as specified in OAR 340-216-8010 .

(10) Applications that are obviously incomplete, unsigned, improperly signed, or lacking the required exhibits or fees will be rejected by DEQ and returned to the applicant for completion.

(11) Within 15 days after receiving the application, DEQ will preliminarily review the application to determine the adequacy of the information submitted:

(a) If DEQ determines that additional information is needed, DEQ will promptly ask the applicant for the needed information. The application will not be considered complete for processing until the requested information is received. The application will be considered withdrawn if the applicant fails to submit the requested information within 90 days of the request;

(b) If, in the opinion of DEQ, additional measures are necessary to gather facts regarding the application, DEQ will notify the applicant that such measures will be instituted along with the timetable and procedures to be followed. The application will not be considered complete for processing until the necessary additional fact-finding measures are completed. When the information in the application is deemed adequate for processing, DEQ will so notify the applicant.

(12) If at any time while processing the application, DEQ determines that additional information is needed, DEQ will promptly ask the applicant for the needed information. The application will not be considered complete for processing until the requested information is received. The application will be considered withdrawn if the applicant fails to submit the requested information within 90 days of the request.

(13) If, upon review of an application, DEQ determines that a permit is not required, DEQ will so notify the applicant in writing. Such notification is a final action by DEQ on the application.

**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan 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 468 & 468A
Hist.: DEQ 42, f. 4-5-72, ef. 4-15-72; DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033; DEQ 20-1979, f. & ef. 6-29-79; DEQ 13-1988, f. & cert. ef. 6-17-88; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0175; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1770; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-014-0020 & 340-014-0030; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

**340-216-0052**

**Construction ACDP**

(1) Purpose. A Construction ACDP is a permit for approval of Type 3 construction or modification changes as specified in OAR 340-210-0225 and 340-210-0240. The Construction ACDP includes requirements for the construction or modification of stationary sources or air pollution control devices and does not by itself provide authorization to operate the new construction or modification. A new or modified Standard ACDP or Oregon Title V Operating Permit is required before operation of the new construction or modification. A Construction ACDP may be used for the following situations:

(a) For complex construction or modification projects that require an extended period of time to construct, the Construction ACDP may provide construction approval faster than issuance of a Standard ACDP or modified Standard ACDP because the operating requirements would not need to be included in the permit.

(b) For Oregon Title V Operating Permit sources, the Construction ACDP may include the requirements of OAR 340-218-0050 and follow the external review procedures in OAR 340-218-0210 and 340-218-0230 so that the requirements may later be incorporated into the Oregon Title V Operating Permit by an administrative amendment. If the applicant elects to incorporate the Construction ACDP by administrative amendment, all of the application submittal, permit content, and permit issuance requirements of OAR 340 division 218 must be met for the Construction ACDP

(2) Application requirements. Any person requesting a Construction ACDP must:

(a) Submit an application under OAR 340-216-0040 and provide the information specified in 340-216-0040(1) as it relates to the proposed new construction or modification; and

(b) Provide a list of any applicable requirements related to the new construction or modification.

(3) Fees. Applicants for a Construction ACDP must pay the fees in OAR 340-216-8010 .

(4) Permit content. A Construction ACDP must include at least the following:

(a) A requirement to construct as described in approved plans;

(b) A requirement to comply with all applicable requirements;

(c) Emission limits for affected stationary sources;

(d) Performance standards for affected stationary sources and air pollution control devices;

(e) Performance test requirements;

(f) Monitoring requirements, if specialized equipment is required (e.g., continuous monitoring systems);

(g) Notification and reporting requirements (construction status reports, startup dates, source test plans, CEMS performance specification testing plans, etc.);

(h) General ACDP conditions for incorporating generally applicable requirements;

(i) A requirement to modify the operating permit before commencing operation of the new construction or modification;

(j) A permit expiration date of no more than 5 years; and

(k) Oregon Title V Permit requirements as specified in OAR 340-218-0050, if the applicant requests the external review procedures in OAR 340-218-0210 and 340-218-0230.

(5) Permit issuance procedures:

(a) A Construction ACDP requires that DEQ provide public notice under OAR 340 division 209 as a Category III permit action.

(b) For sources subject to the Oregon Title V Operating Permit program, the applicant may ask for the external review procedures in OAR 340-218-0210 and 340-218-0230 in addition to the requirements of OAR 340 division 209 to allow the Construction ACDP to be incorporated into the Oregon Title V Operating Permit at a later date by an administrative amendment provided the requirements of subsection (1)(b) are met.

(c) Issuance of a modified Construction ACDP requires the following public notice, as applicable:

(A) Public notice as a Category I permit action under OAR 340 division 209 for non-technical modifications and basic and simple technical modifications; or(B) Public notice as a Category II permit action under OAR 340 division 209 for moderate and complex technical modifications.

(6) Construction ACDPs may not be renewed.

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

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

**340-216-0054**

**Short Term Activity ACDPs**

(1) Application requirements. Any person requesting a Short Term Activity ACDP must apply in writing, fully describing the unexpected or emergency activity requiring an ACDP and the proposed activities, operations, and emissions. The application must include the fees specified in section (2).

(2) Fees. Applicants for a Short Term Activity ACDP must pay the fees in OAR 340-216-8010.

(3) Permit content:

(a) A Short Term Activity ACDP must include conditions that ensure adequate protection of property and preservation of public health, welfare, and resources.

(b) A Short Term Activity ACDP may not include a PSEL for any air contaminants discharged as a result of the permitted activity.

(c) A Short Term Activity ACDP will automatically terminate 60 days from the date of issuance and may not be renewed.

 (4) Permit issuance public notice procedures. A Short Term Activity ACDP requires public notice as a Category I permit action under OAR 340 division 209.

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

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A
Hist.: DEQ 42, f. 4-5-72, ef. 4-15-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-014-0050; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

**340-216-0056**

**Basic ACDPs**

(1) Application requirements. Any person requesting a Basic ACDP must submit an application under OAR 340-216-0040 and provide the information specified in OAR 340-216-0040(1).

(2) Fees. Applicants for a new Basic ACDP must pay the fees in OAR 340-216-8010.

(3) Permit content:

(a) A Basic ACDP will contain only the most significant and relevant rules applicable to the source;

(b) A Basic ACDP may not contain a PSEL;

(c) A Basic ACDP will require that a simplified annual report be submitted to DEQ; and

(d) A Basic ACDP may be issued for a period not to exceed ten years.

(4) Permit issuance public notice procedures. A Basic ACDP requires public notice as a Category I permit action under OAR 340 division 209.

**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
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

**340-216-0060**

**General Air Contaminant Discharge Permits**

(1) Applicability.

(a) DEQ may issue a General ACDP under the following circumstances:

(A) There are multiple sources that involve the same or substantially similar types of operations;

(B) All requirements applicable to the covered operations can be contained in a General ACDP;

(C) The emission limitations, monitoring, recordkeeping, reporting and other enforceable conditions are the same for all operations covered by the General ACDP; and

(D) The regulated pollutants emitted are of the same type for all covered operations.

(b) Permit content. Each General ACDP must include the following:

(A) All relevant requirements for the operations covered by the General ACDP, excluding any federal requirements not adopted by the EQC;

(B) Generic PSELs for all regulated pollutants emitted at more than the de minimis emission level under OAR 340 division 222;

(C) Testing, monitoring, recordkeeping, and reporting requirements necessary to ensure compliance with the PSEL and other applicable emissions limits and standards; and

(D) A permit expiration date not to exceed 10 years from the date of issuance.

(c) Permit issuance public notice procedures: A new General ACDP requires public notice as a Category III permit action under OAR 340 division 209. A reissued General ACDP or a modification to a General ACDP requires public notice as a Category II permit action under OAR 340 division 209.

(d) DEQ will retain all General ACDPs on file and make them available for public review at DEQ's headquarters.

(2) Source assignment:

(a) Application requirements. Any person requesting that a source be assigned to a General ACDP must submit a written application under OAR 340-216-0040 that includes the information in OAR 340-216-0040(1), specifies the General ACDP source category, and shows that the source qualifies for the General ACDP.

(b) Fees. Applicants must pay the fees in OAR 340-216-8010 . The fee class for each General ACDP is Fee Class One unless otherwise specified as follows:

(A) Hard chrome platers — Fee Class Three;

(B) Decorative chrome platers — Fee Class Two;

(C) Halogenated solvent degreasers — batch cold, batch vapor, and in-line — Fee Class Two;

(D) Perchloroethylene dry cleaners — Fee Class Six;

(E) Asphalt plants — Fee Class Three;

(F) Rock crushers — Fee Class Two;

(G) Ready-mix concrete — Fee Class One;

(H) Sawmills, planing mills, millwork, plywood manufacturing and veneer drying — Fee Class Three;

(I) Boilers — Fee Class Two;

(J) Crematories — Fee Class One;

(K) Grain elevators — Fee Class One;

(L) Prepared feeds, flour, and cereal — Fee Class One;

(M) Seed cleaning — Fee Class One;

(N) Coffee roasters — Fee Class One;

(O) Bulk gasoline plants — Fee Class One;

(P) Electric power generators — Fee Class Two;

(Q) Clay ceramics — Fee Class One;

(R) Hospital sterilizers — Fee Class Four;

(S) Secondary nonferrous metals — Fee Class One;

(T) Gasoline dispensing facilities — stage I — Fee Class Five;

(U) Gasoline dispensing facilities — stage II — Fee Class Four;

(V) Wood preserving — Fee Class Four;

(W) Metal fabrication and finishing — with two or more of the following operations — Fee Class Two;

(i) Dry abrasive blasting performed in a vented enclosure or of objects greater than 8 feet (2.4 meters) in any one dimension that uses materials that contain MFHAP or has the potential to emit MFHAP;

(ii) Spray-applied painting operation using MFHAP containing paints;

(iii) Welding operation that uses materials that contain MFHAP or has the potential to emit MFHAP and uses 2,000 pounds or more per year of MFHAP containing welding wire and rod (calculated on a rolling 12-month basis);

(X) Metal fabrication and finishing — with only one of the operations listed in subparagraphs (2)(b)(W)(i) through (iii)— Fee Class One:

(Y) Metal fabrication and finishing — with none of the operations listed in subparagraphs (2)(b)(W)(i) through (iii) — Fee Class Four;

(Z) Plating and polishing — Fee Class One;

(AA) Surface coating operations — Fee Class One;

(BB) Paint stripping — Fee Class One;

(CC) Aluminum, copper, and nonferrous foundries — Fee Class Two;

(DD) Paints and allied products manufacturing — Fee Class Two;

(EE) Non-certified stationary internal combustion engines – Fee Class Two; and

(FF) Certified stationary internal combustion engines – Fee Class One.

(c) Source assignment procedures:

(A) Assignment of a source to a General ACDP is a Category I permit action and is subject to the Category I public notice requirements under OAR 340 division 209.

(B) A person is not a permittee under the General ACDP until DEQ assigns the General ACDP to the person.

(C) Assignments to General ACDPs and attachment terminate when the General ACDP or attachment expires or is modified, terminated or revoked.

(D) Once a source has been assigned to a General ACDP, if the assigned General ACDP does not cover all requirements applicable to the source, excluding any federal requirements not adopted by the EQC, the other applicable requirements must be covered by assignment to one or more General ACDP Attachments under OAR 340-216-0062, otherwise the source must obtain a Simple or Standard ACDP.

(E) A source requesting to be assigned to a General ACDP Attachment, under OAR 340-216-0062, for a source category in a higher annual fee class than the General ACDP to which the source is currently assigned, must be reassigned to the General ACDP for the source category in the higher annual fee class.

(3) DEQ Initiated Modification. If DEQ determines that the conditions have changed such that a General ACDP for a category needs to be modified, DEQ may issue a new General ACDP for that category and assign all existing General ACDP permit holders to the new General ACDP.

(4) Rescission. DEQ may rescind an individual source's assignment to a General ACDP if the source no longer meets the requirements of the permit. In such case, the source must submit an application WITHIN 60 DAYS for a Simple or Standard ACDP upon notification by DEQ of DEQ’s intent to rescind the General ACDP. Upon issuance of the Simple or Standard ACDP, or if the source fails to submit an application for a Simple or Standard ACDP, DEQ will rescind the source's assignment to the General ACDP..

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

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468.020 & 468A.025
Hist.: DEQ 14-1998, f. & cert. ef. 9-14-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1725; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 10-2001, f. & cert. ef. 8-30-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 4-2013, f. & cert. ef. 3-27-13

**340-216-0062**

**General ACDP Attachments**

(1) Purpose. This rule allows a source to be assigned to one General ACDP and one or more General ACDP Attachments, as long as the General ACDP and General ACDP Attachment contain all requirements applicable to the source. This would allow a source to avoid having to obtain a more costly Simple or Standard ACDP if there are no General ACDPs that contain all requirements applicable to the source.

(2) Applicability.

(a) DEQ may issue a General ACDP Attachment under the following circumstances:

(A) There are multiple sources that involve the same or substantially similar types of operations;

(B) All requirements applicable to the covered operations can be contained in a General ACDP Attachment;

(C) The emission limitations, monitoring, recordkeeping, reporting and other enforceable conditions are the same for all operations covered by the General ACDP Attachment;

(D) The regulated pollutants emitted are of the same type for all covered operations. If a General ACDP and a General ACDP Attachment cannot address all activities at a source, the owner or operator of the source must apply for a Simple or Standard ACDP under this division.

(b) Attachment content. Each General ACDP Attachment must include the following:

(A) All relevant requirements for the operations covered by the General ACDP Attachment, excluding any federal requirements not adopted by the EQC;

(B) Testing, monitoring, recordkeeping, and reporting requirements necessary to ensure compliance with the applicable emissions limits and standards; and

(C) An attachment expiration date not to exceed 10 years from the date of issuance.

(c) Attachment issuance public notice procedures: A General ACDP Attachment requires public notice as a Category II permit action under OAR 340 division 209.

(d) DEQ will retain all General ACDP Attachments on file and make them available for public review at DEQ's headquarters.

(3) Source assignment:

(a) Application requirements. Any person requesting to be assigned to a General ACDP Attachment must submit a written application for each requested General ACDP Attachment that specifies the requested General ACDP Attachment and shows that the source qualifies for the requested General ACDP Attachment.

(b) Fees. Permittees must pay an annual fee of $144 for each assigned General ACDP Attachment. FEE CLASS 5

(c) Assignment procedures:

(A) Assignment to a General ACDP Attachment is a Category I permit action and is subject to the Category I public notice requirements under OAR 340, division 209.

(B) A person is not a permittee under the General ACDP Attachment until DEQ assigns the General ACDP Attachment to the person.

(C) Assignment to a General ACDP Attachment terminates when the General ACDP Attachment expires or is modified, terminated or revoked.

(D) A source may not be assigned to a General ACDP Attachment for a source category in a higher annual fee class than the General ACDP to which the source is currently assigned. Instead a source must be reassigned to the General ACDP for the source category in the higher annual fee class under OAR 340-216-0060(2)(c)(E) and may be assigned to one or more General ACDP Attachments associated with source categories in an equal or lower annual fee class.

(d) If all activities at a source cannot be addressed by a General ACDP and General ACDP Attachments, the owner or operator of the source must apply for a Simple or Standard ACDP under 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 & 468A
Stats. Implemented: ORS 468.020 & 468A.025
Hist.: DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 4-2013, f. & cert. ef. 3-27-13

**340-216-0064**

**Simple ACDPs**

 (1) Application Requirements. Any person requesting a new, modified, or renewed Simple ACDP must submit an application under OAR 340-216-0040.

(2) Fees. Applicants for a new or modified Simple ACDP must pay the fees set forth in OAR 340-216-8010 . Applicants for a new Simple ACDP must initially pay the High Annual Fee. Once the initial permit is issued, annual fees for Simple ACDPs will be assessed based on the following:

(a) Low Fee — A Source may qualify for the Low Fee if:

(A) The source is, or will be, permitted under only one of the following categories listed in OAR 340-216-8005(2) :

(i) Category 7. Asphalt felt and coatings;

(ii) Category 13. Boilers and other fuel burning equipment (including category 27. Electric power generation);

(iii) Category 27. Electric power generation;

(iv) Category 33. Galvanizing & pipe coating;

(v) Category 39. Gray iron and steel foundries, malleable iron foundries, steel investment foundries, steel foundries 100 or more tons/yr. metal charged (not elsewhere identified);

(vi) Category 40. Gypsum products;

(vii) Category 45. Liquid storage tanks subject to OAR 340 division 232;

(viii) Category 56. Non-ferrous metal foundries 100 or more tons/yr. of metal charged;

(ix) Category 57. Organic or inorganic industrial chemical manufacturing;

(x) Category 62. Perchloroethylene dry cleaning;

(xi) Category 73. Secondary smelting and/or refining of ferrous and non-ferrous metals; or

(xii) Category 85. All other sources not listed in OAR 340-216-8005 (including category 27. Electric Power Generation); and

(B) The actual emissions from the calendar year immediately preceding the invoice date are less than five tons of PM10 in a PM10 nonattainment or maintenance area or of PM2.5 in a PM2.5 nonattainment or maintenance area, and less than 10 tons for each criteria pollutant; and

(C) The source is not creating a nuisance under OAR 340-208-0310 or 340-208-0450.

(b) High Fee — Any source required to have a Simple ACDP under OAR 340-216-8005(2) and that does not qualify for the Low Fee under subsection (2)(a) will be assessed the High Fee.

(c) If DEQ determines that a source was invoiced for the Low Fee but does not meet the Low Fee criteria outlined above, the source will be required to pay the difference between the Low Fee and the High Fee, plus applicable late fees in OAR 340-216-8010(4). Late fees start upon issuance of the initial invoice. In this case, DEQ will issue a new invoice specifying applicable fees.

(d) If a source must pay fees and late fees to DEQ under subsection (c) and an authorized representative of the source with knowledge and responsibility for submitting permit fees to DEQ certifies under penalty of law that, to the best of the certifying individual’s good faith knowledge and belief, the source met the Low Fee criteria outlined above during the period the source paid the Low Fee, then the source will be required to pay only the difference between the Low and High Fees under subsection (c) for the past two years. A source that meets the requirements of this subsection will not be required to pay any late fees associated with the fee payments hereunder unless the source fails to make such payments on or before the deadline provided by DEQ for such payments, in which case the source will be required to pay the late fees described in OAR 340-216-8010(4). The provisions of this subsection shall apply to any fees due under subsection (c) including fees for years that preceded the effective date of this subsection.

(3) Permit Content. Each Simple ACDP must include the following:

(a) All relevant applicable requirements for source operation, including general ACDP conditions for incorporating generally applicable requirements, but excluding any federal requirements not adopted by the EQC;

(b) Generic PSELs for all regulated pollutants emitted at more than the de minimis emission level under OAR 340 division 222;

(c) Testing, monitoring, recordkeeping, and reporting requirements sufficient to determine compliance with the PSEL and other emission limits and standards, as necessary; and

(d) A permit duration not to exceed 5 years.

(4) Permit issuance public notice procedures:

(a) Issuance of a new or renewed Simple ACDP requires public notice as a Category II permit action under OAR 340 division 209.

(b) Issuance of a modification to a Simple ACDP requires one of the following procedures, as applicable:

(A) Public notice as a Category I permit action for non-technical basic and simple technical modifications under OAR 340 division 209; or

(B) Public notice as a Category II permit action for moderate and complex technical modifications under OAR 340 division 209.

**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
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 4-2013, f. & cert. ef. 3-27-13

**340-216-0066**

**Standard ACDPs**

(1) Application requirements. Any person requesting a new, modified, or renewed Standard ACDP must submit an application under OAR 340-216-0040 and include the following additional information as applicable:

(a) For new or modified Standard ACDPs that are not subject to NSR under OAR 340 division 224 but have emissions increases above the significant emissions rate, the application must include an analysis of the air quality and, for federal major sources only, the visibility impacts of the source or modification, including meteorological and topographical data, specific details of models used, and other information necessary to estimate air quality impacts.

(b) For new or modified Standard ACDPs that are subject to NSR under OAR 340 division 224, the application must include the following information as applicable:

(A) A detailed description of the air pollution control devices and emission reductions processes which are planned for the source or modification, and any other information necessary to determine that BACT or LAER technology, whichever is applicable, would be applied;

(B) An analysis of the air quality and, for federal major sources only, the visibility impacts of the source or modification, including meteorological and topographical data, specific details of models used, and other information necessary to estimate air quality impacts; and

(C) An analysis of the air quality and, for federal major sources only, the visibility impacts, and the nature and extent of all commercial, residential, industrial, and other source emission growth, which has occurred since the baseline concentration year in the area the major source or major modification would affect.

(2) Fees. Applicants for a Standard ACDP must pay the fees set forth in OAR 340-216-8010.

(3) Permit content. Each Standard ACDP must include the following:

(a) All applicable requirements, including general ACDP conditions for incorporating generally applicable requirements, but excluding any federal requirements not adopted by the EQC;

(b) Source specific PSELs or Generic PSELs, whichever are applicable, under OAR 340 division 222;

(c) Testing, monitoring, recordkeeping, and reporting requirements sufficient to determine compliance with the PSEL and other emission limits and standards, as necessary; and

(d) A permit duration not to exceed 5 years.

(4) Permit issuance procedures.

(a) Issuance of a new or renewed Standard ACDP requires public notice under OAR 340 division 209 as follows:

(A) Public notice as a Category III permit action for permit actions that will increase allowed emissions but that are not subject to NSR under OAR 340 division 224, , or as a Category II permit action if the permit will not increase authorized emissions.

(B) Public notice as a Category IV permit action for permit actions subject to NSR under OAR 340 division 224.

(b) Issuance of a modified Standard ACDP requires public notice under OAR 340 division 209 as follows:

(A) Public notice as a Category I permit action for non-technical modifications and basic and simple technical modifications .

(B) Public notice as a Category II permit action for moderate and complex technical modifications if there will be no increase in allowed emissions, or as a Category III permit action if there will be an increase in emissions; or

(C) Public notice as a Category IV permit action for major modifications subject to NSR under OAR 340 division 224 .

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

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 4-2013, f. & cert. ef. 3-27-13

**340-216-0068**

**Simple and Standard ACDP Attachments**

(1) Purpose. This rule allows DEQ to add new requirements to existing Simple or Standard ACDPs by assigning the source to an ACDP Attachment issued under section (2). An ACDP Attachment would apply to an affected source until the new requirements are incorporated into the source’s Simple or Standard ACDP at the next permit renewal or at the time of permit modification.

(2) ACDP Attachment issuance procedures:

(a) An ACDP Attachment requires public notice as a Category II permit action under OAR 340 division 209, except that ACDP Attachments to Simple or Standard ACDPs require notice as Category I permit actions.

(b) DEQ may issue an ACDP Attachment when there are multiple sources that are subject to the new requirements.

(c) Attachment content. Each ACDP Attachment must include the following:

(A) Testing, monitoring, recordkeeping, and reporting requirements necessary to ensure compliance with the applicable emissions limits and standards; and

(B) An attachment expiration date not to exceed 5 years from the date of issuance.

(3) Assignment to ACDP Attachment:

 (a) A source is not a permittee under the ACDP Attachment until DEQ assigns the ACDP Attachment to the source.

(b) The ACDP Attachment is removed from the Simple or Standard ACDP when the requirements of the ACDP Attachment are incorporated into the source’s Simple or Standard ACDP at the time of renewal or of a modification.

(c) If an EPA or DEQ action causes a source to be subject to the requirements in an ACDP Attachment, assignment to the ACDP Attachment is a DEQ-initiated modification to the Simple or Standard ACDP and the permittee is not required to submit an application or pay fees for the permit action. In such case, DEQ would notify the permittee of the proposed permitting action and the permittee may object to the permit action if the permittee demonstrates that the source is not subject to the requirements of the ACDP Attachment.

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

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

Hist.: DEQ 4-2013, f. & cert. ef. 3-27-13

**340-216-0070**

**Permitting a Source with Multiple Activities or Processes at a Single Adjacent or Contiguous Site**

A single or contiguous site containing activities or processes that are covered by more than one General ACDP, or a source that contains processes or activities listed in more than one section of OAR 340-216-8005, may obtain a Standard ACDP, even if not otherwise required to obtain a Standard ACDP under this division.

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

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033, DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0160; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1730; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

**340-216-0082**

**Termination or Revocation of an ACDP**

(1) Expiration.

(a) A source may not be operated after the expiration date of a permit, unless any of the following occur prior to the expiration date of the permit:

(A) A timely and complete application for renewal or for an Oregon Title V Operating Permit has been submitted; or

(B) another type of permit (ACDP or Oregon Title V Operating Permit) has been issued authorizing operation of the source.

(b) For a source operating under an ACDP or Oregon Title V Operating Permit, a requirement established in an earlier ACDP remains in effect notwithstanding expiration of the ACDP, unless the provision expires by its terms or unless the provision is modified or terminated according to the procedures used to establish the requirement initially.

(2) Automatic Termination. A permit is automatically terminated upon:

(a) Issuance of a renewal or new ACDP for the same activity or operation;

(b) Written request of the permittee, if DEQ determines that a permit is no longer required;

(c) Failure to submit a timely application for permit renewal. Termination is effective on the permit expiration date; or

(d) Failure to pay annual fees within 90 days of invoice by DEQ, unless prior arrangements for payment have been approved in writing by DEQ.

(3) Reinstatement of Terminated Permit: A permit automatically terminated under any of subsections (2)(b) through (2)(d) may only be reinstated by the permittee by applying for a new permit, including payment of the applicable new source permit application fees as set forth in this division. , unless the owner or operator submits the renewal application within three months of the permit expiration date.

(4) Revocation:

(a) If DEQ determines that a permittee is in noncompliance with the terms of the permit, submitted false information in the application or other required documentation, or is in violation of any applicable rule or statute, DEQ may revoke the permit. DEQ will provide notice of the intent to revoke the permit to the permittee under OAR 340-011-0525. The notice will include the reasons why the permit will be revoked, and include an opportunity for the permittee to request a contested case hearing prior to the revocation. A permittee’s written request for hearing must be received by DEQ within 60 days from service of the notice on the permittee, and must state the grounds of the request. The hearing will be conducted as a contested case hearing under ORS 183.413 through 183.470 and OAR 340 division 011. The permit will continue in effect until the 60th day after service of the notice on the permittee, if the permittee does not timely request a hearing, or until a final order is issued if the permittee timely requests a hearing.

(b) If DEQ finds there is a serious danger to the public health, safety or the environment caused by a permittee's activities, DEQ may immediately revoke or refuse to renew the permit without prior notice or opportunity for a hearing. If no advance notice is provided, notification will be provided to the permittee as soon as possible under OAR 340-011-0525. The notification will set forth the specific reasons for the revocation or refusal to renew and will provide an opportunity for the permittee to request a contested case hearing for review of the revocation or refusal to renew. A permittee’s written request for hearing must be received by DEQ within 90 days of service of the notice on the permittee and must state the grounds for the request. The hearing will be conducted as a contested case hearing under ORS 183.413 through 183.470 and OAR 340 division 011. The revocation or refusal to renew becomes final without further action by DEQ if a request for a hearing is not received within the 90 days. If a request for a hearing is timely received, the revocation or refusal to renew will remain in place until issuance of a final order.

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

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A
Hist.: DEQ 42, f. 4-5-72, ef. 4-15-72; DEQ 125, f. & ef. 12-16-76; DEQ 21-1990, f. & cert. ef. 7-6-90; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-014-0015 & 340-014-0045; DEQ 8-2007, f. & cert. ef. 11-8-07

**340-216-0084**

**Department Initiated Modification**

If DEQ determines it is appropriate to modify an ACDP, other than a General ACDP, DEQ will notify the permittee by regular, registered or certified mail of the modification and will include the proposed modification and the reasons for the modification. The modification will become effective upon mailing unless the permittee requests a contested case hearing within 20 days. A request for hearing must be made in writing and must include the grounds for the request. The hearing will be conducted as a contested case hearing under ORS 183.413 through 183.470 and OAR 340 division 011. If a hearing is requested, the existing permit will remain in effect until after a final order is issued following the hearing.

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

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A
Hist.: DEQ 42, f. 4-5-72, ef. 4-15-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-014-0040

**340-216-0090**

**Sources Subject to ACDPs and Fees**

All air contaminant discharge sources listed in OAR 340-216-8005 must obtain a permit from DEQ, keep a copy of the permit onsite at the source and are subject to fees as set forth in OAR 340-216-8010 .

**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.040
Stats. Implemented: ORS 468.065
Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033.12; DEQ 125, f. & ef. 12-16-76; DEQ 20-1979, f. & ef. 6-29-79; DEQ 11-1983, f. & ef. 5-31-83; DEQ 6-1986, f. & ef. 3-26-86; DEQ 12-1987, f. & ef. 6-15-87; DEQ 17-1990, f. & cert. ef. 5-25-90; DEQ 27-1991, f. & cert. ef. 11-29-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0165; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 21-1994, f. & cert. ef. 10-14-94; DEQ 22-1994. f. & cert. ef. 10-14-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 18-1997, f. 8-27-97, cert. ef. 10-1-97; DEQ 7-1998, f. & cert. ef. 5-5-98; DEQ 12-1998, f. & cert. ef. 6-30-98; DEQ 14-1998, f. & cert. ef. 9-14-98; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1750; DEQ 8-2000, f. & cert. ef. 6-6-00; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

**340-216-0094**

**Temporary Closure**

(1) A permittee that temporarily suspends activities for which an ACDP is required may apply for a fee reduction due to temporary closure. However, the anticipated period of closure must exceed six months and must not be due to regular maintenance or seasonal limitations.

(2) DEQ will prorate annual fees for temporary closure based on the length of the closure in a calendar year, but will not be less than one half of the regular annual fee for the source.

(3) A ource that has received Department approval for payment of the temporary closure fee must obtain authorization from DEQ prior to resuming permitted activities. An owner or operator of the source must submit written notification, together with the prorated annual fee for the remaining months of the year, to DEQ at least thirty (30) days before startup and specify in the notification the earliest anticipated startup date.

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

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

**340-216-0105**

**Delayed Construction**

(1) A source for which construction is delayed and State that is subject to State NSR under OAR 340 division 224 may apply for a delayed construction fee reduction under this rule. Procedures for construction delays for sources subject to Major NSR under OAR 340 division 224 are provided in OAR 340-224-0030(5).

(2) Except for the initial annual fee paid at the time of permit application, a source may pay one half of the annual fee required if, prior to the date the annual fee is due, the source had not commenced construction as defined in OAR 340-200-0020.

(a) The source must include a statement with payment of the invoice certifying that construction had not commenced.

(b) The source must submit a copy of the statement to the DEQ regional permit coordinator at the address provided in the permit.

(3) If the owner or operator of the source intends to modify the project before construction begins or is completed and the modification would require a modification of the permit, the owner or operator must obtain approval for the modification of the project following the permit application requirements in this division and in OAR 340 division 224, as applicable. The owner or operator must not commence construction or must temporarily halt construction until the permit modification is issued.

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

**OAR 340-216-8005**

**AIR CONTAMINANT DISCHARGE PERMITS**

The following source categories must obtain a permit.. For purposes of this rule, production and emission parameters are based on the latest consecutive 12 month period, or future projected operation, whichever is higher, and emission cutoffs are based on actual emissions.

**(1) Basic ACDP Activities and Sources**

The following commercial and industrial sources must obtain a Basic ACDP under OAR 340-216-0056 unless the source also meets the requirements of section (2) or (3), or chooses to obtain a Simple or Standard ACDP:FOR PURPOSES OF THIS PART

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

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

(c) Crematory and pathological waste incinerators with less than 20 tons/year material input.

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

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

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

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

**(2) General, Simple or Standard ACDP Activities and Sources**

The following sources must obtain either:

• a General ACDP, if one is available for the source classification and the source qualifies for a General ACDP under OAR 340-216-0060;

• a Simple ACDP under OAR 340-216-0064; or

• a Standard ACDP under OAR 340-216-0066 if the source fits one of the criteria of section (3) or does not qualify for a Simple ACDP.

(a) \*\*Aerospace or aerospace parts manufacturing subject to RACT as regulated by OAR 340 division 232

(b) Aluminum, copper, and other nonferrous foundries subject to an area source NESHAP under OAR 340 division 244

3. Aluminum production - primary

4. Ammonia manufacturing

5. Animal rendering and animal reduction facilities

6. Asphalt blowing plants

7. Asphalt felts or coating manufacturing

8. Asphaltic concrete paving plants both stationary and portable

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

10. Battery separator manufacturing

11. Lead-acid battery manufacturing and re-manufacturing

12. Beet sugar manufacturing

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

14. Building paper and buildingboard mills

15. Calcium carbide manufacturing

16. \*\* Can or drum coating subject to RACT under OAR 340 division 232

17. Cement manufacturing

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

19. Charcoal manufacturing

20. Chlorine and alkali manufacturing

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

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

23. Coffee roasting (roasting 30 or more green tons per year)

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

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

26. Degreasing operations (halogenated solvent cleaning subject to a NESHAP under OAR 340 division 244)

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

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

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

30. \*\* Flatwood coating regulated by OAR 340 division 232

31. \*\* Flexographic or rotogravure printing subject to RACT under OAR 340 division 232

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

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

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

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

36. Glass and glass container manufacturing

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

38. Reserved

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

40. Gypsum products manufacturing

41. Hardboard manufacturing (including fiberboard)

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

43. Incinerators with two or more ton per day capacity

44. Lime manufacturing

45. \*\* Liquid storage tanks subject to RACT under OAR 340 division 232

46. Magnetic tape manufacturing

47. Manufactured home, mobile home and recreational vehicle manufacturing

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

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

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

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

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

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

51. Molded container manufacturing

52. Motor coach manufacturing

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

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

55. Nitric acid manufacturing

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

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

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

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

60. \*\* Paper or other substrate coating subject to RACT as regulated by OAR 340 division 232

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

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

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

64. Petroleum refining and re-refining of lubricating oils and greases including asphalt production by distillation and the reprocessing of oils and/or solvents for fuels

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

66. Plywood manufacturing and/or veneer drying

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

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

69. Pulp, paper and paperboard mills

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

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

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

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

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

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

76. Soil remediation facilities, both portable and stationary

77. Steel works, rolling and finishing mills

78. \*\* Surface coating in manufacturing subject to RACT under OAR 340 division 232

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

80. Synthetic resin manufacturing

81. Tire manufacturing

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

83. Wood preserving (excluding waterborne)

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

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

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

87. Stationary internal combustion engines only if:

(a) For emergency generators and firewater pumps, the emissions, in aggregate, are greater than 10 tons for any regulated pollutant based on 100 hours of operation or some other hours of operation specified in a permit; or

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

(c) For any individual non-emergency engine, the engine is subject to 40 CFR Part 60, Subpart IIII and:

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

(B) The engine has a displacement of less than 30 liters per cylinder, is rated at 500 horsepower or more; or

(d) For any individual non-emergency engine, the engine is subject to 40 CFR Part 60, Subpart JJJJ, is rated at 500 horsepower or more

88. All sources subject to RACT under OAR division 232, BACT or LAER under OAR division 224, a NESHAP under OAR 340 division 244, a NSPS under OAR 340 division 238, or State MACT under OAR 340-244-0200(2), except sources registered pursuant to OAR 340-210-0100(2).

**(3) Standard ACDP Activities and Sources**

Sources in any one of the following categories must obtain a Standard ACDP under the procedures set forth in 340-216-0066:

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

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

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

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

5. All sources having the potential to emit more than 100,000 tons CO2e of GHG emissions in a year.

6. All sources having the potential to emit more than 100 tons of any regulated pollutant in a year

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

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

**Notes:**

\* Applies only to Special Control Areas

\*\* Portland AQMA, Medford-Ashland AQMA or Salem SKATS only

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

**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
[See history of this table under OAR 340-216-0020.]

**OAR 340-216-8010**

**AIR CONTAMINANT DISCHARGE PERMIT FEES**

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

|  |  |
| --- | --- |
| a. Short Term Activity ACDP  | $3,600.00  |
| b. Basic ACDP  | $144.00  |
| c. Assignment to General ACDP  | $1,440.00\*  |
| d. Simple ACDP  | $7,200.00  |
| e. Construction ACDP  | $11,520.00  |
| f. Standard ACDP  | $14,400.00  |
| g. Standard ACDP (NSR/PSD)  | $50,400.00  |

\*DEQ may waive the assignment fee for an existing source requesting to be assigned to a General ACDP because the source is subject to a newly adopted area source NESHAP as long as the existing source requests assignment within 90 days of notification by DEQ.

(2) Annual Fees: (Due date 12/1\* for 1/1 to 12/31 of the following year)

|  |  |
| --- | --- |
|  |  |

|  |  |  |
| --- | --- | --- |
| a. Short Term Activity ACDP |  | $NA |
| b. Basic ACDP |  | $432.00 |
| c. General ACDP  | (A) Fee Class One  | $864.00  |
|  | (B) Fee Class Two  | $1,555.00  |
|  | (C) Fee Class Three  | $2,246.00  |
|  | (D) Fee Class Four  | $432.00  |
|  | (E) Fee Class Five  | $144.00  |
|  | (F) Fee Class Six  | $288.00  |
| d. Simple ACDP  | (A) Low Fee  | $2,304.00  |
|  | (B) High Fee  | $4,608.00  |
| e. Standard ACDP  |  | $9,216.00  |

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

(3) Specific Activity Fees:

|  |  |
| --- | --- |
| a. Non-Technical Permit Modification \*  | $432.00  |
| b Basic Technical Permit Modification  | $432.00  |
| c Simple Technical Permit Modification  | $1,440.00  |
| d. Moderate Technical Permit Modification  | $7,200.00  |
| e. Complex Technical Permit Modification  | $14,400.00  |
| f. NSR/PSD Modification  | $50,400.00  |
| g. Modeling Review (outside NSR/PSD)  | $7,200.00  |
| h. Public Hearing at Source's Request  | $2,880.00  |
| i. State MACT Determination  | $7,200.00  |
| j. Compliance Order Monitoring \*\*  | $144.00/month  |
| k. Greenhouse Gas Reporting, as required by OAR 340 division 215  | 12.5% of the applicable annual fee in Part 2  |

\* For gasoline dispensing facilities, a portion of these fees will be used to cover the fees required for changes of ownership in OAR 340-150-0052(4).

\*\* This is a one time fee payable when a compliance order is established in a permit or a DEQ order containing a compliance schedule becomes a final order of DEQ and is based on the number of months DEQ will have to oversee the order.

(4) Late Fees:

a. 8-30 days late 5%

b. 31-60 days late 10%

c. 61 or more days late 20%

**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
[See history of this table under OAR 340-216-0020.]