**OAR 340-216-8005**

**AIR CONTAMINANT DISCHARGE PERMITS**

**Table 1**

**The following source categories must obtain a permit. More than one source category in Table 1 may apply to a source and they are not necessarily listed in alphabetic order. If more than one source category in Table 1 applies to a source, the highest level of permit specified in Part A, B, or C is required.**

**Part A: Activities and Sources**

The following commercial and industrial sources must obtain a Basic ACDP under the procedures set forth in 340-216-0056 unless the source is required to obtain a different form of ACDP by Part B or C hereof: (Production and emission parameters are based on the latest consecutive 12 month period, or future projected operation, whichever is higher. Emission cutoffs are based on actual emissions.)

1. \*\* Autobody Repair or Painting Shops painting more than 25 automobiles in a year.

2. Concrete Manufacturing including Redimix and CTB both portable and stationary more than 5,000 but less than 25,000 cubic yards per year output.

3. Crematory and Pathological Waste Incinerators with less than 20 tons/yr. material input.

4. Natural gas and propane fired boilers (with or without #2 diesel oil back-up\*\*\*\*) of 10 or more MMBTU but less than 30 MMBTU/hr heat input constructed after June 9, 1989.

5. Prepared feeds for animals and fowl and associated grain elevators more than 1,000 tons/yr. but less than 10,000 tons per year throughput.

6. Rock, Concrete or Asphalt Crushing both portable and stationary more than 5,000 tons/yr. but less than 25,000 tons/yr. crushed.

7. Surface coating operations whose actual or expected usage of coating materials is greater than 250 gallons per month, excluding sources that exclusively use non-VOC and non-HAP containing coatings (e.g. powder coating operations).

**Part B Activities and Sources**

The following sources must obtain either:

• a General ACDP, if one is available for the source classification and the source qualifies for a General ACDP under the procedures set forth in 340-216-0060;

• a Simple ACDP under the procedures set forth in 340-216-0064; or

• a Standard ACDP under the procedures set forth in 340-216-0066 if the source fits one of the criteria of Part C or does not qualify for a Simple ACDP.

1. \*\*\*Aerospace or Aerospace Parts Manufacturing subject to RACT as regulated by division 232

2. Aluminum, Copper, and Other Nonferrous Foundries subject to an Area Source NESHAP

3. Aluminum Production - Primary

4. Ammonia Manufacturing

5. Animal Rendering and Animal Reduction Facilities

6. Asphalt Blowing Plants

7. Asphalt Felts or Coating Manufacturing

8. Asphaltic Concrete Paving Plants both stationary and portable

9. Bakeries, Commercial over 10 tons of VOC emissions per year

10. Battery Separator Manufacturing

11. Lead-Acid Battery Manufacturing and Re-manufacturing

12. Beet Sugar Manufacturing

13. Boilers and other Fuel Burning Equipment equal to or greater than 10 MMBTU/hour heat input each, except exclusively Natural Gas and Propane fired boilers (with or without #2 diesel backup) less than 30 MMBTU/hour each.

14. Building Paper and Buildingboard Mills

15. Calcium Carbide Manufacturing

16. \*\*\* Can or Drum Coating subject to RACT as regulated by division 232

17. Cement Manufacturing

18. \* Cereal Preparations and Associated Grain Elevators 10,000 or more tons/yr. throughput

19. Charcoal Manufacturing

20. Chlorine and Alkali Manufacturing

21. Chrome Plating and Anodizing subject to a NESHAP

22. Clay Ceramics Manufacturing subject to an Area Source NESHAP

23. Coffee Roasting (roasting 30 or more tons per year)

24. Concrete Manufacturing including Redimix and CTB both portable and stationary 25,000 or more cubic yards per year output

25. Crematory and Pathological Waste Incinerators 20 or more tons/yr. material input

26. Degreasers (halogenated solvents subject to a NESHAP)

27. Electrical Power Generation from combustion, excluding units used exclusively as emergency generators and units less than 500 kW

28. Commercial Ethylene Oxide Sterilization, excluding facilities using less than 1 ton of ethylene oxide within all consecutive 12-month periods after December 6, 1996

29. Ferroalloy Production Facilities subject to an Area Source NESHAP

30. \*\*\* Flatwood Coating regulated by Division 232

31. \*\*\* Flexographic or Rotogravure Printing subject to RACT as regulated by division 232

32. \* Flour, Blended and/or Prepared and Associated Grain Elevators 10,000 or more tons/yr. throughput

33. Galvanizing and Pipe Coating (except galvanizing operations that use less than 100 tons of zinc/yr.)

34. Bulk Gasoline Plants, Bulk Gasoline Terminals, and Pipeline Facilities

35. Gasoline dispensing facilities, excluding gasoline dispensing facilities with monthly throughput of less than 10,000 gallons of gasoline per month\*\*\*\*\*

36. Glass and Glass Container Manufacturing

37. Grain Elevators used for intermediate storage 10,000 or more tons/yr. throughput

38. Grain terminal elevators

39. Gray iron and steel foundries, malleable iron foundries, steel investment foundries, steel foundries 100 or more tons/yr. metal charged (not elsewhere identified)

40. Gypsum Products Manufacturing

41. Hardboard Manufacturing (including fiberboard)

42. Hospital sterilization operations subject to an Area Source NESHAP

43. Incinerators with two or more ton per day capacity

44. Lime Manufacturing

45. \*\*\* Liquid Storage Tanks subject to RACT as regulated by division 232

46. Magnetic Tape Manufacturing

47. Manufactured Home, Mobile Home and Recreational Vehicle Manufacturing

48. \*\*\*Marine Vessel Petroleum Loading and Unloading subject to RACT as regulated by division 232

49. Metal Fabrication and Finishing Operations subject to an Area Source NESHAP, excluding facilities that meet all the following:

a. Do not perform any of the operations listed in OAR 340-216-0060(2)(b)(Y)(i) through (iii);

b. Do not perform shielded metal arc welding (SMAW) using metal fabrication and finishing hazardous air pollutant (MFHAP) containing wire or rod; and

c. Use less than 100 pounds of MFHAP containing welding wire and rod per year

50. Millwork Manufacturing (including kitchen cabinets and structural wood members) 25,000 or more bd. ft./maximum 8 hr. input

51. Molded Container Manufacturing

52. Motor Coach Manufacturing

53. Motor Vehicle and Mobile Equipment Surface Coating Operations subject to an Area Source NESHAP, excluding motor vehicle surface coating operations painting less than 10 vehicles per year or using less than 20 gallons of coating and 20 gallons of methylene chloride containing paint stripper per year, mobile equipment surface coating operations using less than 20 gallons of coating and 20 gallons of methylene chloride containing paint stripper per year, and motor vehicle surface coating operations registered pursuant to OAR 340-210-0100(2)

54. Natural Gas and Oil Production and Processing and associated fuel burning equipment

55. Nitric Acid Manufacturing

56. Non-Ferrous Metal Foundries 100 or more tons/yr. of metal charged

57. Organic or Inorganic Chemical Manufacturing and Distribution with ½ or more tons per year emissions of any one criteria pollutant (sources in this category with less than ½ ton/yr. of each criteria pollutant are not required to have an ACDP)

58. Paint and Allied Products Manufacturing subject to an Area Source NESHAP

59. Paint Stripping and Miscellaneous Surface Coating Operations subject to an Area Source NESHAP, excluding paint stripping and miscellaneous surface coating operations using less than 20 gallons of coating and 20 gallons of methylene chloride containing paint stripper per year

60. \*\*\* Paper or other Substrate Coating subject to RACT as regulated by division 232

61. Particleboard Manufacturing (including strandboard, flakeboard, and waferboard)

62. Perchloroethylene Dry Cleaning Operations subject to an Area Source NESHAP, excluding perchloroethylene dry cleaning operations registered pursuant to OAR 340-210-0100(2)

63. Pesticide Manufacturing 5,000 or more tons/yr. annual production

64. Petroleum Refining and Re-refining of Lubricating Oils and Greases including Asphalt Production by Distillation and the reprocessing of oils and/or solvents for fuels

65. Plating and Polishing Operations subject to an Area Source NESHAP

66. Plywood Manufacturing and/or Veneer Drying

67. Prepared Feeds Manufacturing for animals and fowl and associated grain elevators 10,000 or more tons per year throughput

68. Primary Smelting and/or Refining of Ferrous and Non-Ferrous Metals

69. Pulp, Paper and Paperboard Mills

70. Rock, Concrete or Asphalt Crushing both portable and stationary 25,000 or more tons/yr. crushed

71. Sawmills and/or Planing Mills 25,000 or more bd. ft./maximum 8 hr. finished product

72. Secondary Nonferrous Metals Processing subject to an Area Source NESHAP

73. Secondary Smelting and/or Refining of Ferrous and Non-Ferrous Metals

74. \* Seed Cleaning and Associated Grain Elevators 5,000 or more tons/yr. throughput

75. Sewage Treatment Facilities employing internal combustion engines for digester gasses

76. Soil Remediation Facilities (stationary or portable)

77. Steel Works, Rolling and Finishing Mills

78. \*\*\* Surface Coating in Manufacturing subject to RACT as regulated by division 232

79. Surface Coating Operations with actual emissions of VOCs before add on controls of 10 or more tons/yr.

80. Synthetic Resin Manufacturing

81. Tire Manufacturing

82. Wood Furniture and Fixtures 25,000 or more bd. ft./maximum 8 hr. input

83. Wood Preserving (excluding waterborne)

84. All Other Sources not listed herein that DEQ determines an air quality concern exists or one which would emit significant malodorous emissions

85. All Other Sources not listed herein which would have actual emissions, if the source were to operate uncontrolled, of 5 or more tons a year of PM10 if located in a PM10 non-attainment or maintenance area, or 10 or more tons of any single criteria pollutant in any part of the state86. Chemical manufacturing facilities that do not transfer liquids containing organic HAP listed in Table 1 of 40 CFR part 63 subpart VVVVVV to tank trucks or railcars and are not subject to emission limits in Table 2, 3, 4, 5, 6, or 8 of 40 CFR part 63 subpart VVVVVV.

87. Stationary internal combustion engines only if:

(a) for emergency generators and firewater pumps, the emissions , in aggregate, are greater than 10 tons for any pollutant based on 100 hours of operation or some other hours of operation specified in a permit; or

(b) for any individual non-emergency or non-fire pump engine, the engine is subject to 40 CFR Part 63, Subpart ZZZZ and is rated at 500 horsepower or more, excluding two stroke lean burn engines, engines burning exclusively landfill or digester gas, and four stroke engines located in remote areas; or

(c) for any individual non-emergency engine, the engine is subject to 40 CFR Part 60, Subpart IIII and:

(A) the engine has a displacement of 30 liters or more per cylinder; or(B) the engine has a displacement of less than 30 liters per cylinder, is rated at 500 horsepower or more; or

 (d) for any individual non-emergency engine, the engine is subject to 40 CFR Part 60, Subpart JJJJ, is rated at 500 horsepower or more,

**Part C: Activities and Sources**

The following sources must obtain a Standard ACDP under the procedures set forth in 340-

216-0066:

1. Incinerators for PCBs and / or other hazardous wastes

2. All sources that DEQ determines have emissions that constitute a nuisance

3. All sources electing to maintain the source’s netting basis

4. All sources that request a Plant Site Emission Limit equal to or greater than the significant emission rate for a pollutant

5. All sources subject to RACT, BACT, LAER, a NESHAP adopted in OAR 340-244-0220, a NSPS adopted in OAR 340-238-0060, or State MACT, except sources exempt from having to obtain a permit in Part B and the following sources which may qualify for a different type of permit:

a. Source categories for which a General ACDP has been issued.

b. Sources which qualify for a Simple ACDP.

c. Sources registered pursuant to OAR 340-210-0100(2).

6. All sources having the potential to emit more than 100,000 tons CO2e of GHG emissions in a year.

7. All Sources having the potential to emit more than 100 tons of any regulated air pollutant in a year

8. All Sources having the potential to emit more than 10 tons of a single hazardous air pollutant in a year

9. All Sources having the potential to emit more than 25 tons of all hazardous air pollutants combined in a year

**Notes:**

\* Applies only to Special Control Areas

\*\* Portland AQMA only

\*\*\* Portland AQMA, Medford-Ashland AQMA or Salem SKATS only

\*\*\*\* “back-up” means less than 10,000 gallons of fuel per year

\*\*\*\*\* “monthly throughput” means the total volume of gasoline that is loaded into, or dispensed from, all gasoline storage tanks at the gasoline dispensing facility during a month. Monthly throughput is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at the gasoline dispensing facility during the month, plus the total volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at the gasoline dispensing facility during the previous 11 months, and then dividing that sum by 12

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

[ED. NOTE: Tables referenced are not included in rule text. Click here for PDF copy of tables.]

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A
Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033; DEQ 125, f. & ef. 12-16-76; DEQ 20-1979, f. & ef. 6-29-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 13-1981, f. 5-6-81, ef. 7-1-81; DEQ 11-1983, f. & ef. 5-31-83; DEQ 3-1986, f. & ef. 2-12-86; DEQ 12-1987, f. & ef. 6-15-87; DEQ 27-1991, f. & cert. ef. 11-29-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0155; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1994, f. & cert. ef. 10-4-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1720; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 7-2007, f. & cert. ef. 10-18-07; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 9-2009(Temp), f. 12-24-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; DEQ 12-2010, f. & cert. ef. 10-27-10; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-1; DEQ 11-2011, f. & cert. ef. 7-21-11; DEQ 13-2011, f. & cert. ef. 7-21-11; DEQ 14-2011, f. cert. ef. 7-21-11; DEQ 4-2013, f. & cert. ef. 3-27-13

**OAR 340-216-8010**

**AIR CONTAMINANT DISCHARGE PERMIT FEES**

**Table 2**

**Part 1. Initial Permitting Application Fees: (in addition to first annual fee)**

|  |  |
| --- | --- |
| a. Short Term Activity ACDP  | $3,000.00  |
| b. Basic ACDP  | $120.00  |
| c. Assignment to General ACDP  | $1,200.00\*  |
| d. Simple ACDP  | $6,000.00  |
| e. Construction ACDP  | $9,600.00  |
| f. Standard ACDP  | $12,000.00  |
| g. Standard ACDP (major NSR/PSD)  | $42,000.00  |
| h. Standard ACDP (state NSR) with control technology analysis | $27,200.00 |
| i. Standard ACDP (state NSR) without control technology analysis | $18,000.00 |

\*DEQ may waive the assignment fee for an existing source requesting to be assigned to a General ACDP because the source is subject to a newly adopted area source NESHAP as long as the existing source requests assignment within 90 days of notification by DEQ.

**Part 2. Annual Fees: (Due date 12/1\* for 1/1 to 12/31 of the following year)**

|  |  |
| --- | --- |
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| --- | --- | --- |
| a. Short Term Activity ACDP |  | $NA |
| b. Basic ACDP |  | $360.00 |
| c. General ACDP  | (A) Fee Class One  | $720.00  |
|  | (B) Fee Class Two  | $1,296.00  |
|  | (C) Fee Class Three  | $1,872.00  |
|  | (D) Fee Class Four  | $360.00  |
|  | (E) Fee Class Five  | $120.00  |
|  | (F) Fee Class Six  | $240.00  |
| d. Simple ACDP  | (A) Low Fee  | $1,920.00  |
|  | (B) High Fee  | $3,840.00  |
| e. Standard ACDP  |  | $7,680.00  |

\*The payment due date for dry cleaners or gasoline dispensing facilities may be extended by the Department until March 1st.

Part 3. Specific Activity Fees:

|  |  |
| --- | --- |
| a. Non-Technical Permit Modification (1)  | $360.00  |
| b Basic Technical Permit Modification (2)  | $360.00  |
| c Simple Technical Permit Modification(3)  | $1,200.00  |
| d. Moderate Technical Permit Modification (4)  | $6,000.00  |
| e. Complex Technical Permit Modification (5)  | $12,000.00  |
| f. Major NSR/PSD Major Modification  | $42,000.00  |
| PSD for only GHGs | $23,600.00 |
| g. Modeling Review (outside Major and State NSR)  | $6,000.00  |
| h. Public Hearing at Source's Request  | $2,400.00  |
| i. State MACT Determination  | $6,000.00  |
| j. Compliance Order Monitoring (6)  | $120.00/month  |
| k. Greenhouse Gas Reporting, as required by OAR 340-215  | 15% of the applicable annual fee in Part 2  |

Part 4. Late Fees:

a. 8-30 days late 5%

b. 31-60 days late 10%

c. 61 or more days late 20%

1. Non-Technical modifications include, but are not limited to name changes, change of ownership and similar administrative changes. For gasoline dispensing facilities, a portion of these fees will be used to cover the fees required for changes of ownership in OAR 340-150-0052(4).

2. Basic Technical Modifications include, but are not limited to corrections of emission factors in compliance methods, changing source test dates for extenuating circumstances, and similar changes.

3. Simple Technical Modifications include, but are not limited to, incorporating a PSEL compliance method from a review report into an ACDP, modifying a compliance method to use different emission factors or process parameter, changing source test dates for extenuating circumstances, changing reporting frequency, incorporating NSPS and NESHAP requirements that do not require judgment, and similar changes.

4. Moderate Technical Modifications include, but are not limited to incorporating a relatively simple new compliance method into a permit, adding a relatively simple compliance method or monitoring for an emission point or control device not previously addressed in a permit, revising monitoring and reporting requirements other than dates and frequency, adding a new applicable requirement into a permit due to a change in process or change in rules and that does not require judgment by the Department, incorporating NSPS and NESHAP requirements that do not require judgment, and similar changes.

5. Complex Technical Modifications include, but are not limited to incorporating a relatively complex new compliance method into a permit, adding a relatively complex compliance method or monitoring for an emission point or control devise not previously addressed in a permit, adding a relatively complex new applicable requirement into a permit due to a change in process or change in rules and that requires judgment by the Department, and similar changes.

6. This is a one time fee payable when a Compliance Order is established in a Permit or a Department Order containing a compliance schedule becomes a Final Order of the Department and is based on the number of months the Department will have to oversee the Order.

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

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A
Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033; DEQ 125, f. & ef. 12-16-76; DEQ 20-1979, f. & ef. 6-29-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 13-1981, f. 5-6-81, ef. 7-1-81; DEQ 11-1983, f. & ef. 5-31-83; DEQ 3-1986, f. & ef. 2-12-86; DEQ 12-1987, f. & ef. 6-15-87; DEQ 27-1991, f. & cert. ef. 11-29-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0155; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1994, f. & cert. ef. 10-4-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1720; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 7-2007, f. & cert. ef. 10-18-07; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 9-2009(Temp), f. 12-24-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; DEQ 12-2010, f. & cert. ef. 10-27-10; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-1; DEQ 11-2011, f. & cert. ef. 7-21-11; DEQ 13-2011, f. & cert. ef. 7-21-11; DEQ 14-2011, f. cert. ef. 7-21-11; DEQ 4-2013, f. & cert. ef. 3-27-13