**DIVISION 206**

**AIR POLLUTION EMERGENCIES**

**340-206-0010**

**Introduction**

OAR 340-206-0030, 340-206-0050 and 340-206-0060 are effective within priority I and II air quality control regions (AQCR) as defined in 40 CFR Part 51, subpart H (1995), when the AQCR contains a nonattainment area listed in 40 CFR Part 81. All other rules in this Division are equally applicable to all areas of the state. Notwithstanding any other regulation or standard, this Division is designed to prevent the excessive accumulation of air contaminants during periods of atmospheric stagnation or at any other time, which if allowed to continue to accumulate unchecked could result in concentrations of these contaminants reaching levels which could cause significant harm to the health of persons. This Division establishes criteria for identifying and declaring air pollution episodes at levels below the level of significant harm and are adopted pursuant to the requirements of the Federal Clean Air Act as amended and 40 CFR Part 51.151. Levels of significant harm for various pollutants listed in 40 CFR Part 51.151 are:

(1) For sulfur dioxide (SO2) - 1.0 ppm, 24-hour average.

(2) For particulate matter

(a) PM10 - 600 micrograms per cubic meter, 24-hour average.

(b) PM2.5 -- 350.5 micrograms per cubic meter, 24-hour average.

(3) For carbon monoxide (CO):

(a) 50 ppm, 8-hour average.

(b) 75 ppm, 4-hour average.

(c) 125 ppm, 1-hour average.

(4) For ozone (O3) -- 0.6 ppm, 2-hour average.

(5) For nitrogen dioxide (NO2):

(a) 2.0 ppm, 1-hour average.

(b) 0.5 ppm, 24-hour average.

**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 37, f. 2-15-72, ef. 9-1-72; DEQ 18-1983, f. & ef. 10-24-83; DEQ 8-1988, f. & cert. ef. 5-19-88 (and corrected 5-31-88); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-027-0005; DEQ 5-2010, f. & cert. ef. 5-21-10

**340-206-0020**

**Definitions**

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

**340-206-0030**

**Episode Stage Criteria for Air Pollution Emergencies**

Three stages of air pollution episode conditions and a pre-episode standby condition are established to inform the public of the general air pollution status and provide a management structure to require preplanned actions designed to prevent continued accumulation of air pollutants to the level of significant harm. The three episode stages are: Alert, Warning, and Emergency. The Department shall be responsible to enforce the provisions of this Division which requires actions to reduce and control emissions during air pollution episode conditions. An air pollution alert or air pollution warning shall be declared by the Director or appointed representative when the appropriate air pollution conditions are deemed to exist. When conditions exist which are appropriate to an air pollution emergency, the Department shall notify the Governor and declare an air pollution emergency pursuant to ORS 468.115. The statement declaring an air pollution Alert, Warning or Emergency shall define the area affected by the air pollution episode where corrective actions are required. Conditions justifying the proclamation of an air pollution alert, air pollution warning, or air pollution emergency shall be deemed to exist whenever the Department determines that the accumulation of air contaminants in any place is increasing or has increased to levels which could, if such increases are sustained or exceeded, lead to a threat to the health of the public. In making this determination, the Department will be guided by the following criteria for each pollutant and episode stage:

(1) "Pre-Episode Standby" condition, indicates that ambient levels of air pollutants are within standards or only moderately exceed standards. In this condition, there is no imminent danger of any ambient pollutant concentrations reaching levels of significant harm. The Department shall maintain at least a normal monitoring schedule but may conduct additional monitoring. An air stagnation advisory issued by the National Weather Service, an equivalent local forecast of air stagnation or observed ambient air levels in excess of ambient air standards may be used to indicate the need for increased sampling frequency. The pre-episode standby condition is the lowest possible air pollution episode condition and may not be terminated.

(2) "Air Pollution Alert" condition indicates that air pollution levels are significantly above standards but there is no immediate danger of reaching the level of significant harm. Monitoring should be intensified and readiness to implement abatement actions should be reviewed. At the Air Pollution Alert level the public is to be kept informed of the air pollution conditions and of potential activities to be curtailed should it be necessary to declare a warning or higher condition. An Air Pollution Alert condition is a state of readiness. When the conditions in both subsections (a) and (b) of this section are met, an Air Pollution Alert will be declared and all appropriate actions described in Tables 1 and 4 shall be implemented:

(a) Meteorological dispersion conditions are not expected to improve during the next 24 or more hours;

(b) Monitored pollutant levels at any monitoring site exceed any of the following:

(A) Sulfur dioxide -- 0.3 ppm -- 24-hour average;

(B) Particulate matter

(i) PM10 -- 350 micrograms per cubic meter (ug/m3) -- 24-hour average;

(ii) PM2.5 -- 140.5 micrograms per cubic meter (ug/m3) -- 24-hour average;

(C) Carbon monoxide -- 15 ppm -- 8-hour average;

(D) Ozone -- 0.2 ppm -- 1-hour average;

(E) Nitrogen dioxide:

(i) 0.6 ppm -- 1-hour average; or

(ii) 0.15 ppm -- 24-hour average.

(3) "Air Pollution Warning" condition indicates that pollution levels are very high and that abatement actions are necessary to prevent these levels from approaching the level of significant harm. At the Air Pollution Warning level substantial restrictions may be required limiting motor vehicle use and industrial and commercial activities. When the conditions in both subsections (a) and (b) of this section are met, an Air Pollution Warning will be declared by the Department and all appropriate actions described in Tables 2 and 4 shall be implemented:

(a) Meteorological dispersion conditions are not expected to improve during the next 24 or more hours;

(b) Monitored pollutant levels at any monitoring site exceed any of the following:

(A) Sulfur dioxide -- 0.6 ppm -- 24-hour average;

(B) Particulate matter

(i) PM10 -- 420 ug/m3 -- 24-hour average;

(ii) PM2.5 -- 210.5 ug/m3 -- 24-hour average;

(C) Carbon monoxide -- 30 ppm -- 8-hour average;

(D) Ozone -- 0.4 ppm -- 1-hour average;

(E) Nitrogen dioxide:

(i) 1.2 ppm -- 1-hour average; or

(ii) 0.3 ppm -- 24-hour average.

(4) "Air Pollution Emergency" condition indicates that air pollutants have reached an alarming level requiring the most stringent actions to prevent these levels from reaching the level of significant harm to the health of persons. At the Air Pollution Emergency level extreme measures may be necessary involving the closure of all manufacturing, business operations and vehicle traffic not directly related to emergency services. Pursuant to ORS 468.115, when the conditions in both subsections (a) and (b) of this section are met, an air pollution emergency will be declared by the Department and all appropriate actions described in Tables 3 and 4 shall be implemented:

(a) Meteorological dispersion conditions are not expected to improve during the next 24 or more hours;

(b) Monitored pollutant levels at any monitoring site exceed any of the following:

(A) Sulfur dioxide 0.8 ppm -- 24-hour average;

(B) Particulate matter

(i) PM10 -- 500 ug/m3 -- 2-hour average;

(ii) PM2.5 -- 280.5 ug/m3 -- 2-hour average;

(C) Carbon monoxide 40 ppm -- 8-hour average;

(D) Ozone 0.5 ppm -- 1-hour average;

(E) Nitrogen dioxide:

(i) 1.6 ppm -- 1-hour average; or

(ii) 0.4 ppm -- 24-hour average.

(5) "Termination": Any air pollution episode condition (Alert, Warning or Emergency) established by these criteria may be reduced to a lower condition when the elements required for establishing the higher conditions are no longer observed.

**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 37, f. 2-15-72, ef. 9-1-72; DEQ 18-1983, f. & ef. 10-24-83; DEQ 8-1988, f. & cert. ef. 5-19-88 (and corrected 5-31-88); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-027-0010; DEQ 5-2010, f. & cert. ef. 5-21-10

**340-206-0040**

**Special Conditions**

(1) The Department shall issue an "Ozone Advisory" to the public when monitored ozone values at any site exceed the ambient air quality standard of 0.12 ppm but are less than 0.2 ppm for a one hour average. The ozone advisory shall clearly identify the area where the ozone values have exceeded the ambient air standard and shall state that significant health effects are not expected at these levels, however, sensitive individuals may be affected by some symptoms.

(2) Where particulate is primarily soil from windblown dust or fallout from volcanic activity, episodes dealing with such conditions must be treated differently than particulate episodes caused by other controllable sources. In making a declaration of air pollution alert, warning, or emergency for such particulate, the Department shall be guided by the following criteria:

(a) "Air Pollution Alert for Particulate from Volcanic Fallout or Windblown Dust" means total suspended particulate values are significantly above standard but the source is volcanic eruption or dust storm. In this condition there is no significant danger to public health but there may be a public nuisance created from the dusty conditions. It may be advisable under these circumstances to voluntarily restrict traffic volume and/or speed limits on major thoroughfares and institute cleanup procedures. The Department will declare an air pollution alert for particulate from volcanic fallout or wind-blown dust when total suspended particulate values at any monitoring site exceed or are projected to exceed 800 ug/m3 -- 24-hour average and the suspended particulate is primarily from volcanic activity or dust storms, meteorological conditions not withstanding;

(b) "Air Pollution Warning for Particulate from Volcanic Fallout or Windblown Dust" means total suspended particulate values are very high but the source is volcanic eruption or dust storm. Prolonged exposure over several days at or above these levels may produce respiratory distress in sensitive individuals. Under these conditions staggered work hours in metropolitan areas, mandated traffic reduction, speed limits and cleanup procedures may be required. The Department will declare an air pollution warning for particulate from volcanic fallout or wind-blown dust when total suspended particulate values at any monitoring site exceed or are expected to exceed 2,000 ug/m3 -- 24-hour average and the suspended particulate is primarily from volcanic activity or dust storms, meteorological conditions not withstanding;

(c) "Air Pollution Emergency for Particulate from Volcanic Fallout or Windblown Dust" means total suspended particulate values are extremely high but the source is volcanic eruption or dust storm. Prolonged exposure over several days at or above these levels may produce respiratory distress in a significant number of people. Under these conditions cleaning procedures must be accomplished before normal traffic can be permitted. An air pollution emergency for particulate from volcanic fallout or wind-blown dust will be declared by the Director, who shall keep the Governor advised of the situation, when total suspended particulate values at any monitoring site exceed or are expected to exceed 5,000 ug/m3 -- 24-hour average and the suspended particulate is primarily from volcanic activity or dust storms, meteorological conditions notwithstanding.

(3) Termination: Any air pollution condition for particulate established by these criteria may be reduced to a lower condition when the criteria for establishing the higher condition are no longer observed.

(4) Action: Municipal and county governments or other governmental agency having jurisdiction in areas affected by an air pollution Alert, Warning or Emergency for particulate from volcanic fallout or windblown dust shall place into effect the actions pertaining to such episodes which are described in **Table 4**.

[**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 18-1983, f. & ef. 10-24-83; DEQ 8-1988, f. & cert. ef. 5-19-88 (and corrected 5-31-88); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-027-0012

**340-206-0050**

**Source Emission Reduction Plans**

(1) **Tables 1, 2**, and **3** of this Division set forth specific emission reduction measures which shall be taken upon the declaration of an air pollution alert, air pollution warning, or air pollution emergency. Any person responsible for a source of air contamination within a Priority I AQCR shall, upon declaration of any air pollution episode condition affecting the locality of the air contamination source, take all appropriate actions specified in the applicable table and shall take appropriate actions specified in an approved source emission reduction plan which has been submitted and is on file with the Department.

(2) Any person responsible for the operation of any point source of air pollution which is located in a Priority I AQCR, located within an Air Quality Maintenance Area (AQMA) or located within a nonattainment area listed in **40 CFR, Part 81**, and Emits 100 tons or more of any air pollutant specified by subsection (a) or (b) of this section shall file a Source Emission Reduction Plan (SERP) with the Department in accordance with the schedule described in section (4) of this rule. Persons responsible for other point sources of air pollution located in a Priority I AQCR may optionally file a SERP with the Department for approval. Such plans shall specify procedures to implement the actions required by **Tables 1, 2**, and **3** of this Division and shall be consistent with good engineering practice and safe operating procedures. Source emission reduction plans specified by this section are mandatory only for those sources which:

(a) Emit 100 tons per year or more of any pollutant for which the nonattainment area, AQMA, or any portion of the AQMA is designated nonattainment; or

(b) Emit 100 tons per year or more of volatile organic compounds when the nonattainment area, AQMA or any portion of the AQMA is designated nonattainment for ozone.

(3) Municipal and county governments or other governmental body having jurisdiction in nonattainment areas where ambient levels of carbon monoxide, ozone or nitrogen dioxide qualify for Priority I ACQR classification, shall cooperate with the Department in developing a traffic control plan to be implemented during air pollution episodes of motor vehicle related emissions. Such plans shall implement the actions required by **Tables 1, 2** and **3** of this Division and shall be consistent with good traffic management practice and public safety.

(4) The Department shall periodically review the source emission reduction plans to assure that they meet the requirements of this Division. If deficiencies are found, the Department shall notify the persons responsible for the source. Within 60 days of such notice the person responsible for the source shall prepare a corrected plan for approval by the Department. Source emission reduction plans shall not be effective until approved by the Department.

(5) During an air pollution alert, warning or emergency episode, source emission reduction plans required by this rule shall be available on the source premises for inspection by any person authorized to enforce the provisions of 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.]

[Publication: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 37, f. 2-15-72, ef. 9-1-72; DEQ 18-1983, f. & ef. 10-24-83; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-027-0015

**340-206-0060**

**Regional Air Pollution Authorities**

(1) The Department of Environmental Quality and the regional air pollution authorities shall cooperate to the fullest extent possible to insure uniformity of enforcement and administrative action necessary to implement this Division. With the exception of sources of air contamination where jurisdiction has been retained by the Department of Environmental Quality, all persons within the territorial jurisdiction of a regional air pollution authority shall submit the source emission reduction plans prescribed in OAR 340-206-0050 to the regional air pollution authority. The regional air pollution authority shall submit copies of approved source emission reduction plans to the Department of Environmental Quality.

(2) Declarations of air pollution alert, air pollution warning, and air pollution emergency shall be made by the appropriate regional authority. In the event such a declaration is not made by the regional authority, the Department of Environmental Quality shall issue the declaration and the regional authority shall take appropriate remedial actions as set forth in this Division.

(3) Additional responsibilities of the regional authorities shall include, but are not limited to:

(a) Securing acceptable source emission reduction plans;

(b) Measurement and reporting of air quality data to the Department of Environmental Quality;

(c) Informing the public, news media, and persons responsible for air contaminant sources of the various levels set forth in this Division and required actions to be taken to maintain air quality and the public health;

(d) Surveillance and enforcement of source emission reduction plans.

[**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 37, f. 2-15-72, ef. 9-1-72; DEQ 18-1983, f. & ef. 10-24-83; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-027-0025

**340-206-0070**

**Operations Manual**

The Department shall maintain an operations manual to administer the provisions of this Division. This manual shall be available to the Department Emergency Action office at all times. At a minimum the**Operations Manual** shall contain the following elements:

(1) A copy of this Division.

(2) A chapter on communications which shall include:

(a) Telephone lists naming public officials, public health and safety agencies, local government agencies, emission sources, news media agencies and individuals who need to be informed about the episode status and information updates. These telephone lists shall be specific to episode conditions and will be used when declaring and cancelling episode conditions;

(b) Example and sample messages to be released to the news media for declaring or modifying an episode status.

(3) A chapter on data gathering and evaluation which shall include:

(a) A description of ambient air monitoring activities to be conducted at each episode stage including "Standby";

(b) Assignment of responsibilities and duties for ascertaining ambient air levels of specified pollutants and notification when levels reach the predetermined episode levels;

(c) Assignment of responsibilities and duties for monitoring meteorological developments from teletype reports and National Weather Service contacts. Part of this responsibility shall be to evaluate the meteorological conditions for their potential to affect ambient air pollutant levels.

(4) A chapter defining responsibilities and duties for conducting appropriate source compliance inspections during episode stages requiring curtailment of pollutant emissions.

(5) A chapter establishing the duties and responsibilities of the emergency action center personnel to assure coordinated operation during an air pollution episode established in accordance with this Division.

(6) An appendix containing individual source emission reduction plans required by this Division plus any approved voluntary plans.

[**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.]

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 18-1983, f. & ef. 10-24-83; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-027-0035