**340-224-0025 Major Modification**

(1) "Major Modification" means any physical change(s) or change(s) in the method of operation of a source where the requirements of section (2) or (3) are satisfied for any regulated pollutant subject to Major New Source Review as specified in subsection (c) of the definition of regulated pollutant in division 200 since the later of:

(a) The baseline period for all regulated pollutants except PM2.5;

(b) May 1, 2011 for PM2.5; or

(c) The most recent Major New Source Review action for that regulated pollutant.

(d) The date the netting basis is reset in accordance with OAR 340-222-0046(3)(d).

(2)(a) Except as provided in section (5), a PSEL or actual emissions that exceed the netting basis by an amount that is equal to or greater than the SER; and

(b) The accumulation of emission increases due to physical changes and changes in the method of operation since the later of the dates in subsections (1)(a) through (d) that is equal to or greater than the SER.

(A) Emission increases in subsection (b) shall be calculated as follows: For each unit with a physical change or change in the method of operation occurring since the later of the dates in subsections (1)(a) through (d) as applicable for each pollutant, subtract the unit’s portion of the netting basis from its post-change potential to emit taking into consideration any federally enforceable limits on potential to emit. Emissions from categorically insignificant activities, aggregate insignificant emissions, and fugitive emissions must be included in the calculations.

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

(3) Any change at a source, including production increases, that would result in a PSEL increase of 1 ton or more for any regulated pollutant for which the source is a federal major source, if the source obtained permits to construct and operate after the applicable baseline period but has not undergone New Source Review.

(a) This section does not apply to PM2.5 and greenhouse gases.

(b) Changes to the PSEL solely due to the availability of more accurate and reliable emissions information are exempt from being considered an increase under this section.

(4) Major modifications for ozone precursors or PM2.5 precursors also constitute major modifications for ozone and PM2.5, respectively.

(5) If a portion of the netting basis or PSEL or both was set based on PTE because the source had not begun normal operations but was permitted or approved to construct and operate, that portion of the netting basis or PSEL or both must be excluded from the tests in section (2) until the netting basis is reset as specified in OAR 340-222-0046(3)(d) and 340-222-0051(3).

(6) The following are not considered major modifications:

(a) Except as provided in section (3), proposed increases in hours of operation or production rates that would cause emission increases above the levels allowed in a permit and would not involve a physical change or change in method of operation in the source.

(b) Routine maintenance, repair, and replacement of components.

(c) Temporary equipment installed for maintenance of the permanent equipment if the temporary equipment is in place for less than six months and operated within the permanent equipment's existing PSEL.

(d) Use of alternate fuel or raw materials, that were available and the source was capable of accommodating in the baseline period.

(7) When more accurate or reliable emissions information becomes available, a recalculation of the PSEL, netting basis, and increases/decreases in emissions must be performed to determine whether a major modification has occurred.

[ED. NOTE: This rule was moved verbatim from OAR 340-200-0020(71) and amended in redline/strikeout. See history under OAR 340-200-0020.]

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

**340-222-0051 Actual Emissions**

(1) The actual emissions 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 source actually emitted the regulated pollutant during normal source operations over an applicable baseline period;

(b) The source-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 paragraph (a); or

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

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

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

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

(3) For any source or part of a source whose actual emissions of greenhouse gases were determined pursuant to paragraph (1)(c)(B), and for all other sources of 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 source or part of the source 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 involving public notice, DEQ will reset actual emissions of the source or part of the source 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 source must select a consecutive 12-month period and the same 12-month period must be used for all regulated pollutants and all affected devices or emissions units; and

(B) The source must determine the actual emissions during that 12-month period for each device or 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 source that construction 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 0120 are not included in the reset calculation required in subsection (a).

(4) Regardless of the PSEL compliance requirements specified in a permit, DEQ may calculate actual emissions from a source or part of a source for any given 12 month rolling period using data that is considered valid and more representative of the source’s or part of a source’s emissions. Actual emissions must be calculated using the 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.]