**DIVISION 210**

**STATIONARY SOURCE NOTIFICATION REQUIREMENTS**

**340-210-0010**

**Applicability**

This division applies to all stationary sources in the state.

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

Stat. Auth.: ORS 468A
Stats. Implemented: ORS 468 & ORS 468A
Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0200

**340-210-0020**

**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 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 Environmental Quality Commission 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

**Registration**

**340-210-0100**

**Registration in General**

(1) Any air contaminant source not subject to Air Contaminant Discharge Permits, OAR 340 division 216, or Oregon Title V Operating Permits, OAR 340 division 218, must register with DEQ upon request pursuant to OAR 340-210-0110 through 340-210-0120.

(2) The owner or operator of an air contaminant source listed in subsection (2)(a) that is certified through a DEQ approved environmental certification program and subject to an Area Source NESHAP may register the source with DEQ pursuant to OAR 340-210-0110 through 340-210-0120 in lieu of obtaining a permit in accordance with OAR 340-216-0020, unless DEQ determines that the source has not complied with the requirements of the environmental certification program.

(a) The following air contaminant sources may be registered under this section:

(A) Motor vehicle surface coating operations.

(B) Dry cleaners using perchloroethylene.

(b) Approved environmental certification program. To be approved, the environmental certification program must, at a minimum, require certified air contaminant sources to comply with all applicable state and federal rules and regulations and require additional measures to increase environmental protection.

(c) Fees. In order to obtain and maintain registration, owners and operators of air contaminant sources registered pursuant to this section must pay the following annual fees by March 1 of each year:

(A) Motor vehicle surface coating operations -- $240.00.

(B) Dry cleaners using perchloroethylene -- $180.00.

(C) Late fees.

(i) 8-30 days late: 5% of annual fee.

(ii) 31-60 days late: 10% of annual fee.

(iii) 61 or more days late: 20% of annual fee.

(D) Failure to pay fees. Registration is automatically terminated upon failure to pay annual fees within 90 days of invoice by DEQ, unless prior arrangements for payment have been approved in writing by DEQ.

(d) Recordkeeping. In order to maintain registration, owners and operators of air contaminant sources registered pursuant to this section must maintain records required by the approved environmental performance program under subsection (2)(b) of this rule. The records must be kept on site and in a form suitable and readily available for expeditious inspection and review.

 (3) Revocation. DEQ may revoke a registration if a source fails to meet any requirement in OAR 340-210-0110.

**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.050, 468A.070 & 468A.310
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 15, f. 6-12-70, ef. 9-1-70; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0005; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0500; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 7-2011(Temp), f. & cert. ef. 6-24-11 thru 12-19-11; Administrative correction, 2-6-12; DEQ 1-2012, f. & cert. ef. 5-17-12; DEQ 4-2013, f. & cert. ef. 3-27-13

**340-210-0110**

**Registration Requirements**

(1) Registration pursuant to OAR 340-210-0100(1) or (3) must be completed within 30 days following the mailing date of the request by DEQ.

(2) Registration must be completed by the owner, lessee of the source, or agent on forms made available by DEQ. If a form is not available from DEQ, the registrant may provide the information using a format approved by DEQ.

(3) In order to obtain registration pursuant to OAR 340-210-0100(1), the following information must be submitted by a registrant:

(a) Name, address, and nature of business;

(b) Name of local person responsible for compliance with these rules;

(c) Name of person authorized to receive requests for data and information;

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

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

(f) Type and quantity of fuels used;

(g) Amount, nature, and duration of air contaminant emissions;

(h) Estimated efficiency of air pollution control equipment under present or anticipated operating conditions;

(i) Any other information requested by DEQ.

(4) In order to obtain registration pursuant to OAR 340-210-0100(2), the following information must be submitted by a registrant:

(a) Name, address, and nature of business;

(b) Name of local person responsible for compliance with these rules;

(c) Name of person authorized to receive requests for data and information;

(d) Information demonstrating that the air contaminant source is operating in compliance with all applicable state and federal rules and regulations, as requested by DEQ.

(e) Information demonstrating that the source is certified through an approved environmental certification program.

(f) A signed statement that the submitted information is true, accurate, and complete. This signed statement shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

(g) Any other information requested by DEQ.

(5) In order to obtain registration pursuant to OAR 340-210-0100(3), the following information must be submitted by a registrant:

(a) Name, address and nature of business or institution;

(b) Name of local person responsible for compliance with these rules;

(c) Name of person authorized to receive requests for data and information;

(d) A description of the air contaminant source subject to regulation;

(e) Identification of the applicable regulation(s);

(f) Confirmation that approval to construct and operate the air contaminant source was obtained in accordance with OAR 340-210-0205 through 340-0210-0250;

(g) Confirmation that the air contaminant source is operating in compliance with all applicable state rules and regulations, including but not limited to OAR 340-208-0110 (visible air contaminant limitations) and 340-226-0210 or 340-228-0210 (grain loading standards);

(h) Confirmation that the air contaminant source is operating in compliance with all applicable federal rules and regulations, including but not limited to 40 CFR Part 60 and Part 63 standards and work practice requirements, such as routine tune-up for boilers; and

(i) Any other information requested by DEQ.

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

Stat. Auth.: ORS 468.020, 468A.025, 468A.035, 468A.050, 468A.055, 468A.070 & 468A.310
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 15, f. 6-12-70, ef. 9-1-70; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0010; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0510; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 7-2011(Temp), f. & cert. ef. 6-24-11 thru 12-19-11; Administrative correction, 2-6-12; DEQ 1-2012, f. & cert. ef. 5-17-12

**340-210-0120**

**Re-Registration and Maintaining Registration**

(1) In order to re-register or maintain registration pursuant to OAR 340-210-0100, a person responsible for an air contaminant source must reaffirm in writing, by March 1 of each year, the correctness and current status of the information furnished to DEQ.

(2) In order to re-register or maintain registration pursuant to OAR 340-210-0100(3):

(a) The registrant must report any change in any of the factual information reported under OAR 340-210-0110 to DEQ on a form made available by DEQ; and

(b) The registrant must confirm the compliance status of the air contaminant source, including but not limited to compliance with any work practice requirements such as routine tune-ups. Confirmation must be made in writing on a form furnished by DEQ.

(3) In order to re-register, or maintain registration, a person must not have had their registration terminated or revoked within the last 3 years, unless the air contaminant source has changed ownership since termination or revocation, in which case the person must not have had their registration terminated or revoked since the change in ownership.

(4) If a registered air contaminant source is sold or transferred, the sale or transfer must be reported to DEQ by either the former owner or the new owner within 30 days of the date of sale or transfer. The new owner of the registered air contaminant source must register the air contaminant source within 30 days of the date of sale or transfer in accordance with OAR 340-210-0110(2) and (5).

**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.035, 468A.050 & 468A.310
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 15, f. 6-12-70, ef. 9-1-70; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0015; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0520; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 7-2011(Temp), f. & cert. ef. 6-24-11 thru 12-19-11; Administrative correction, 2-6-12; DEQ 1-2012, f. & cert. ef. 5-17-12

**Notice of Construction and Approval of Plans**

**340-210-0205**

**Applicability**

(1) Except as provided in section (2) of this rule, OAR 340-210-0205 through 340-210-0250 apply to the following:

(a) All air pollution control equipment to be used to comply with emissions limits of, or used to avoid the imposition of emission limits of, Oregon Title V Operating Permits (OAR 340 division 218), new source review requirements (OAR 340 division 224), or MACT standards (OAR 340 division 244). (b) Modifications at existing sources that have permits under OAR 340 division 216 or 218; and

(c) All new stationary sources not otherwise required to obtain a permit under OAR 340 division 216. Sources that are required to submit a permit application under division 216 are not required to submit a notice of construction application under this section.

(2) OAR 340-210-0205 through 340-210-0250 do not apply to the following stationary sources:

 (a) Heating equipment in or used in connection with residences used exclusively as dwellings for not more than four families;

(b) Other activities associated with residences used exclusively as dwellings for not more than four families, including, but not limited to barbecues, house painting, maintenance, and groundskeeping; and

(c) Categorically insignificant activities as defined in OAR 340-200-0020 unless they are subject to NESHAP or NSPS requirements. This exemption applies to all categorically insignificant activities whether or not they are located at major or non-major sources.

**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 15, f. 6-12-70, ef. 9-1-70; DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0025; 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 340-028-0810; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-210-0210; DEQ 12-2008, f. & cert. ef. 9-17-08

**340-210-0215**

**Requirement**

(1) New Stationary Sources. No person may construct, install, or establish a new stationary source that will cause an increase in any regulated pollutant emissions without first notifying DEQ in writing.

(2) Modifications to Existing Sources. No person may make a physical change or change in operation of an existing source that will cause an increase, on an hourly basis at full production, in any regulated pollutant emissions without first notifying DEQ in writing.

(3) Air Pollution Control Equipment. No person may construct or modify any air pollution control equipment without first notifying DEQ in writing.

[**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 15, f. 6-12-70, ef. 9-1-70; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0020; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0800; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-210-0200

**340-210-0225**

**Types of Construction/Modification Changes**

For the purpose of OAR 340-210-0200 through 340-210-0250, changes that involve new construction or modifications of stationary sources or air pollution control equipment are divided as follows:

(1) Type 1 changes include construction or modification of stationary sources or air pollution control equipment where such a change meets the criteria in subsections (a) through (f):

(a) Would not increase emissions from the source above the PSEL by more than the de minimis emission levels for sources required to have a permit;

(b) Would not increase emissions from the source above the netting basis by more than or equal to the significant emission rate;

(c) Would not increase by more than the de minimis emission levels a source’s emissions from any new emission device, activity or process, replacement of any emission device, activity or process, modification of any emission device, activity or process, or any combination of emission devices, activities or processes ;

(d) Would not be used to establish a federally enforceable limit on the potential to emit;

(e) Would not require a TACT determination under OAR 340-226-0130 or a MACT determination under OAR 340-244-0200; and

(f) Is not required to obtain a permit under OAR 340 division 216.

(2) Type 2 changes include construction or modification of stationary sources or air pollution control equipment where such a change meets the criteria in subsections (a) through (f):

(a) Would not increase emissions from the source above the PSEL by more than the de minimis emission levels for sources required to have a permit;

(b) Would not increase emissions from the source above the netting basis by more than or equal to the significant emission rate; (c) Would not increase by more than or equal to the significant emission rate a source’s emissions from any new emission device, activity or process, replacement of any emission device, activity or process, modification of any emission device, activity or process, or any combination of emission devices, activities or processes;

(d) Would not be used to establish a federally enforceable limit on the potential to emit;

(e) Would not require a TACT determination under OAR 340-226-0130 or a MACT determination under OAR 340-244-0200; and

(f) Is not required to obtain a permit under OAR 340 division 216.

(3) Type 3 changes include construction or modification of stationary sources or air pollution control equipment where such a change does not qualify as a Type 4 change under section (4) and:

(a) Would increase emissions above the Plant Site Emission Limit by more than the de minimis levels defined in OAR 340-200-0020 but less than the significant emission rate for sources required to have a permit;

(b) Would increase emissions from any stationary source or combination of stationary sources by more than the significant emission rate but are not subject to OAR 340-222-0041(4)(b) or OAR 340, division 224 (New Source Review rules);

(c) Would be used to establish a federally enforceable limit on the potential to emit; or

(d) Would require a TACT determination under OAR 340-226-0130 or a MACT determination under 340-244-0200.

(4) Type 4 changes include construction or modification of stationary sources or air pollution control equipment where such a change or changes would increase emissions above the PSEL or Netting Basis of the source by more than the significant emission rate.

[**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 15, f. 6-12-70, ef. 9-1-70; DEQ 5-1989, f. 4-24-89, cert. ef. 5-1-89; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0030; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0820; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-210-0220

**340-210-0230**

**Notice to Construct**

(1) Any person proposing a Type 1 or 2 change must provide notice to DEQ before constructing or modifying a stationary source or air pollution control equipment. The notice must be in writing on a form supplied by DEQ and include the following information as applicable:

(a) Name, address, and nature of business;

(b) Name of local person responsible for compliance with these rules;

(c) Name of person authorized to receive requests for data and information;

(d) The type of construction or modification as defined in OAR 340-210-0220;

(e) A description of the constructed or modified source;

(f) A description of the production processes and a related flow chart for the constructed or modified source;

(g) A plot plan showing the location and height of the constructed or modified source. The plot plan must also indicate the nearest residential or commercial property;

(h) Type and quantity of fuels used;

(i) The change in the amount, nature and duration of regulated air pollutant emissions;

(j) Plans and specifications for air pollution control equipment and facilities and their relationship to the production process, including estimated efficiency of air pollution control equipment under present or anticipated operating conditions;

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

(l) A list of any requirements applicable to the new construction or modification;

(m) Where the operation or maintenance of air pollution control equipment 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); and

(n) Amount and method of refuse disposal; and

(o) Land Use Compatibility Statement signed by a local (city or county) planner either approving or disapproving construction or modification to the source if required by the local planning agency.

(2) Any person proposing a Type 3 or 4 change must submit an application for either a construction ACDP, new permit, or permit modification, whichever is appropriate.

(3) The owner or operator must notify DEQ of any corrections and revisions to the plans and specifications upon becoming aware of the changes.

(4) Where a permit issued in accordance with OAR 340 divisions 216 or 218 includes construction approval for future changes for operational flexibility, the notice requirements in this rule are waived for the approved 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 & ORS 468A
Stats. Implemented: ORS 468 & ORS 468A
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

**340-210-0240**

**Construction Approval**

(1) Approval to Construct:

(a) For Type 1 changes, the owner or operator may proceed with construction or modification 10 calendar days after DEQ receives the notice required in OAR 340-210-0230, unless DEQ notifies the owner or operator in writing that the proposed construction or modification is not a Type 1 change.

(b) For Type 2 changes, the owner or operator may proceed with the construction or modification 60 calendar days after DEQ receives the notice required in OAR 340-210-0230 or on the date that DEQ approves the proposed construction in writing, whichever is sooner, unless the DEQ notifies the owner or operator in writing that the proposed construction or modification is not a Type 2 change.

(c) For Type 3 changes, the owner or operator must obtain either a construction ACDP or a new or modified standard ACDP in accordance with OAR chapter 340 division 216 before proceeding with the construction or modification.

(d) For Type 4 changes, the owner or operator must obtain a new or modified Standard ACDP before proceeding with the construction or modification. Type 4 changes may also be subject to OAR 340 division 224, New Source Review requirements.

(2) Approval to construct does not relieve the owner of the obligation of complying with applicable requirements.

(3) Notice of Completion. Unless otherwise specified by DEQ in the construction ACDP or the approval to construct, the owner or operator must notify DEQ in writing that the construction or modification has been completed using a form furnished by DEQ. Unless otherwise specified, the notice is due 30 days after completing the construction or modification. The notice of completion must include the following:

(a) The date of completion of construction or modification; and

(b) The date the source or air pollution control equipment was or will be put in operation.

(4) Order Prohibiting Construction or Modification. If at any time, DEQ determines that the proposed construction is not in accordance with applicable statutes, rules, regulations, and orders, DEQ will issue an order prohibiting the construction or modification. The order prohibiting construction or modification will be forwarded to the owner or operator by certified mail.

(5) Hearing. A person against whom an order prohibiting construction or modification is directed may request a contested case hearing within 20 days from the date of mailing the order. The request must be in writing, state the grounds for hearing, and be mailed to the Director of DEQ. The hearing will be conducted pursuant to the applicable provisions in division 11 of this chapter.

[**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

**340-210-0250**

**Approval to Operate**

(1) The approval to construct does not provide approval to operate the constructed or modified stationary source or air pollution control equipment unless otherwise allowed by section (2) of this rule or under applicable ACDP or Oregon Title V Operating Permit programs (OAR 340 divisions 216 and 218).

(2) Type 1 and 2 changes:

(a) For sources that are not required to obtain a permit in accordance with OAR 340-216-0020, Type 1 and 2 changes may be operated without further approval subject to the conditions of DEQ’s approval to construct provided in accordance with OAR 340-210-0240.

(A) Approval to operate does not relieve the owner of the obligation of complying with applicable requirements that may include but are not limited to the general opacity standards in OAR 340-208-0110 and general particulate matter standards in OAR 340-226-0210 and OAR 340-228-0210.

(B) If required by DEQ as a condition of the approval to construct or at any other time in accordance with OAR 340-212-0120, the owner or operator must conduct testing or monitoring to verify compliance with applicable requirements. All required testing must be performed in accordance with OAR 340-212-0140.

(C) The owner or operator must register the air contaminant source with DEQ if required as a condition of the approval to construct or at any other time in accordance with OAR 340-210-0100.

(b) For new sources that are required to obtain an ACDP in accordance with OAR 340-216-0020, the ACDP, which allows operation, is required before operating the newly constructed equipment.

(c) For sources currently operating under an ACDP, the newly constructed equipment may be operated without further approval unless the ACDP specifically prohibits the operation.

(d) For sources currently operating under an Oregon Title V Operating Permit, the newly constructed equipment may only be operated in accordance with OAR 340-218-0190(2).

(3) Type 3 and 4 changes:

(a) For new sources, the source must have a standard ACDP before operation of the source.

(b) For sources currently operating under an ACDP, a new or modified standard ACDP is required before operation of the changes. All ACDP terms and conditions remain in effect until the ACDP is modified.

(c) For sources currently operating under an Oregon Title V Operating Permit, operations may begin only in accordance with OAR 340-218-0190(2).

**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 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2012, f. & cert. ef. 5-17-12