**DIVISION 222**

**STATIONARY SOURCE PLANT SITE EMISSION LIMITS**

**340-222-0010**

**Policy**

The EQC recognizes the need to establish a more definitive method for regulating increases and decreases in air emissions of permit holders. However, except as needed to protect ambient air quality standards, PSD increments and visibility, the EQC does not intend to: limit the use of existing production capacity of any air quality permittee; cause any undue hardship or expense to any permittee who wishes to use existing unused productive capacity; or create inequity within any class of permittees subject to specific industrial standards that are based on emissions related to production.

[**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 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0300; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1000; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

**340-222-0020**

**Applicability**

(1) Plant Site Emission Limits (PSELs) will be included in all Air Contaminant Discharge Permits (ACDP) and Oregon Title V Operating Permits, except as provided in section (3), as a means of managing airshed capacity by regulating increases and decreases in air emissions. Except as provided in OAR 340-222-0035(5) and 340-222-0060, all ACDP and Title V sources are subject to PSELs for all regulated pollutants listed in the definition of SER in OAR 340-200-0020(160)(a) through (u). DEQ will incorporate PSELs into permits when issuing a new permit or renewing or modifying an existing permit.

(2) The emissions limits established by PSELs provide the basis for:

(a) Assuring reasonable further progress toward attaining compliance with ambient air quality standards;

(b) Assuring compliance with ambient air quality standards and PSD increments;

(c) Administering offset and banking programs; and

(d) Establishing the baseline for tracking the consumption of PSD increments.

(3) PSELs are not required for:

(a) Regulated pollutants that will be emitted at less than the de minimis emission level listed in OAR 340-200-0020 from the entire source;

(b) Short Term Activity and Basic ACDPs; or

(c) Hazardous air pollutants as listed in OAR 340-244-0040 Table 1, high-risk pollutants listed in 40 CFR 63.74, accidental release substances listed in 40 CFR 68.130, or air toxics listed in OAR 340 division 246; except that PSELs are required for pollutants identified in this subsection that also are listed in OAR 340-200-0020 (a) through (u).

(4) PSELs may be generic PSELs, source-specific PSELs set at the generic PSEL levels, or source-specific PSELs set at source-specific levels.

(a) A source with a generic PSEL cannot maintain a netting basis for that regulated pollutant.

(b) A source with a source-specific PSEL that is set at the generic PSEL level may maintain a netting basis for that regulated pollutant provided the source is operating under a Standard ACDP or Title V Operating Permit.

**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 468.020 & 468A.040
Stats. Implemented: ORS 468.020, 468.065 & 468A.025
Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0301; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 14-1998, f. & cert. ef. 9-14-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1010; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 4-2008(Temp). f. 3-4-08, cert. ef. 3-6-08 thru 9-1-08; DEQ 11-2008, f. & cert. ef. 8-29-08

**340-222-0030**

**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.

[**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

**Criteria for Establishing Plant Site Emission Limits**

**340-222-0035**

**General Requirements for Establishing All PSELs**

(1) PSELs may not exceed limits established by any applicable federal or state regulation or by any specific permit conditions unless the source meets the specific provisions of OAR 340-226-0400 (Alternative Emission Controls).

(2) DEQ may change source-specific PSELs at the time of a permit renewal, or if DEQ modifies a permit pursuant to OAR 340-216-0084, Department Initiated Modifications, or 340-218-0200, Reopenings, if:

:

(a) DEQ determines errors were made in calculating the PSELs or more accurate and reliable data is available for calculating PSELs; or

(b) More stringent control is required by a rule adopted by the EQC.

(3) PSEL reductions required by rule, order or permit condition will be effective on the compliance date of the rule, order, or permit condition.

(4) Annual PSELs apply on a rolling 12 consecutive month basis and limit the source's potential to emit.

(5) PSELs do not include emissions from categorically insignificant activities. Emissions from categorically insignificant activities must be considered when determining New Source Review or Prevention of Significant Deterioration applicability under OAR 340 division 224.

(6) PSELs must include aggregate insignificant emissions, if 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 & ORS 468A
Stats. Implemented: ORS 468 & ORS 468A
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

**340-222-0040**

**Generic Annual PSEL**

(1) Sources with capacity less than the SER will receive a generic PSEL unless they have a netting basis and request a source-specific PSEL under 340-222-0041.

(2) A generic PSEL may be used for any regulated pollutant that will be emitted at less than the SER.

(3) The netting basis for a source with a generic PSEL is zero for that regulated pollutant.

 [**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 25-1981, f. & ef. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0310; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1020; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

**340-222-0041
Source-Specific Annual PSEL**

(1) For sources with potential to emit less than the SER that request a source-specific PSEL, the source-specific PSEL will be set equal to the generic PSEL level.

(2) For sources with potential to emit greater than or equal to the SER, the source-specific PSEL will be set equal to the source's potential to emit, netting basis or a level requested by the applicant, whichever is less, except as provided in section (3) or (4).

(3) The initial source-specific PSEL for PM2.5 for a source that was permitted on or before May 1, 2011 with potential to emit greater than or equal to the SER will be set equal to the PM2.5 fraction of the PM10 PSEL in effect on May 1, 2011.

(a) Any source with a permit in effect on May 1, 2011 is eligible for an initial PM2.5 PSEL without being otherwise subject to OAR 340-222-0041(4).

(b) For a source that had a permit in effect on May 1, 2011 but later needs to correct its PM10 PSEL that was in effect on May 1, 2011 due to more accurate or reliable information, the corrected PM10 PSEL will be used to correct the initial PM2.5 PSEL.

(i) Correction of a PM10 PSEL will not by itself trigger OAR 340-222-0041(4) for PM2.5.

(ii) Correction of a PM10 PSEL could result in further requirements for PM10 in accordance with all applicable regulations.

(c) If, after establishing the initial PSEL for PM2.5 in accordance with this rule and establishing the initial PM2.5 netting basis in accordance with OAR 340-222-0046, the PSEL is more than nine tons above the netting basis, any future increase in the PSEL for any reason would be subject to OAR 340-222-0041(4).

(4) If an increase in a PSEL or an initial PSEL will exceed the netting basis by an amount equal to or greater than the SER, the source is subject to Major New Source Review or State New Source Review as specified in OAR 340-224-0010, as applicable. Any increase in the PSEL for greenhouse gases that is not due to a major modification is not subject to New Source Review under OAR 340 division 224.

(5) If the netting basis is adjusted in accordance with OAR 340-222-0051(3) then the source-specific PSEL is not required to be adjusted.

(6) If a PSEL is established or revised to include emissions from activities that existed at a source prior to [INSERT DATE OF EQC ADOPTION OF RULES] and which were previously considered categorically insignificant activities prior to [INSERT DATE OF EQC ADOPTION OF RULES], and results in a PSEL that exceeds the netting basis by more than or equal to the SER as a result of this revision, the requirements of OAR 340-222-0041(4) do not apply. If the revised PSEL is greater than the netting basis by the SER or more, any future increase in the PSEL for any reason would be subject to OAR 340-222-0041(4).

[**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 11-2002, f. & cert. ef. 10-8-02

**340-222-0042**

**Short Term PSEL**

(1) For sources located in areas with an established short term SER that is measured over an averaging period less than a full year, PSELs are required on a short term basis for those regulated pollutants that have a short term SER. The short term averaging period is daily, unless emissions cannot be monitored on a daily basis. The averaging period for short term PSELs can never be greater than monthly.

(a) For new and existing sources with potential to emit less than the short term SER, the short term PSEL will be set equal to the level of the short term generic PSEL.

(b) For existing sources with potential to emit greater than or equal to the short term SER, a short term PSEL will be set equal to the source's short term potential to emit or to the current permit’s short term PSEL, whichever is less.

(c) For new sources with potential to emit greater than or equal to the short term SER, the initial short term PSEL will be set at the level requested by the applicant provided the applicant meets the requirements of (2)(b).

(2) If a permittee requests an increase in a short term PSEL that will exceed the short term netting basis by an amount equal to or greater than the short term SER, the permittee must satisfy the requirements of subsections (a) or (b). In order to satisfy the requirements of subsection (a) or (b), the short term PSEL increase must first be converted to an annual increase by multiplying the short term increase by 8,760 hours, 365 days, or 12 months, depending on the term of the short term PSEL.

 (a) Obtain offsets in accordance with the offset provisions for the designated area as specified in OAR 340 division 224; or

(b) Obtain an allocation from an available growth allowance in accordance with the applicable maintenance plan.

(3) Once the short term PSEL is increased pursuant to section (2), the increased level becomes the basis for evaluating future increases in the short term PSEL.

[**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

**340-222-0046**

**Netting Basis**

(1) A netting basis will only be established for those regulated pollutants that could subject a source to New Source Review under OAR 340 division 224.

(a) The initial PM2.5 netting basis for a source that was permitted prior to May 1, 2011 will be established with the first permitting action issued after July 1, 2011, provided the permitting action involved a public notice period that began after July 1, 2011.

source-specific(b) The initial greenhouse gas netting basis for a source will be established with the first permitting action issued after July 1, 2011, provided the permitting action involved a public notice period that began after July 1, 2011.

(2) A source’s netting basis for each regulated pollutant is established as specified in subsection (a), (b), or (c) and will be adjusted according to section (3):

(a) For all regulated pollutants except for PM2.5, a source’s initial netting basis is equal to the baseline emission rate.

(b) For PM2.5, a source’s initial netting basis is equal to the overall PM2.5 fraction of the PM10 PSEL in effect on May 1, 2011 multiplied by the PM10 netting basis in effect on May 1, 2011. DEQ may increase the initial PM2.5 netting basis by not more than 5 tons to ensure that the PM2.5 PSEL does not exceed the PM2.5 netting basis by more than the PM2.5 SER.

(A) Notwithstanding OAR 340-222-0041(4), any source with a permit in effect on May 1, 2011 is eligible for a PM2.5 netting basis without being otherwise subject to New Source Review under OAR 340-224-0010.

(B) For a source that had a permit in effect on May 1, 2011 but later needs to correct its PM10 netting basis that was in effect on May 1, 2011, due to more accurate or reliable information, the corrected PM10 netting basis will be used to correct the initial PM2.5 netting basis.

(i) Notwithstanding OAR 340-222-0041(4), correction of a PM10 netting basis will not by itself subject a source to New Source Review under OAR 340-224-0010.

(ii) Correction of a PM10 netting basis could result in further requirements for PM10 in accordance with all applicable regulations.

(c) A source’s netting basis is zero for:

(A) Any regulated pollutant emitted from a source that first obtained permits to construct and operate after the applicable baseline period for that regulated pollutant, and has not undergone Major New Source Review for that regulated pollutant, except as provided in subsection (2)(b) for PM2.5;

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

(C) Any source permitted as portable.

(3) A source’s netting basis will be adjusted as follows:

(a) The netting basis will be reduced by any emission reductions required under a rule, order, or permit condition issued by the EQC or DEQ to comply with the SIP or to prevent any area from being designated as a nonattainment area under theSIP , subject to the following requirements and limitations:(A) Netting basis reductions are effective on the effective date of the rule, order or permit condition that requires the reductions;

(B) Netting basis reductions may only applyto sources that are permitted, on the effective date of the applicable rule, order or permit condition, to operate the affected emissions units that are subject to the rule, order, or permit condition requiring emission reductions;

(C) Netting basis reductions will include reductions for unassigned emissions for emissions units that are affected by the rule, order or permit condition, if the shutdown or over control that created the unassigned emissions occurred within five years prior to the adoption of the rule, order or permit condition that required an emission reduction and if the unassigned emissions have not already been used to adjust the source’s netting basis. This provision applies to emission reductions that have been placed in unassigned emissions or that are eligible to be placed in unassigned emissions but the permit action that would place them in unassigned emissions has not been issued;

(D) Netting basis reductions will not affectemission reduction credits established under division 268;

(E) Netting basis reductions for the affected emissions units will be determined consistent with the approach used to determine the netting basis prior to the regulatory action reducing the emissions. The netting basis reduction is the difference between the emissions calculated using the previous emission rate and the emission rate established by rule, order, or permit using appropriate conversion factors when necessary;

(F) The netting basis reduction will not include emission reductions achieved under OAR 340-226-0110, 340-226-0120, or OAR 340 division 244;

(b) The netting basis will be reduced by the amount of any unassigned emissions that are reduced under OAR 340-222-0055(3)(a);

(c) The netting basis will be reduced by the amount of any emission reduction credits transferred off site in accordance with OAR 340 division 268;

(d) The netting basis will be reduced when actual emissions are reduced according to OAR 340-222-0051(3);

(e) The netting basis will be increased by any emission increases approved through the Major New Source Review regulations in OAR 340-224-0025 through 340-224-0070 provided the increases are or were subject to both an air quality analysis and control technology requirements. For sources where the netting basis was increased in accordance with the DEQ PSD rules that were in effect prior to July 1, 2001, the netting basis may include emissions from emission units that were not subject to both an air quality analysis and control technology requirements if the netting basis had been increased following the rules in effect at the time; and

(f) The netting basis will be increased by any emissions from activities previously classified as categorically insignificant prior to April 1, 2014, provided the activities existed during the baseline period or at the time of the source’s last Major New Source Review approval.

(4) In order to maintain the netting basis, must maintain either a Standard ACDP or an Oregon Title V Operating Permit. A request by a to be assigned any other type of ACDP sets the netting basis at zero upon issuance of the other type of permit and remains at zero unless an increase is approved in accordance subsection (3)(e).

(5) If a source relocates to an adjacent site, and the time between operation at the old and new sites is less than six months, the source may retain the netting basis from the old site.

(6) A source’s netting basis for a regulated pollutant with a revised definition will be corrected if the source is emitting the regulated pollutant at the time the definition is revised, and the regulated pollutant is included in the source’s netting basis.

(7) Where EPA requires an attainment demonstration based on dispersion modeling, the netting basis must not be more than the level used in the dispersion modeling to demonstrate attainment with the ambient air quality standard (i.e., the attainment demonstration is an emission reduction required by rule).

 [ED. NOTE: This rule was moved verbatim from OAR 340-200-0020(76) and amended in redline/strikeout.]

 [**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, 468A.035, 468A.055 & 468A.070
Stats. Implemented: ORS 468A.025 & 468A.035

[See history under OAR 340-200-0020.]

**340-222-0048**

**Baseline Period and Baseline Emission Rate**

 (1) The baseline period used to calculate the baseline emission rate is either:

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

(b) For greenhouse gases, any consecutive 12 calendar month period during the calendar years 2000 through 2010; or

(c) For a pollutant that becomes a regulated pollutant subject to OAR 340 division 224 after May 1, 2011, any consecutive 12 calendar month period within the 24 months immediately preceding the pollutant’s designation as a regulated pollutant if a baseline period has not been defined by rule for the regulated pollutant.

(2) A baseline emission rate will be established only for those regulated pollutants subject to OAR 340 division 224.

(3) A baseline emission rate will not be established for PM2.5.

(4) The baseline emission rate for greenhouse gases, on a CO2e basis, will be established with the first permitting action issued after July 1, 2011, provided the permitting action involved a public notice period that began after July 1, 2011.

5) For a pollutant that becomes a regulated pollutant subject to OAR 340 division 224 after May 1, 2011, the initial baseline emission rate is the actual emissions of that regulated pollutant during the baseline period .

(6) The baseline emission rate will be recalculated only under the following circumstances:

(a) For greenhouse gases, if actual emissions are reset in accordance with OAR 340-222-0051(3);

(b) If a material mistake or an inaccurate statement was made in establishing the production basis for the baseline emission rate; or

(c) If a more accurate or reliable emission factor is available.

(7) The baseline emission rate is not affected if emission reductions are required by rule, order, or permit condition.

[ED. NOTE: This rule was moved verbatim from OAR 340-200-0020(13) and (14) and amended in redline/strikeout.]

[**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, 468A.035, 468A.055 & 468A.070
Stats. Implemented: ORS 468A.025 & 468A.035

[See history under OAR 340-200-0020.]

**340-222-0051**

**Actual Emissions**

(1) A source’s actual emissions as of the baseline period are the sum total of the actual emissions for each of the sources’ emissions units as of the baseline period for each regulated pollutant. The actual emissions from emissions units as of the baseline period will be determined to be:

(a) Except as provided in subsections (b) and (c) and section (2), the average rate at which the emissions unit actually emitted the regulated pollutant during normal source operations over an applicable baseline period;

(b) The emissions-unit-specific mass emissions limit included in a source's permit that was effective on September 8, 1981 if such emissions are within 10% of the actual emissions calculated under subsection (a); or

(c) The potential to emit of the emissions unit as specified in paragraphs (A) and (B). The actual emissions will be reset if required in accordance with section (3).

(A) Any emissions unit that had not begun normal operations during the applicable baseline period but was approved to construct and operate before or during the baseline period in accordance with OAR 340 division 210 or 216, or was not required to obtain approval to construct and operate before or during the applicable baseline period; or

(B) Any emissions unit that will emit greenhouse gases that had not begun normal operations prior to January 1, 2010, but was approved to construct and operate prior to January 1, 2011 in accordance with OAR 340 division 210 or 216.

(2) For any emissions unit or any modification of an emissions unit that had not begun normal operations during the applicable baseline period, but was approved to construct and operate in accordance with OAR 340 division 210, 216 or 224, actual emissions of the emissions unit equal the potential to emit of the emissions unit on the date the emissions unit was approved to construct and operate.

(3) For any emissions unit with actual emissions of greenhouse gases that were determined pursuant to paragraph (1)(c)(B), and for all other emissions unitsof all other regulated pollutants that are permitted in accordance with the Major New Source Review rules in OAR 340 division 224 on or after May 1, 2011, the potential to emit of the emissions unit will be reset to actual emissions as follows:

(a) Except as provided in subsection (b), ten years from the end of the applicable baseline period under paragraph (1)(c)(B) or ten years from the date the permit is issued under section (2), or an earlier time if requested by the source in a permit application subject to public notice, DEQ will reset actual emissions of the emissions unit to equal the highest actual emission rate during any consecutive 12-month period during the ten year period or any shorter period if requested by the source. Actual emissions are determined as follows:

(A) The permittee must select a consecutive 12-month period and the same 12-month period must be used for all regulated pollutants and all affected emissions units; and

(B) The permittee must determine the actual emissions during that 12-month period for each emissions unit that was subject to Major New Source Review or for which the baseline emission rate is equal to the potential to emit.

(b) DEQ may extend the date of resetting by five additional years upon satisfactory demonstration by the permittee that construction of the source is ongoing or normal operation has not yet been achieved.

c) Any emission reductions achieved due to enforceable permit conditions based on OAR 340-226-0110 and 340-226-0120 are not included in the reset calculation required in subsection (a).

(4) Regardless of the PSEL compliance requirements specified in a permit, actual emissions from an emissions unit may be calculated for any given 12 consecutive month period using data that is considered valid and representative of emissions from the emissions unit. Actual emissions must be calculated using the emissions unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

 [ED. NOTE: This rule was moved verbatim from OAR 340-200-0020(3) and amended in redline/strikeout.]

[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, 468A.035, 468A.055 & 468A.070
Stats. Implemented: ORS 468A.025 & 468A.035

[See history under OAR 340-200-0020.]

**340-222-0055**

**Unassigned Emissions**

(1) Purpose. The purpose of unassigned emissions is to track and manage the difference in the quantity of emissions between the netting basis and what the source could emit based on the facility's current physical and operational design.

(2) Establishing unassigned emissions.

(a) Unassigned emissions equal the netting basis minus the source's current PTE, minus any banked emission reduction credits. Unassigned emissions are zero if this result is negative.

(b) Unused capacity created after the effective date of this rule due to reduced potential to emit that is not banked or expired emission reduction credits (OAR 340-268-0030), increases unassigned emissions on a ton for ton basis.

(3) Maximum unassigned emissions.

(a) Except as provided in subsection (b), unassigned emissions will be reduced to not more than the SER on July 1, 2007 and upon each permit renewal following that date.

 (b) In an AQMA where the EPA requires an attainment demonstration based on dispersion modeling, unassigned emissions are not subject to reduction under this rule.

(4) Using unassigned emissions.

(a) An existing source may use unassigned emissions for internal netting to allow an emission increase in accordance with the permit.

(b) A source may not bank unassigned emissions or transfer them to another source.

(c) A source may not use emissions that are removed from the netting basis, including emission reductions required by rule, order or permit condition under OAR 340-222-0046(3)(a)(C), in any future permit actions.

(5) Upon renewal, modification or other reopening of a permit after July 1, 2002 the unassigned emissions will be established with an expiration date of July 1, 2007 for all unassigned emissions in excess of the SER. Each time the permit is renewed after July 1, 2007 the unassigned emissions will be established again and reduced upon the following permit renewal to no more than the SER for each regulated pollutant **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.310
Stats. Implemented: ORS 468 & 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

**340-222-0060**

**Plant Site Emission Limits for Sources of Hazardous Air Pollutants**

(1) DEQ may establish PSELs for hazardous air pollutants (HAPs) if an owner or operator requests that DEQ:

(a) Establish a PSEL for combined HAPs emitted for purposes of determining emission fees as prescribed in OAR 340 division 220; or

(b) Create an enforceable PTE limit.

(2) PSELs will be set only for individual or combined HAPs and will not list HAPs by name. The PSEL will be set on a rolling 12 month basis and will be either:

(a) The generic PSEL if the permittee proposes a limit less than that level; or

(b) The level the permittee establishes necessary for the source if greater than the generic PSEL.

(3) The alternative emissions controls (bubble) provisions of OAR 340-226-0400 do not apply to emissions of HAPs.

[**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 12-1993, f. & cert. ef. 9-24-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1050; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

**340-222-0070**

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**340-222-0080**

**Plant Site Emission Limit Compliance**

(1) The permittee must monitor regulated pollutant emissions or other parameters that are sufficient to produce the records necessary for demonstrating compliance with the PSEL.

(2) The frequency of the monitoring and associated averaging periods must be as short as possible and consistent with that used in the compliance method.

(3)(a) For annual PSELs, the permittee must monitor appropriate parameters and maintain all records necessary for demonstrating compliance with the annual PSEL at least monthly and be able to determine emissions on a rolling 12 consecutive month basis.

(b) For short term PSELs, the permittee must monitor appropriate parameters and maintain all records necessary for demonstrating compliance with any short term PSEL at least as frequently as the short term PSEL averaging period.

(4) The applicant must specify in the permit application the method that will be used to determine compliance with the PSEL. DEQ will review the method and approve or modify, as necessary, to assure compliance with the PSEL. DEQ will include PSEL compliance monitoring methods in all permits that contain PSELs. Depending on source operations, one or more of the following methods may be acceptable:

(a) Continuous emissions monitors;

(b) Material balance calculations;

(c) Emissions calculations using approved emission factors and process information;

(d) Alternative production or process limits; and

(e) Other methods approved by DEQ.

(6) When annual reports are required, the permittee must include the emissions totals for each consecutive 12 month period during the calendar year, unless otherwise specified by a permit condition.

(7) Regardless of the PSEL compliance requirements specified in a permit, actual emissions may be calculated in accordance with OAR 340-222-0051(4).

[**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 6-2001, f. 6-18-01, cert. ef. 7-1-01

**340-222-0090**

**Combining and Splitting Sources**

(1) When two or more sources combine into one source:

(a) The sum of the netting basis for all the sources for each regulated pollutant is the combined source netting basis for that regulated pollutant.

(b) The combined source is regulated as one source, except:

(A) The simple act of combining sources, without an increase over the combined PSEL, does not subject the combined source to Major New Source Review.

(B) If the combined source PSEL, without a requested increase over the existing combined PSEL, exceeds the combined netting basis plus the SER, the source may continue operating at the existing combined source PSEL without becoming subject to Major New Source Review until such time that the source requests an increase in the PSEL or the source is modified. If a source requests an increase in the PSEL or the source is modified, DEQ will evaluate whether Major New Source Review will be required.

(2) When one source is split into two or more separate sources:

(a)The netting basis and SER can only be transferred to the new source or sources if they and the original source all belong to the same major industrial group (i.e., that have the same two-digit code) as described in the Standard Industrial Classification Manual, (U.S. Office of Management and Budget, 1987) or if the new source is a combined heat and power facility that had been supporting the same major industrial group;.

(b) The netting basis and the SER for the original source are split amongst the new sources as requested by the original permittee;

(c) The amount of the netting basis that is transferred to the new source or sources may not exceed the potential to emit of the existing emissions units involved in the split; and

(d) The split of netting basis and SER must either:

(A) Be sufficient to avoid Major New Source Review for each of the newly created sources; or

(B) The newly created source that becomes subject to Major New Source Review must comply with the requirements of OAR 340 division 224 before beginning operation under the new arrangement.

(3) Permittees must maintain records of physical changes and changes in operation occurring since the baseline period or most recent Major New Source Review 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.]

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