**DIVISION 236**

**EMISSION STANDARDS FOR SPECIFIC INDUSTRIES**

**NOTE**: Administrative Order DEQ 60 repealed previous OAR 340-025-0255 through 340-025-0290 (consisting of DEQ 19, filed 7-14-70 and effective 8-10-70).

**340-236-0010**

**Definitions**

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

(1) "All Sources" means:

(a) as used in OAR 340-236-0100 through 340-236-0150 sources including, but not limited to, the reduction process, alumina plant, anode plant, anode baking plant, cast house, and collection, treatment, and recovery systems. Except for the purposes of 340-236-0120(1)(c) and (3)(d), "all sources" does not include sources of fugitive emissions;

(b) as used in OAR 340-236-0200 through 340-236-0230 all equipment, structures, processes, and procedures directly related to or involved in the production of ferronickel from laterite ore excluding open storage areas and mining activities.

(2) "Annual Average" means the arithmetic average of the monthly averages reported to the Department during the twelve most recent consecutive months.

(3) "Anode Baking Plant" means the heating and sintering of pressed anode blocks in oven-like devices, including the loading and unloading of the oven-like devices.

(4) "Anode Plant" means all operations directly associated with the preparation of anode carbon except the anode baking operation.

(5) "Average Dry Laterite Ore Production Rate" means the average amount of dry laterite ore produced per hour based upon annual production records.

(6) "Collection Efficiency" means the overall performance of the air cleaning device in terms of ratio of material collected to total weight of input to the collector.

(7) "Commission" means Environmental Quality Commission.

(8) "Cured Forage" means hay, straw, ensilage that is consumed or is intended to be consumed by livestock.

(9) "Department" means Department of Environmental Quality.

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

(11) "Dry Laterite Ore" means laterite ore free of uncombined water or as it is discharged from an ore drying equipment or process.

(12) "Emission" means a release into the outdoor atmosphere of air contaminants.

(13) "Emission Standards" means the limitation on the release of contaminant or multiple contaminants to the ambient air.

(14) "Ferronickel" means a metallic alloy containing about 50 percent nickel and 50 percent iron.

(15) "Fluorides" means matter containing fluoride ion emitted to the ambient air as measured by EPA Method 13A or 13B and Method 14 in accordance with the Department's Source Sampling Manual.

(16) "Forage" means grasses, pasture, and other vegetation that is consumed or is intended to be consumed by livestock.

(17) "Fugitive emissions" means emissions of any air contaminant that escapes to the atmosphere from any point or area that is not identifiable as a stack, vent, duct, or equivalent opening.

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

(19) "Laterite Ore" means a red residual soil containing commercially valuable amounts of nickel, about one percent to two percent by weight.

(20) "Monthly Average" means the summation of the arithmetic average of all representative test results obtained during any calendar month and the emission rates established for sources not subject to routine testing.

(21) "Particulate Matter" means:

(a) As used in OAR 340-236-0100 through 340-236-0150 a small discrete mass of solid or liquid matter, but not including uncombined water emitted to the ambient air as measured by EPA Method 5 in accordance with the Department's Source Sampling Manual.

(b) As used in OAR 340-236-0200 through 340-236-0230 and 340-236-0400 through 340-236-0440 a small, discrete mass of solid or liquid matter, but not including uncombined water.

(22) "Primary Aluminum Plant" means those plants, which will or do operate for the purpose of, or related to, producing aluminum metal from aluminum oxide (alumina).

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

(24) "Pot Line Primary Emission Control Systems" means the system which collects and removes contaminants prior to the emission point. If there is more than one such system, the primary system is that system which is most directly related to the aluminum reduction cell.

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

(26) "Regularly Scheduled Monitoring" means sampling and analyses in compliance with a program and schedule approved pursuant to OAR 340-236-0140.

(27) "Source test" means the average of at least three test runs conducted in accordance with the Department's Source Sampling Manual.

(28) "Standard Dry Cubic Foot of Gas" means that amount of the gas which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor at a pressure of 14.7 P.S.I.A. and a temperature of 68° F.

(29) "Special Control Areas" means an area designated in OAR 340-204-0070 and:

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

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

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

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

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

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

**Primary Aluminum Standards**

**340-236-0100**

**Statement of Purpose**

In furtherance of the public policy of the State as set forth in ORS 468A.010, it is hereby declared to be the purpose of the Commission in adopting the following regulations to:

(1) Require, in accordance with a specific program and time table for each operating primary aluminum plant, the highest and best practicable collection, treatment, and control of atmospheric pollutants emitted from primary aluminum plants through the utilization of technically feasible equipment, devices, and procedures necessary to attain and maintain desired air quality.

(2) Require effective monitoring and reporting of emissions, ambient air levels of fluorides, fluoride content of forage, and other pertinent data, The Department will use these data, in conjunction with observation of conditions in the surrounding areas, to develop emission and ambient air standards and to determine compliance therewith.

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

(4) Establish standards which, based upon presently available technology, are reasonably attainable with the intent of revising the standards as needed when new information and better technology are developed.

**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 with the exception of fluoride requirements.

Stat. Auth.: ORS 468 & ORS 468A  
Stats. Implemented: ORS 468A.025  
Hist.: DEQ 60, f. 12-5-73, ef. 12-25-73; DEQ 10-1982, f. & ef. 6-18-82; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0255

**340-236-0110**

**Applicability**

OAR 340-236-0100 through 340-236-0150 apply to existing and new primary aluminum plants.

**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 468  
Hist.: DEQ 14-1999, f. & cert. ef. 10-14-99

**340-236-0120**

**Emission Standards**

(1) The emissions from all sources at each primary aluminum plant constructed after January 1, 1973, shall be collected and treated as necessary so as not to exceed the following minimum requirements:

(a) Total fluoride emissions shall not exceed:

(A) A monthly average of 1.2 pounds of fluoride ion per ton of aluminum produced; and

(B) An annual average of 1.0 pound of fluoride ion per ton of aluminum produced; and

(C) 12.5 tons of fluoride ions per month from any single aluminum plant without prior written approval by the Department.

(b) The total of organic and inorganic particulate matter emissions shall not exceed:

(A) A monthly average of 7.0 pounds of particulate per ton of aluminum produced; and

(B) An annual average of 5.0 pounds of particulate per ton of aluminum produced.

(c) Visible emissions from any source shall not exceed ten-(10) percent opacity at any time.

(2) Each primary aluminum plant constructed and operated after January 1, 1973, shall be in full compliance with OAR 340-236-0100 through 340-236-0150 no later than 180 days after completing potroom start-up and shall maintain full compliance thereafter.

(3) The emissions from all sources at each primary aluminum plant constructed on or before January 1, 1973, shall be collected and treated as necessary so as not to exceed the following minimum requirements:

(a) Total fluoride emissions shall not exceed:

(A) A monthly average of 3.5 pounds of fluoride ion per ton of aluminum produced until one of the following compliance dates, upon which time this limit shall be rescinded and the total fluoride emission limits in 40 CFR 63.843 are effective:

(i) October 7, 1999 for an owner or operator of a plant built before September 26, 1996;

(ii) October 9, 2000 for a plant built before September 26, 1996, provided the owner or operator demonstrates to the satisfaction of the Department that additional time is needed to install or modify the emission control equipment;

(iii) October 8, 2001 for a plant built before September 26, 1996, that is granted an extension by the Department under section 112(i)(3)(B) of the Clean Air Act Amendments of 1990; or

(iv) Upon startup for an owner or operator of a plant built or modified after September 26, 1996; and

(B) An annual average of 2.5 pounds of fluoride ion per ton of aluminum produced.

(b) The total of organic and inorganic particulate matter emissions from all sources at plants using vertical stud Soderberg cells shall not exceed:

(A) A monthly average of 13.0 pounds of particulate per ton of aluminum produced; and

(B) An annual average of 10.0 pounds of particulate per ton of aluminum produced.

(c) The total of organic and inorganic particulate matter emissions from all sources at plants using prebake cells shall not exceed:

(A) A monthly average of 15.6 pounds of particulate per ton of aluminum produced; and

(B) An annual average of 13.5 pounds of particulate per ton of aluminum produced.

(d) Visible emissions from any source shall not exceed 20 percent opacity at any time.

(e) In addition to the standards and requirements contained in OAR 340-236-0100 through OAR 340-236-0150, each primary aluminum plant shall be in full compliance with **40 CFR Part 63**, **Subpart LL**, National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants as adopted under 340-244-0220.

[**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 with the exception of fluoride requirements.]

Stat. Auth.: ORS 468.020  
Stats. Implemented: ORS 468A.025  
Hist.: DEQ 60, f. 12-5-73, ef. 12-25-73; DEQ 4-1980, f. & ef. 1-28-80; DEQ 10-1982, f. & ef. 6-18-82; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 26-1995, f. & cert. ef. 12-06-96; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 26-1995, f. & cert. ef. 12-6-95; DEQ 2-1999, f. & cert. ef. 2-5-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0265

**340-236-0130**

**Special Problem Areas**

The Department may require more restrictive emission limits than the numerical emission standards contained in OAR 340-236-0120 for an individual plant upon a finding by the Commission that the individual plant is located, or is proposed to be located, in a special problem area. Such more restrictive emission limits for special problem areas may be established on the basis of allowable emissions per ton of aluminum produced or total maximum daily emissions to the atmosphere, or a combination thereof, and may be applied on a seasonal or year-round basis.

[**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 with the exception of fluoride requirements.]

Stat. Auth.: ORS 468 & ORS 468A  
Stats. Implemented: ORS 468A.025  
Hist.: DEQ 60, f. 12-5-73, ef. 12-25-73; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0270

**340-236-0140**

**Monitoring**

(1) Each primary aluminum plant constructed and operated on or before January 1, 1973, shall submit and conduct a detailed, effective monitoring program. The program shall include regularly scheduled monitoring and testing by the plant of emissions of gaseous and particulate fluorides and total particulates.

(a) Each plant shall test emissions from each operating potline once per calendar month except as allowed in subsection (b) of this section A minimum of three (3) representative test runs shall be taken each month. All such testing shall include simultaneous sampling of control system(s) and/or roof vents unless otherwise authorized in writing by the Department. Anode bake oven control systems shall be tested at least once per month;

(b) Reduced sampling frequency in accordance with **40 CFR 63.848(e)** and emissions monitoring frequency for the pot line primary emission control system and the anode baking plant in accordance with **40 CFR 63.848(a)** and **(c)** may be approved by the Department upon the applicable compliance date in OAR 340-236-0120(3)(a)(A);

(c) All tests shall be taken on prespecified dates. A schedule for measurement of fluoride levels in forage for new plants and ambient air for new and existing plants shall be submitted. The Department shall establish a monitoring program for each plant which shall be placed in effective operation within ninety (90) days after written notice to the plant by the Department of the established monitoring program.

(2) Each primary aluminum plant proposed to be constructed and operated after January 1, 1973 shall submit a detailed pre-construction and post-construction monitoring program as a part of the air contaminant discharge permit application.

(3) All monitoring methods used to demonstrate compliance with OAR 340-236-0100 through 340-236-0150, including sampling and analytical procedures, must be filed with and approved by the Department. Where applicable, methods in the Department Source Sampling Manual, including, but not limited to, EPA Methods 5 and 7 for particulates and Method 13A or 13B and Method 14 or Method 14A for fluorides or other alternative method in **40 CFR 63.849**, shall be used.

[**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 with the exception of fluoride requirements.]

Stat. Auth.: ORS 468.020  
Stats. Implemented: ORS 468A.025  
Hist.: DEQ 60, f. 12-5-73, ef. 12-25-73; DEQ 10-1982, f. & ef. 6-18-82; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 26-1995, f. & cert. ef. 12-06-95; DEQ 18-1998, f. & cert. ef. 10-5-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0280

**340-236-0150**

**Reporting**

(1) Unless otherwise authorized in writing by the Department, data for each source and station included in the approved monitoring program shall be reported by each primary aluminum plant within 30 days of the end of each calendar month as follows:

(a) Ambient air: 12-hour concentrations of gaseous fluoride in ambient air expressed in micrograms per cubic meter of air, and in parts per billion (ppb);

(b) Forage: Concentrations of fluoride in forage expressed in parts per million (ppm) of fluoride on a dried weight basis, if applicable;

(c) Particulate emissions: Results of all emission sampling conducted during the month for particulates, expressed in pounds per ton of aluminum produced. The method of calculating pounds per ton shall be as specified in the approved monitoring programs. Particulate data shall be reported as total particulates and percentage of fluoride ion contained therein;

(d) Gaseous emissions: Results of all sampling conducted during the month for gaseous fluorides. All results shall be expressed as fluoride ion in pounds of fluoride ion per ton of aluminum produced;

(e) Total fluoride: Results of all sampling conducted during the month for total fluoride. All results shall be expressed as fluoride ion in pounds of fluoride ion per ton of aluminum produced;

(f) Other emission and ambient air data as specified in the approved monitoring program;

(g) Changes in collection efficiency of any portion of the collection or control system that resulted from equipment or process changes.

(2) Each primary aluminum plant shall furnish, upon request of the Department, such other data as the Department may require to evaluate the plant's emission control program. Each primary aluminum plant shall report the value of each emission test performed during that reporting period, and shall also immediately report abnormal plant operations, which result in increased emission of air contaminants.

(3) No person shall construct, install, establish, or operate a primary aluminum plant without first applying for and obtaining an air contaminant discharge permit from the Department. Addition to, or enlargement or replacement of, a primary aluminum plant or any major alteration thereof shall be construed as construction, installation, or establishment.

[**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 with the exception of fluoride requirements.]

Stat. Auth.: ORS 468 & ORS 468A  
Stats. Implemented: ORS 468A.025  
Hist.: DEQ 60, f. 12-5-73, ef. 12-25-73; DEQ 10-1982, f. & ef. 6-18-82; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 18-1998, f. & cert. ef. 10-5-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0285

**Laterite Ore Production of Ferronickel**

**340-236-0200**

**Statement of Purpose**

In furtherance of the public policy of the State as set forth in ORS 468A.010, it is hereby declared to be the purpose of the Commission in adopting OAR 340-236-0200 through 340-236-0230 to:

(1) Require, in accordance with a specific program and timetable, the highest and best practicable collection, treatment, and control of atmospheric pollutants through the utilization of technically feasible equipment, devices, and procedures necessary to attain and maintain desired air quality.

(2) Establish standards which based upon presently available technology, are reasonably attainable with the intent of revising the standards as needed when new information and/or better technology are developed.

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

Stat. Auth.: ORS 468 & ORS 468A  
Stats. Implemented: ORS 468.020 & ORS 468A.025  
Hist.: DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0405

**340-236-0210**

**Applicability**

OAR 340-236-0200 through 340-236-0230 apply to laterite ore production of ferronickel.

[**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 14-1999, f. & cert. ef. 10-14-99

**340-236-0220**

**Emission Standards**

(1) No source shall have visible emissions in excess of 20 percent opacity, provided that where the presence of uncombined water is the only reason for failure of an emission to meet this requirement, such requirement shall not apply.

(2) The total combined emission of particulate matter from all sources shall not exceed 3.5 pounds per ton of dry laterite ore produced, based upon the average dry laterite ore production rate.

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

Stat. Auth.: ORS 468 & ORS 468A  
Stats. Implemented: ORS 468.020 & ORS 468A.025  
Hist.: DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0415

**340-236-0230**

**Monitoring and Reporting**

(1) Emission testing shall be conducted by the industry using Department approved methods to determine compliance with this rule.

(2) Abnormal operations which adversely affect the emission of air contaminants shall be reported to the Department within one-hour of the occurrence, or as soon as is reasonably possible.

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

Stat. Auth.: ORS 468 & ORS 468A  
Stats. Implemented: ORS 468.020 & ORS 468A.025  
Hist.: DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0430

**Reduction of Animal Matter**

**340-236-0300**

**Applicability**

OAR 340-236-0300 through 340-236-0330 apply to the reduction of animal matter in all areas of the state which are within city limits or within two miles of the boundaries of incorporated cities.

Stat. Auth.: ORS 468 & ORS 468A  
Stats. Implemented: ORS 468A.025  
Hist.: SA 30, f. 6-7-68, ef. 8-1-68; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0070

**340-236-0310**

**Control Facilities Required**

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

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

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

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

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

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

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

**340-236-0320**

**Monitoring of Reduction Facilities**

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

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

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

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

(D) Hours of operation per day; and

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

(b) When requested by the plant manager any information relating to processing or production shall be kept confidential by the Department and shall not be disclosed or made available to competitors or their representatives in the rendering industry.

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

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

**340-236-0330**

**Housekeeping of Plant and Plant Area**

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

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

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

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

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

**Hot Mix Asphalt Plants**

[**NOTE**: Administrative Order DEQ 49 repealed previous OAR 340-025-0105 through 340-025-0130 (consisting of SA 32, filed 8-5-68, effective 4-1-69).]

**340-236-0400**

**Applicability**

OAR 340-236-0400 through 340-236-0440 apply to hot mix asphalt plants.

[**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 468  
Hist.: DEQ 14-1999, f. & cert. ef. 10-14-99

**340-236-0410**

**Control Facilities Required**

(1) No person shall operate any hot mix asphalt plant, either portable or stationary, located within any area of the state outside special control areas unless all dusts and gaseous effluents generated by the plant are subjected to air cleaning device or devices having a particulate collection efficiency of at least 80 percent by weight.

(2) No person shall operate any hot mix asphalt plant, either portable or stationary located within any special control area of the state without installing and operating systems or processes for the control of particulate emissions so as to comply with the emission limits established by the process weight table, Table 1, attached herewith and by reference made a part of this rule. Hot mix asphalt plants are subject to the emission limitations in OAR 340-208-0110(2) and (3), and 340-226-0210, and 340-238-0060, as applicable.

**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.

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

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

**340-236-0420**

**Other Established Air Quality Limitations**

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

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

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

**340-236-0430**

**Portable Hot Mix Asphalt Plants**

Portable hot mix asphalt plants may apply for air contaminant discharge permits within the area of Department jurisdiction without indicating specific site locations. As a condition of said permit, the permittee will be required to obtain approval from the Department for the air pollution controls to be installed at each site location or set-up at least ten days prior to operating at each site location or set-up.

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

Stat. Auth.: ORS 468 & ORS 468A  
Stats. Implemented: ORS 468A.025  
Hist.: DEQ 49, f. 2-9-73, ef. 3-1-73; DEQ 5-1983, f. & ef. 4-18-83; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0120

**340-236-0440**

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

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

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

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

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

**Solid Waste Landfills**

**340-236-0500**

**Emission Standards for Municipal Solid Waste Landfills**

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

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

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

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

(2) General Requirements. Landfills subject to this rule must comply with **40 CFR Section 60.751 through 60.759, July 1, 1998** as adopted under OAR 340-238-0060, except as noted in Section 4 of this rule.

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

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

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

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

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

(a) Large landfills listed in Subsection (1)(a) through (c) of this rule must comply with:

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

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

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

(5) Definitions. As used in this rule:

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

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

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

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

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

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

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

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

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