| **Current** | | **Proposed** | | **Suggested change** | **Reason/Issues** | **Status** |
| --- | --- | --- | --- | --- | --- | --- |
| **Division** | **Rule** | **Division** | **Rule** |
| ALL | ALL | NA | NA | Replace “the Department” with “DEQ” |  | done |
| ALL | ALL | NA | NA | Replace “the Commission” with “the EQC” |  | done |
| ALL | ALL | NA | NA | Replace “Division” with “division” |  | done |
| ALL | ALL | NA | NA | Move tables to their own rule number | Pull out tables from rule and make the tables their own rule. Consistent with Water Quality Division. | done |
| 200 |  |  |  | General Air Pollution Procedures and Definitions |  |  |
| 200 | 0020(3) |  | NA | Add a cross reference to divisions 214, 220, and 222 for determining actual emissions | Move procedural requirements out of definitions. Establishing and resetting actual emissions should be in division 214 for Emission Statements, division 220 for Title V Operating Permit Fees and division 222 Plant Site Emission Limits. | done |
| 200 | 0200(3)(a) – (c) | 222 | 0051 | Move (a) through (c) for determining actual emissions to division 222 | Move procedural requirements out of definitions. Establishing and resetting actual emissions should be in division 222 Plant Site Emission Limits. | done |
| 200 | 0020(3)(d) | 214 | 0210(10(c)(A) | Move the definition of actual emissions for emission statements to division 214 | The part of the definition of actual emissions for emission statements should be included in the rules for emission statements | done |
| 200 | 0020(3)(d) | 220 | 0120(1) | Move the definition of actual emissions for Title V operating permit fees to division 220 | The part of the definition of actual emissions for Title V operating permit fees should be included in the rules for Title V operating permit fees | done |
| 200 | 0020(3)(e) | 220 | 0120(2) | Move the method of measuring actual emissions for Title V operating permit fees to division 220 | The part of the definition of actual emissions for Title V operating permit fees should be included in the rules for Title V operating permit fees | done |
| 234  240 | 0010(5)  0030(3) | 200 | 0020(13) | Add definition of “average operating opacity” | 340-234-0010(5) and 340-240-0030(3) "Average Operating Opacity" means the opacity of emissions determined using EPA Method 9 on any three days within a 12-month period which are separated from each other by at least 30 days; a violation of the average operating opacity limitation is judged to have occurred if the opacity of emissions on each of the three days is greater than the specified average operating opacity limitation.  Definitions of average operating opacity are in division 234 and 240. Move to division 200 except for sentence about when a violation occurs. That sentence is included in the rule with the opacity limit in division 234 and 240. | done |
| 200 | 0020(13) | 200 | 0020(14) | Add a cross reference to division 222 for determining baseline emission rate | Move procedural requirements out of definitions. Establishment of the baseline emission rate should be in Division 222 Plant Site Emission Limits | done |
| 200 | 0020(13) | NA | NA | Delete the language “Baseline emission rate does not include increases due to voluntary fuel switches or increased hours of operation that occurred after that baseline period.” | This language is not necessary. The baseline emission rate obviously would not include these changes that occurred after the baseline period. | done |
| 200 | 0020(13)(a) | 222 | 0048(2) | Move (a) for establishing the baseline emission rate for regulated air pollutants | Move procedural requirements out of definitions. Establishment of the baseline emission rate should be in Division 222 Plant Site Emission Limits | done |
| 200 | 0020(13)(a) | 222 | 0048(3) | Move part of (a) that states a baseline emission rate will not be established for PM2.5 | Move procedural requirements out of definitions. Establishment of the baseline emission rate should be in Division 222 Plant Site Emission Limits | done |
| 200 | 0020(13)(b) | 222 | 0048(4) | Move (b) for establishing the baseline emission rate for GHG. | Move procedural requirements out of definitions. Establishment of the baseline emission rate should be in Division 222 Plant Site Emission Limits | done |
| 200 | 0020(13)(c) | 222 | 0048(5) | Move (c) for establishing the baseline emission rate for new regulated pollutants | Move procedural requirements out of definitions. Establishment of the baseline emission rate should be in Division 222 Plant Site Emission Limits | done |
| 200 | 0020(13)(d) | 222 | 0048(6) | Move (d) for recalculating the baseline emission rate and further clarify when the baseline emission rate will be recalculated | Move procedural requirements out of definitions. Establishment of the baseline emission rate should be in Division 222 Plant Site Emission Limits | done |
| 200 | 0020(13)(e) | 222 | 0048(6) | Move (e) and further clarify when the baseline emission rate will be recalculated | Move procedural requirements out of definitions. Establishment of the baseline emission rate should be in Division 222 Plant Site Emission Limits | done |
| 200 | 0020(14) | 200 | 0020(15) | Add a cross reference to division 222 for determining baseline period | Move procedural requirements out of definitions. Establishment of the baseline emission rate should be in Division 222 Plant Site Emission Limits | done |
| 200 | 0020(14)(a) | 222 | 0048(1)(a) | Move (a) for determining baseline period for non-GHG | Move procedural requirements out of definitions. Establishment of the baseline period should be in Division 222 Plant Site Emission Limits | Done |
| 200 | 0020(14)(b) | 222 | 0048(1)(b) | Move (b) for determining baseline period for GHG | Move procedural requirements out of definitions. Establishment of the baseline period should be in Division 222 Plant Site Emission Limits | Done |
| 200 | 0020(16) | 200 | 0020(17) | Add provision that the definition of biomass only applies to divisions 215 (GHG reporting) and 224 (NSR applicability). | Add provision that the definition of biomass only applies to divisions 215 (GHG reporting) and 224 (NSR applicability). The MACT definition is different and is included in individual permits. The definition in division 228 has been deleted. | done |
| NA | NA | 200 | 0020(19) | Add definition of “capture efficiency”  “Capture Efficiency” means the amount of material collected and routed to an air pollution control device divided by the amount of emissions generated by the process being controlled. | Clarification. There has been confusion among the terms “capture efficiency,” “collection efficiency,” “removal efficiency,” and “control efficiency.” “Collection efficiency” is the only term currently defined in divisions 236 and 240. “Removal efficiency” is replacing “collection efficiency.” The definitions of “capture efficiency,” “destruction efficiency,” and “control efficiency” are being added to help clarify the differences among the terms. | done |
| 200 | 0020(20)(c) | 200 | 00020(21)(c) | Change “(c) Distillate oil, kerosene, and gasoline fuel burning equipment rated at less than or equal to 0.4 million Btu/hr;” to    “(c) Distillate oil, kerosene, or gasoline fuel burning equipment unless one or both of the following conditions is met:  (A) the emissions from distillate oil, kerosene, or gasoline fuel burning equipment, in aggregate, are greater than the de minimis levels for any pollutant; or  (B) any individual distillate oil, kerosene, or gasoline fuel burning equipment is rated at greater than 0.4 million Btu/hour;” | If a source has multiple distillate¸ oil, kerosene or gasoline burning equipment, their aggregate emissions could be greater than de minimis levels and would require permitting.  Clarify that the requirement is for “each” piece of equipment in (c) of “categorically insignificant activity” | done |
| 200 | 0020(20)(c) | 200 | 00020(21)(d) | Change “(d) Natural gas and propane burning equipment rated at less than or equal to 2.0 million Btu/hr;” to    “(d) Natural gas or propane burning equipment unless one or both of the following conditions is met:    (A) the emissions from natural gas or propane burning equipment, in aggregate, are greater than the de minimis levels for any pollutant; or  (B) any individual natural gas or propane burning equipment is rated at greater than 2.0 million Btu/hour;” | If a source has multiple natural gas or propane burning equipment, their aggregate emissions could be greater than de minimis levels and would require permitting.  Clarify that the requirement is for “each” piece of equipment in (d) of “categorically insignificant activity” | done |
| 200 | 0020(20)(uu) | 200 | 0020(21)(uu) | Change “(uu) Emergency generators and pumps used only during loss of primary equipment or utility service due to circumstances beyond the reasonable control of the owner or operator, or to address a power emergency as determined by DEQ;” to  “(uu) Emergency generators and pumps used only during loss of primary equipment or utility service due to circumstances beyond the reasonable control of the owner or operator, or to address a power emergency unless one or both of the following conditions is met:  (A) the emissions from emergency generators and pumps, in aggregate, are greater than the de minimis levels for any pollutant based on the readiness and testing hours of operation allowed by NSPS or NESHAP requirements or some other hours of operation specified in a permit; or  (B) any individual emergency generator or pump is rated at 500 horsepower or more | If a source has multiple emergency generators/pumps, their aggregate emissions could be greater than de minimis levels and would require permitting.  DEQ will require permits for emergency generators and pump rated at 500 horsepower or more because of RICE NESHAP requirements. Even though institutional and commercial emergency generators are exempt from RICE NESHAP requirements, if their aggregate emissions are equal to or greater than 10 tpy, a permit will be required. | done |
| 200 | 0020(20)(uu) | 200 | 0020(21)(uu) | Add “unless the emissions from this activity, in aggregate, are greater than the de minimis levels for any pollutant based on the readiness and testing hours of operation allowed by NSPS or NESHAP requirements or some other hours of operation specified in a permit” | If a source has multiple emergency generators or pumps, their aggregate emissions could be greater than de minimis levels and would require permitting. Emissions are calculated based on readiness and testing hours of operation allowed by NSPS or NESHAP requirements. A permit could also limit hours of operation. | done |
| 200 | 0020(22) | 200 | 0020(24) | Delete the definition of CFR. | DEQ is adding a rule OAR 340-200-0035 titled “Reference Materials.”  As used in divisions 200 through 268, the following materials refer to the versions listed below.  (1) "CFR" means Code of Federal Regulations and, unless otherwise expressly identified, refers to the July 1, 2013 edition.  (2) DEQ's **Source Sampling Manual** refers to the March 2014 edition.  (3) DEQ's **Continuous Monitoring Manual** refers to the March 2014 edition. | done |
| 200 | 0020(29) | 200 | 0020(31) | Delete “accordance with” | Plain language | done |
| NA | NA | 200 | 0020(33) | Add definition of “control efficiency”  (33) “Control Efficiency” means the product of the capture efficiency and the removal efficiency. | Clarification. There has been confusion among the terms “capture efficiency,” “collection efficiency,” “removal efficiency,” and “control efficiency.” “Collection efficiency” is the only term currently defined in divisions 236 and 240. “Removal efficiency” is replacing “collection efficiency.” The definitions of “capture efficiency,” “destruction efficiency,” and “control efficiency” are being added to help clarify the differences among the terms. | done |
| 232 | 0030(17) | 200 | 0020(36) | Add definition of “day”  (36) “Day” means a 24-hour period beginning at midnight. | Move from division 232 | done |
| 200 | 0020(33) | 200 | 0020(37) | Move Table 4 De Minimis Emission Levels into text | Clarification. Tables are hard to find on DEQ website. | done |
| 200 | 0020  Table 4 | 200 | 0020(36) | Delete PM2.5 from the short term de minimis PSEL | The short term PM10 de minimis level is only for Medford AQMA and is based on the maintenance plan. PM2.5 was incorrectly added. | done |
| 200 | 0020(33) | 200 | 0020(36) | Delete NOTE: De minimis is compared to all increases that are not included in the PSEL. | De minimis is used in division 210 and 222. It was clarified what is meant by de minimis in relation to the PSEL so this note is unnecessary. | done |
| 200 | 0020(34) | 200 | 0020(38) | Add “or DEQ” to the definition of “Department” | Simplification. Replace “the Department” with “DEQ” throughout | done |
| NA | NA | 200 | 0020(39) | Add definition of “destruction efficiency”  (39) “Destruction Efficiency” has the same meaning as removal efficiency. | Clarification. There has been confusion among the terms “capture efficiency,” “collection efficiency,” “removal efficiency,” and “control efficiency.” “Collection efficiency” is the only term currently defined in divisions 236 and 240. “Removal efficiency” is replacing “collection efficiency.” The definitions of “capture efficiency,” “destruction efficiency,” and “control efficiency” are being added to help clarify the differences among the terms. | done |
| 230  240  208  226  228 | 0030(8)  0030(10)  0010(13)  0010(6)  0020(7) | 200 | 0020(44) | Add definition of “dry standard cubic foot”  (44) "Dry Standard Cubic Foot" means the amount of gas that would occupy a volume of one cubic foot, if the gas were free of uncombined water at standard conditions. | 340-230-0030(8) "Dry Standard Cubic Foot" means the amount of gas that would occupy a volume of one cubic foot, if the gas were free of uncombined water at standard conditions. When applied to combustion flue gases from waste or refuse burning, "Standard Cubic Foot (SCF)" implies adjustment of gas volume to that which would result at a concentration of seven percent oxygen or 50 percent excess air.  340-240-0030(9) "Dry Standard Cubic Foot" means the amount of gas that would occupy a volume of one cubic foot, if the gas were free of uncombined water at standard conditions.  340-208-0010(13) "Standard cubic foot" means the amount of gas that would occupy a volume of one cubic foot, if the gas were free of uncombined water at standard conditions. When applied to combustion flue gases from fuel, "standard cubic foot" also implies adjustment of gas volume to that which would result at a concentration of 12% carbon dioxide or 50% excess air.  340-226-0010(6) "Standard cubic foot" means the amount of gas that would occupy a volume of one cubic foot, if the gas were free of uncombined water at standard conditions. When applied to combustion flue gases from fuel or refuse burning, "standard cubic foot" also implies adjustment of gas volume to that which would result at a concentration of 12% carbon dioxide or 50% excess air.  340-228-0020 (7) "Standard cubic foot" means the amount of gas that would occupy a volume of one cubic foot, if the gas were free of uncombined water at standard conditions. When applied to combustion flue gases from fuel or refuse burning, "standard cubic foot" also implies adjustment of gas volume to that which would result at a concentration of 12% carbon dioxide or 50% excess air.  340-236-0010(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.  Correction. Move from division 230 and 240; change all references to “dry” standard cubic food; and delete definition of “standard cubic foot” from other divisions | done |
| 200 | 0020(44)(a) | 200 | 0020(50)(a) | Delete “Emission Limitation” and “Emission Standard” and move it to the section instead of the subsection | This change will make it easier to find the term that is defined. | done |
| 200 | 0020(44)(b) | 200 | 0020(50)(b) | Replace “in accordance with” with “using” in definition of “emission limitation” and “emission standard” | Plain English | done |
| 200 | 0020(47) | 200 | 0020(54) | Change the range of rules cross reference in divisions 224 and 210 to OAR 340 divisions 210 and 224 | Correction. State New Source Review rules in division 224 should also be included for determining emission increases and grouping of parts and activities in an emissions unit. | done |
| 234  240 | 0010(15)  0030(12) | 200 | 0020(56) | Add definition of “EPA Method 9”  (56) "EPA Method 9" means the method for Visual Determination of the Opacity of Emissions From Stationary Sources described 40 CFR Part 60, Appendix A–4. | 340-234-0010(15) "EPA Method 9" means the method for Visual Determination of the Opacity of Emissions From Stationary Sources described as Method 9 (average of 24 consecutive observations) in the Department Source Sampling Manual (January, 1992).  340-240-0030(11) "EPA Method 9" means the method for Visual Determination of the Opacity of Emissions From Stationary Sources described as Method (average of 24 consecutive observations) in the Department Source Sampling Manual (January, 1992).  Move from division 234 and 240 and change reference to 40 CFR Part 60 Appendix A-4 since opacity will be a six-minute average rather than an aggregate in one hour | done |
| 200 | 0020(55)(a) | 200 | 0020(65)(a) | Change definition of “federal major source” to include:  “(a) a source located in a nonattainment, reattainment, or maintenance area with potential to emit the regulated pollutant for which the area is designated nonattainment, reattainment or maintenance greater than or equal to 100 tons per year.” | DEQ is regulating major sources at the federal major thresholds under the Major New Source Review program. Sources emitting at the significant emission rate up to the federal major thresholds will be regulated under the Minor New Source Review program. | done |
| 200 | 0020(55) | 200 | 0020(65)(b) | Change definition of “federal major source” to include sources located in an attainment, unclassified, or sustainment area with potential to emit any individual regulated pollutant, excluding hazardous air pollutants listed in OAR 340 division 244 greater than or equal to 100 tons per year or 250 tons per year | See above | done |
| 200 | 0020(55)(b) | 200 | 0020(65)(c) | Separate greenhouse gas major sources for into a separate subsection | Clarification. The current structure could be interpreted to mean that if a source has GHGs, it wouldn’t be a federal major source unless it had 100,000 tpy, even if it had over 250 tpy of criteria pollutant | done |
| 200 | 0020(55) | 200 | 0020(65)(d) | Separate what emissions should be included in the calculations for determining a source’s potential to emit to determine whether a source is a federal major source or not. | Clarification | done |
| 200 | 0020(55) | 200 | 0020(65)(c)(A) | Clarify that fugitive emissions from insignificant activities must be included in the determination of a federal major source | Clarification | done |
| 200 | 0020(55) | 200 | 0020(65)(c)(B) | Simplify wording for emission increases and decreases | Clarification | done |
| 200 | 0020(55) | 200 | 0020(65)(e) | Add a heading for source categories | Clarification | done |
| 200 | 0020(55) | 200 | 0020(65)(f) | Add the different levels defining a major stationary source due to the severity of the nonattainment area | Clarification. These levels are included in the definition of “major source” and should also be included in the definition of “federal major source” | done |
| 208  228  240 | 0010(4)  0020(4)  0030(14) | 200 | 0020(68) | Add the definition of “fuel burning equipment”  (68) “Fuel burning equipment” means any type of equipment that burns fuel including but not limited to boilers, dryers, and process heaters, excluding internal combustion engines. | 340-208-0010(4) "Fuel Burning Equipment" means a boiler or process heater that burns a solid, liquid, or gaseous fuel, the principal purpose of which is to produce heat or power by indirect heat transfer.  340-228-0020(4) "Fuel burning equipment" means equipment, other than internal combustion engines, the principal purpose of which is to produce heat or power by indirect heat transfer.  340-240-0030(13) "Fuel Burning Equipment" means a device that burns a solid, liquid, or gaseous fuel, the principal purpose of which is to produce heat or power by indirect heat transfer. All stationary gas turbines are considered Fuel Burning Equipment. Marine installations and internal combustion engines are not considered Fuel Burning Equipment.  Clarification. There has been confusion over the definition of “fuel burning equipment” so DEQ is adding definitions of “external combustion device” and “internal combustion engine” and clarifying the definition of “fuel burning equipment.”Move definition of fuel burning equipment from divisions 208, 228, and 240 to division 200 and clarify. | Done |
| 200 | 0020(60) | 200 | 0020(71) | Move Table 5 Generic PSELs into text | Clarification. Tables are hard to find on DEQ website. | done |
| 200 | 0020  Table 5 | 200 | 0020(71) | Delete PM2.5 from the short term generic PSEL | The short term PM10 generic level is only for Medford AQMA and is based on the maintenance plan. PM2.5 was incorrectly added. | done |
| 200 | 0020  Table 5 | 200 | 0020(71) | Delete “Direct” from PM2.5 from the generic PSEL | The short term PM10 generic level is only for Medford AQMA and is based on the maintenance plan. PM2.5 was incorrectly added. | done |
| 200 | 0020(60) | 200 | 0020(71) | Delete the note from the definition of generic PSEL | The requirements included in the note are covered in the generic PSEL rules in division 222. | done |
| 232  234  240 | 0030(31)  0010(18)  0030(18) | 200 | 0020(74) | Add definition of “hardboard”  (74) "Hardboard" means a flat panel made from wood that has been reduced to basic wood fibers and bonded by adhesive properties under pressure. | 340-232-0030(31) "Hardboard" is a panel manufactured primarily from inter-felted ligno-cellulosic fibers which are consolidated under heat and pressure in a hot press.  340-234-0010(18) "Hardboard" means a flat panel made from wood that has been reduced to basic wood fibers and bonded by adhesive properties under pressure.  (340-240-0030(18) "Hardboard" means a flat panel made from wood that has been reduced to basic wood fibers and bonded by adhesive properties under pressure.  Definition of hardboard same in divisions 234 and 240 but different from division 232. Move to division 200 | done |
| 202 | 0010(5) | 200 | 0020(76) | Add definition of “Indian governing body”  (76) "Indian Governing Body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government. | 340-202-0010(5) "Indian Governing Body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.  Defined in division 202 but used in divisions 204 and 209. Move to division 200. | done |
| 202 | 0010(6) | 200 | 0020(77) | Add definition of “Indian reservation”  (77) "Indian Reservation" means any federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress. | 340-202-0010(6) "Indian Reservation" means any federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.  Used in division 200 and 204 but defined in division 202. Move to division 200. | done |
| NA | NA | 200 | 0020(81) | Add definition of “internal combustion source”  (81) “Internal Combustion Engine” means stationary gas turbines and reciprocating internal combustion engines. | Clarification. There has been confusion over the definition of “fuel burning equipment” so DEQ is adding definitions of “external combustion device” and “internal combustion engine” and clarifying the definition of “fuel burning equipment.” | done |
| 240 | 0030(24) | 200 | 0020(83) | Add definition of “liquefied petroleum gas”  (83) "Liquefied petroleum gas" has the meaning given by the American Society for Testing and Materials in ASTM D1835-82, "Standard Specification for Liquid Petroleum Gases." | 340-240-0030(21) "Liquefied petroleum gas" has the meaning given by the American Society for Testing and Materials in ASTM D1835-82, "Standard Specification for Liquid Petroleum Gases." | done |
| 200 | 0020(69) | 200 | 0020(85) | Delete the definition of “maintenance area” and use the definition from division 204 with clarifications.  (85) "Maintenance Area" means any area that was formerly nonattainment for a criteria pollutant but has since met the ambient air quality standard(s) and a maintenance plan to stay within the standards has been approved by the EPA pursuant to 40 CFR 51.110. | 340-200-0010(69) "Maintenance Area" means a geographical area of the State that was designated as a nonattainment area, redesignated as an attainment area by EPA, and redesignated as a maintenance area by the Environmental Quality Commission in OAR 340, division 204.  340-204-0010(14) “Maintenance Area” means any area that was formerly nonattainment for a criteria pollutant but has since met EPA promulgated standards and has had a maintenance plan to stay within the standards approved by the EPA pursuant to 40 CFR 51.110 (July, 1993).  Move from division 204 with clarifications. The definition in division 204 is more comprehensive. | done |
| 200 | 0020(71) | 200 | 0020(87) | Add a cross reference to division 224 for determining whether a source makes a major modification to the definition of “major modification” | Move procedural requirements out of definitions. Determination of whether a source makes a major modification should be in division 224 New Source Review | done |
| 200 | 0020(71) | 224 | 0025 | Move (a) through (e) for determining whether a source makes a major modification | Move procedural requirements out of definitions. Determination of whether a source makes a major modification should be in division 224 New Source Review | done |
| 200 | 0020(72)(a) | 200 | 0020(88)(a) | Change the definition of “major source” by referring to the definition of “federal major source,” one with the PTE at the significant emission rate to one with the PTE at 100 tons per year or more. | DEQ is regulating major sources at the federal major thresholds under the Major New Source Review program. Sources emitting at the significant emission rate up to the federal major thresholds will be regulated under the Minor New Source Review program. | done |
| 234  240 | 0010(21)  0030(23) | 200 | 0020(90) | Add definition of “maximum opacity” but delete “(average of 24 consecutive observations)” because that is contained in EPA Method 9.  (90) "Maximum Opacity" means the opacity as determined by EPA Method 9. | 340-234-0010(21) "Maximum Opacity" means the opacity as determined by EPA Method 9 (average of 24 consecutive observations).  340-240-0030(23) "Maximum Opacity" means the opacity as determined by EPA Method 9 (average of 24 consecutive observations).  Move from division 234 and 240 | done |
| 240 | 0030(26) | 200 | 0020(94) | Add definition of “natural gas”  (94) "Natural gas" means a naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in geologic formations beneath the earth's surface, of which the principal component is methane. | 340-240-0030(26) "Natural gas" means a naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in geologic formations beneath the earth's surface, of which the principal component is methane.  Move from division 240. This term is used throughout many divisions. | done |
| 200 | 0020(76) | 200 | 0020(95) | Add a cross reference to division 222 for determining how to calculate netting basis in the definition of “netting basis” | Move procedural requirements out of definitions. Determination of whether a source makes a major modification should be in division 222 Plant Site Emission Limits | done |
| 200 | 0020(76) | 222 | 0046 | Move the definition of netting basis | Move procedural requirements out of definitions. Calculating netting basis should be in Division 222 Plant Site Emission Limits | done |
| 208  240 | 0010(8)  0030(28) | 200 | 0020(100) | Add definition of “odor”  (100) "Odor" means that property of an air contaminant that affects the sense of smell. | 340-208-0010(8) "Odor" means that property of an air contaminant that affects the sense of smell.  340-240-0030(28) "Odor" means that property of an air contaminant that affects the sense of smell.  Move from divisions 208 and 240 | done |
| 200  240 | 0020(82)  0030(30) | 200 | 0020(102) | Reference EPA Method 9 or other method(s), as specified in each applicable rule rather than the Source Sampling Manual in OAR 340-212-0120 and 212-014 or the Continuous Monitoring Manual in the definition of “opacity.”  (102) "Opacity" means the degree to which emissions, excluding uncombined water, reduce the transmission of light and obscure the view of an object in the background as measured by EPA Method 9 or other method(s), as specified in each applicable rule. | 340-240-0030(30) "Opacity" means the degree to which an emission reduces transmission of light and obscures the view of an object in the background as measured in accordance with the Department's Source Sampling Manual (January, 1992). Unless otherwise specified by rule, opacity must be measured in accordance with EPA Method 9. For all standards, the minimum observation period must be six minutes, though longer periods may be required by a specific rule or permit condition. Aggregate times (e.g. 3 minutes in any one hour) consist of the total duration of all readings during the observation period that exceed the opacity percentage in the standard, whether or not the readings are consecutive. Alternatives to EPA Method 9, such as a continuous opacity monitoring system (COMS), alternate Method 1 (LIDAR), or EPA Methods 22, or 203, may be used if approved in advance by the Department, in accordance with the Source Sampling Manual.  Opacity defined in divisions 200 and 240. Move from division 240 and change reference method to EPA Method 9. Change limit to a 6-minute average instead of a 3-minute aggregate so omit language about observation periods. COMS will be specified in rules. | done |
| 200 | 0020(86) | 200 | 0020(106) | Delete “as measured by an applicable reference method in accordance with DEQ's Source Sampling Manual(January, 1992) or as measured by an EPA reference method in 40 CFR Part 60, appendix A or as measured by a material balance calculation for VOC as appropriate” | Test methods for nitrogen oxides and volatile organic compounds are not necessary in the definition of ozone precursor since they do not need to be measured. They are used to define ozone precursor. | done |
| 234  240 | 0010(27)  0030(32) | 200 | 0020(108) | Add definition of “particleboard”  (108) "Particleboard" means matformed flat panels consisting of wood particles bonded together with synthetic resin or other suitable binder. | 340-234-0010(27) "Particleboard" means matformed flat panels consisting of wood particles bonded together with synthetic resin or other suitable binder.  340-240-0030(32) "Particleboard" means matformed flat panels consisting of wood particles bonded together with synthetic resin or other suitable binders.  Move from divisions 234 and 240 | done |
| 200 | 0020(88) | 200 | 0020(109) | Add “as measured by the test method(s) specified in each applicable rule or where not specified by rule, in the permit.” | Clarifies that the test methods are now included in the rule or permit, if not specified in the rule. | done |
| 200 | 0020(88) | 200 | 0020(109) | Delete test methods from definition of "Particulate Matter" | The change makes the definition closer to the EPA definition. Include test methods with limit in specific rules. | done |
| 200  232  234  240 | 0020(94)  0030(54)  0010(30)  0030(34) | 200 | 0020(115) | Use the definition of “person” in division 200 and delete the definition from divisions 232, 234 240, and 242  (112) "Person" means the federal government, any state, individual, public or private corporation, political subdivision, governmental agency, municipality, industry, co-partnership, association, firm, trust, estate, or any other legal entity whatsoever. | 340-200-0020(94) "Person" means individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the State of Oregon and any agencies thereof, and the federal government and any agencies thereof.  340-232-0030(54) "Person" means the federal government, any state, individual, public or private corporation, political subdivision, governmental agency, municipality, industry, co-partnership, association, firm, trust, estate, or any other legal entity whatsoever.  340-234-0010(30) "Person" includes individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the state and any agencies thereof, and the Federal Government and any agencies thereof.  340-240-0030(34) "Person" includes individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the state and any agencies thereof, and the federal government and any agencies thereof.  340-242-0610(9) "Person" means the federal government, any state, individual, public or private corporation, political subdivision, governmental agency, municipality, partnership, association, firm, trust, estate, or any other legal entity whatsoever.  USC › Title 42 › Chapter 85 › Subchapter III › § 7602  42 USC § 7602 - Definitions  (e) The term “person” includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof.  Delete the definition from divisions 232, 234 and 240 | done |
| 200 | 0020(95) | 200 | 0020(116) | Add “for purposes of Title V fees in division 220” to the definition of “Plant Site Emission Limit” | Clarification | done |
| 234 | 0010(31) | 200 | 0020(117) | Move definition of “plywood” to division 200 since it is used in multiple divisions.  (117) Plywood" means a flat panel built generally of an odd number of thin sheets of veneers of wood in which the grain direction of each ply or layer is at right angles to the one adjacent to it. | 340-234-0010(31) "Plywood" means a flat panel built generally of an odd number of thin sheets of veneers of wood in which the grain direction of each ply or layer is at right angles to the one adjacent to it. |  |
| 200 | 0020(96)(a) | 200 | 0020(118)(a) | Change the test methods in the definition of "PM10" to those specified in the applicable rule or permit. Delete the reference to DEQ’s Source Sampling Manual. | Include test methods with limit in specific rules or permits. | done |
| 200 | 0020(96)(b) | 200 | 0020(118)(b) | Change “in accordance with” to “under” and add “or an equivalent method designated under 40 CFR Part 53” | Plain English. 40 CFR Part 53 may designate a method for measuring ambient PM10 concentrations. | done |
| 200 | 0020(97)(a) | 200 | 0020(119)(a) | Change the test methods in the definition of "PM2.5" to those specified in the applicable rule or permit. Delete the reference to EPA reference methods 201A and 202 in 40 CFR Part 51, appendix M | Include test methods with limit in specific rules or permits. | done |
| 200 | 0020(97(b) | 200 | 0020(119) (b) | Change the test methods in the definition of "PM2.5" to those specified in the applicable rule or permit. Delete the reference to EPA reference methods in 40 CFR Part 60, appendix A. | Include test methods with limit in specific rules or permits. | done |
| 200 | 0020(97)(c) | 200 | 0020(119)(c) | Add “airborne finely divided solid or liquid material” and “under” to the definition of PM10 in the context of ambient concentration. Change “in accordance with” to “under” | This change more closely matches the definition of PM10 ambient concentration. Plain English | done |
| 202 | 0010(8) | 200 | 0020(123) | Add definition of “ppm”  (123) "ppm" means parts per million by volume unless otherwise specified in the applicable rule or permit. It is a dimensionless unit of measurement for gases that expresses the ratio of the volume of one component gas to the volume of the entire sample mixture of gases. | 340-202-0010(8) "PPM" means parts per million by volume. It is a dimensionless unit of measurement for gases that expresses the ratio of the volume of one component gas to the volume of the entire sample mixture of gases.  Move the definition from Division 202 to Division 200 | done |
| 234  240 | 0010(32)  0030(35) | 200 | 0020(125) | Add definition of “press/cooling vent”  (125) "Press/Cooling Vent" means any opening through which particulate and gaseous emissions from plywood, particleboard, or hardboard manufacturing are exhausted, either by natural draft or powered fan, from the building housing the process. Such openings are generally located immediately above the board press, board unloader, or board cooling area. | 340-234-0010(32) "Press/Cooling Vent" means any opening through which particulate and gaseous emissions from plywood, particleboard, or hardboard manufacturing are exhausted, either by natural draft or powered fan, from the building housing the process. Such openings are generally located immediately above the board press, board unloader, or board cooling area.  340-240-0030(35) "Press/Cooling Vent" means any opening through which particulate and gaseous emissions from plywood, particleboard, or hardboard manufacturing are exhausted, either by natural draft or powered fan, from the building housing the process. Such openings are generally located immediately above the board press, board unloader, or board cooling area.  Move from division 234 and 240 | done |
| NA | NA | 200 | 0020(128) | Add definition of “reattainment area”  (128) “Reattainment area” means an area that is designated as nonattainment and has monitoring data that shows the area is meeting the ambient air quality standard but a formal redesignation by EPA has not yet been approved. | Define new area for minor new source review. Reattainment areas are those that were nonattainment areas but have monitoring data that shows 3 years of compliance with the NAAQS but are not yet designated as maintenance by EPA. | done |
| 200 | 0020(106)(b) | 200 | 0020(131)(b) | Add the title of division 220 “Oregon Title V Operating Permit Fees” and change “particulates” to “particulate matter” | Clarification and correction | done |
| 200 | 0020(106)(c) | 200 | 0020(131)(c) | Add the title of division 224 “New Source Review,” | Clarification | done |
| 200 | 0020(106)(c) | 200 | 0020(131)(c) | Change “Table 2 (significant emission rates)” to “the definition of Significant Emission Rate” | Correction | done |
| NA | NA | 200 | 0020(132) | Add definition of “removal efficiency”  (132) “Removal Efficiency” means the performance of an air pollution control device in terms of the ratio of the amount of the material removed from the airstream to the total amount of material that enters the air pollution control device. | Clarification. There has been confusion among the terms “capture efficiency,” “collection efficiency,” “removal efficiency,” and “control efficiency.” “Collection efficiency” is the only term currently defined in divisions 236 and 240. “Removal efficiency” is replacing “collection efficiency.” The definitions of “capture efficiency,” “destruction efficiency,” and “control efficiency” are being added to help clarify the differences among the terms. | done |
| 200 | 0020(133) | 200 | 0020(158) | Move definition of “significant emission rate” to before definition of “significant impact” | Changing the definition of “significant air quality impact” to “significant impact” makes it out of alphabetic order | done |
| 200 | 0020 | 200 | 0020(158) | Move Table 2 Significant Emission Rates into text except for the Volatile Organic Compound SER of 40 tons per year | Clarification. Tables are hard to find on DEQ website. VOC is a precursor to ozone, which already includes the SERs for VOC and NOx. | done |
| 200 | 0020(133) | 200 | 0020(158) | Add significant emission rate for ozone depleting substances of 100 tons per year in aggregate | On July 23, 1996, EPA proposed a significance  level of 100 tons per year (TPY) for ozone depleting substances (ODS) but never finalized it. EPA has since issued guidance telling States that they can add it to their PSD rules so that not every new or modified major source that emits ODS would have to get a PSD permit.  EPA has approved numerous PSD SIPs with the 100 tpy SER for ODS. | done |
| 200 | 0020(133) | 200 | 0020(158) | Add significant emission rates for different categories of nonattainment areas | Update to match EPA rules | done |
| 200 | 0020 | 200 | 0020(158) | Move Table 3 Significant Emission Rates for the Medford-Ashland Air Quality Maintenance Area  into text | Clarification. Tables are hard to find on DEQ website. | done |
| 200 | 0020(132) | 200 | 0020(159) | Change the definition of “significant air quality impact” to “significant impact” or “significant impact level” | EPA defines “significant impact levels” or SILs. | done |
| 200 | 0020 | 200 | 0020(159) | Move Table 1 Significant Air Quality Impact into text | Clarification. Tables are hard to find on DEQ website.. | done |
| 200 | 0020(132) | 200 | 0020(159) | Change the sentence from the definition of “significant impact” that says that the threshold concentrations in Table 1 are used for comparison against the ambient air quality standards and PSD increments but do not apply for protecting air quality related values, including visibility. | The part of the sentence about protecting PSD Class I increments is from a September 10, 1991 EPA memo regarding Class I Area Significant Impact Levels and were never intended to be used for evaluating impacts on the Class I increments (43 FR 26380, June 19, 1978). The memo also states that “use of such significant impact levels for the purpose of Class I increment analyses does not include their use for determining whether a source should conduct an adverse impact analysis for any air quality-related value (AQRV) in a Class I area, or whether a source would have an adverse impact on an AQRV.” | done |
| 200 | 0020(132) | 200 | 0020(159) | Change OAR 340-225-0020 to OAR 340 division 225 | The definition of ozone precursor distance has been moved from the definition section of division 225. | done |
| 200 | 0020(135) | NA | NA | Delete definition of “small scale local energy project” | Definition no longer needed since the definition of net air quality benefit is being changed | done |
| 200 | 0020(138) | 200 | 0020(163) | Change “in accordance with” to “under” | Plain English and correction | done |
| 208  226  228 | 0010(12)  0010(5)  0020(6) | 200 | 0020(164) | Add definition of “standard conditions”  (164) "Standard Conditions" means a temperature of 68° Fahrenheit (20° Celsius) and a pressure of 14.7 pounds per square inch absolute (1.03 Kilograms per square centimeter). | 340-208-0010(12) "Standard conditions" means a temperature of 68° Fahrenheit and a pressure of 14.7 pounds per square inch absolute.  340-226-0010(5) "Standard conditions" means a temperature of 68° Fahrenheit and a pressure of 14.7 pounds per square inch absolute.  340-228-0020(6) "Standard conditions" means a temperature of 68° Fahrenheit and a pressure of 14.7 pounds per square inch absolute.  340-240-0030(38) "Standard Conditions" means a temperature of 60° Fahrenheit (15.6° Celsius) and a pressure of 14.7 pounds per square inch absolute (1.03 Kilograms per square centimeter).  Move from division 208, 226, and 228. The definition of standard conditions in division in 240 needs correction for temperature. | done |
| 200 | 0020(142) | 200 | 0020(168) | Change Underpayment to lower case underpayment | Correction | done |
| NA | NA | 200 | 0020(169) | Add definition of “sustainment area”  (169) “Sustainment Area” means a geographical area of the State for which DEQ has ambient air monitoring data that shows an attainment or unclassified area could become a nonattainment area but a formal redesignation by EPA has not yet been approved. The presumptive geographic boundary is the Urban Growth Boundary in affect at the time of this rule adoption, unless superseded by rule. | Define new area for minor new source review. Sustainment areas are those that have monitoring data over the NAAQS but are not yet designated nonattainment by EPA. | done |
| 200 | 0020(146) | 200 | 0020(173) | Change “in accordance with” to “under” in the definition of “Typically Achievable Control Technology” | Plain English | done |
| 234  240 | 0010(45)  0030(39) | 200 | 0020(177) | Add definition of “veneer”  (177) "Veneer" means a single flat panel of wood not exceeding 1/4 inch in thickness formed by slicing or peeling from a log. | 340-234-0010(45) "Veneer" means a single flat panel of wood not exceeding 1/4 inch in thickness formed by slicing or peeling from a log.  340-240-0030(39) "Veneer" means a single flat panel of wood not exceeding 1/4 inch in thickness formed by slicing or peeling from a log.  Move from division 234 and 240 | done |
| 240 | 0030(40) | 200 | 0020(178) | Add definition of “veneer dryer”  (178) "Veneer Dryer" means equipment in which veneer is dried. | 340-240-0030(40) "Veneer Dryer" means equipment in which veneer is dried.  Move from division 240 |  |
| 200 | 0020(151) | 200 | 0020(180) | Update the definition of VOCs | EPA changed the definition of VOCs in the June 22, 2012 Federal Register. This revision adds *trans*-1,3,3,3-tetrafluoropropene (also known as HFO-1234ze) to the list of compounds excluded from the definition of VOC on the basis that this compound makes a negligible contribution to tropospheric ozone formation. As a result, if one is subject to certain federal regulations limiting emissions of VOCs, emissions of HFO-1234ze may not be regulated for some purposes. | done |
| 200 | 0020(151) | 200 | 0020(180)(b) | Delete “accordance with” and delete the date of the Source Sampling Manual | Plain English and clarification | done |
| 234 | 0010(47) | 200 | 0020(181) | Add definition of “wood fired veneer dryer”  (176) "Wood Fired Veneer Dryer" means a veneer dryer, which is directly heated by the products of combustion of wood fuel in addition to or exclusive of steam or natural gas or propane combustion. | 340-234-0010(47) "Wood Fired Veneer Dryer" means a veneer dryer, which is directly heated by the products of combustion of wood fuel in addition to or exclusive of steam or natural gas or propane combustion.  Move from division 234. | done |
| NA | NA | 200 | 0020(182) | Add definition of “wood fuel-fired device”  (177) “Wood Fuel-Fired Device” means a device or appliance designed for wood fuel combustion, including cordwood stoves, wood stoves and fireplace stove inserts, fireplaces, wood fuel-fired cook stoves, pellet stoves and combination fuel furnaces or boilers, which burn wood fuels. | Term not defined and used in multiple divisions | done |
| 200 | 0025(81) | NA | NA | Change the acronym from “PCDE” to “PCDCE” | Correction. The term used is “pollution control device collection efficiency” | done |
| NA | NA | 200 | 0025(88) | Add ppm to Abbreviations and Acronyms | Add PPM to Division 200 abbreviations and acronyms because it is used in other divisions | done |
| 200 | 0025(94) | 200 | 0025(99) | Alphabetize “SKATS” | Correction | done |
| NA | NA | 200 | 0025(100) | Add “SLAMS” meansState or Local Air Monitoring Stations to Abbreviations and Acronyms | Add SLAMS to Division 200 abbreviations and acronyms because it is used in other divisions | done |
| NA | NA | 200 | 0025(104) | Add “SPMs” means **“**special purpose monitors” to Abbreviations and Acronyms | Add SPMs to Division 200 abbreviations and acronyms because it is used in other divisions | done |
| NA | NA | 200 | 0035 | DEQ is adding a rule OAR 340-200-0035 titled “Reference Materials.”  As used in divisions 200 through 268, the following materials refer to the versions listed below.  (1) "CFR" means Code of Federal Regulations and, unless otherwise expressly identified, refers to the July 1, 2013 edition.  (2) DEQ's **Source Sampling Manual** refers to the March 2014 edition.  (3) DEQ's **Continuous Monitoring Manual** refers to the March 2014 edition. | Clarification. This rule will include these reference materials and the dated version of these documents that are adopted. People can check this single rule to see which version they should be using. The dates of these reference materials will be deleted throughout the other divisions. | done |
| 200 | 0040 | NA | NA | Change the date for the State Implementation Plan modification | The proposed changes are part of the SIP which will be revised as a result of the proposed changes. CHECK ON OTHER SIP REVISIONS FOR DATE |  |
| 200 | 0040(3)(a) | NA | NA | Delete CFR date | CFR date is included in Reference Materials rule, OAR 340-200-0035 | done |
| 200 | 0020  Table 1 | 200 | 0020(154) | Move Table 1 Significant Air Quality Impact into text | Clarification. Tables are hard to find on DEQ website. DEQ repealed the PM10 NAAQS in 2011 so there is no need for a PM10 annual SIL. | done |
| 200 | 0020  Table 2 | 200 | 0020(153) | Move Table 2 Significant Emission Rates into text | Clarification. Tables are hard to find on DEQ website. | done |
| 200 | 0020  Table 3 | 200 | 0020(153)(u) | Move Table 3 Significant Emission rates for the Medford-Ashland Air Quality Maintenance Area into text | Clarification. Tables are hard to find on DEQ website. | done |
| 200 | 0020(33)  Table 4 | 200 | 0020(36) | Move Table 4 De Minimis Emission Levels into text | Clarification. Tables are hard to find on DEQ website. | done |
| 200 | 0020(60)  Table 5 | 200 | 0020(68) | Move Table 5 Generic PSELs into text | Clarification. Tables are hard to find on DEQ website. | done |
| 202 |  |  |  | Ambient Air Quality Standards and PSD Increments |  |  |
| 202 |  |  |  |  | CARRIE ANN – October or December 2013 |  |
| 202 | 0010 | NA | NA | Add Division 204 as another division that has definitions that would apply to this division | Add reference to division 204 definitions | done |
| 202 | 0010(1) | NA | NA | Delete definition of “ambient air” | Definition already in division 200. | done |
| 202 | 0010(2) | NA | NA | Delete definition of “ambient air monitoring site criteria” | Definition not used in this division or any other division | done |
| 202 | 0010(3) | 202 | 0010(1) | Delete second sentence in definition of “approved method” about methods being approved by DEQ. | This sentence is not needed. DEQ doesn’t need to approve methods that are in 40 CFR 50 and appendices. | done |
| 202 | 0010(4) | NA | NA | Delete definition of “Baseline Concentration” | Definition already in Division 225, delete and use definition in Division 225 | done |
| 202 | 0010(5) | 200 | 0020(73) | Move definition of “Indian Governing Body” to division 200 | Definition not used in this division but used in divisions 204 and 209 so move to division 200 | done |
| 202 | 0010(6) | 200 | 0020(74) | Move definition of “Indian Reservation” to division 200 | Definition not used in this division but used in divisions 204 and 209 so move to division 200 | done |
| 202 | 0010(8) | 200 | 0020(119) | Move definition of “PPM” to division 200  (119) "ppm" means parts per million by volume unless otherwise specified in the applicable rule or permit. It is a dimensionless unit of measurement for gases that expresses the ratio of the volume of one component gas to the volume of the entire sample mixture of gases. | 340-202-0010(8) "PPM" means parts per million by volume. It is a dimensionless unit of measurement for gases that expresses the ratio of the volume of one component gas to the volume of the entire sample mixture of gases.  340-234-0010(29) "Parts Per Million (ppm)" means parts of a contaminant per million parts of gas by volume on a dry-gas basis (1 ppm equals 0.0001% by volume).  Definition different division 202. Clarify division 202 definition and move to division 200 | done |
| 202 | 0050(2) | NA | NA | Correct the cross reference to the Notice of Construction and Approval of Plans rules. | Correction | done |
| 202 | 0050(2) | NA | NA | Add “No source may cause or contribute to a new violation of an ambient air quality standard even if the single source impact is less than the significant impact level.” | Clarification. This language is also being added to division 224. | done |
| 202 | 0210(1) | NA | NA | Add reference to Division 225 for baseline concentration | Since the definition of baseline concentration is being deleted from this division, a reference to Division 225 is needed | done |
| 202 | 0210(1) | NA | NA | Add “the PSD increments or maximum allowable increases listed below:” and add the increments from Table 1 to the text except for the PM10 annual increments. | Clarification. Tables are hard to find on DEQ website. DEQ repealed the PM10 NAAQS in 2011. | done |
| 202 | 0210(2) | NA | NA | Add “or PSD increment” | Clarification. “maximum allowable increase” is not used in Division 224 or 225 but only in Division 202. The “maximum allowable increase” is also known as the “PSD increment.” | done |
| 202 | 0210 | NA | NA | Delete footnote [ED. NOTE: Tables referenced are not included in rule text. Click here for PDF copy of table(s)[.](http://arcweb.sos.state.or.us/rules/OARs_300/OAR_340/_340_tables/340-202-0210%208%3A31.pdf)] | No longer needed | done |
| 224 | 0060(2)(c) and (d) | 202 | 0225 | Move Ambient Air Quality Thresholds for CO and PM10 Maintenance Areas (e.g., Klamath Falls and Grants Pass PM10 maintenance standards) from OAR 340-224-0060 | Division 202 will contain all ambient standards and thresholds intended to protect ambient air quality | done |
| NA | NA | 202 | 0225 | Change title of rule , use “Limits” instead of “Thresholds” | Clarification | done |
| NA | NA | 202 | 0225 | Add a paragraph explaining the purpose of the ambient air quality limits for maintenance areas. | Clarification | done |
| 202 | 0210  Table 1 | 202 | 0210(1) | Move Table 1 Maximum Allowable Increase into text | Clarification. Tables are hard to find on DEQ website. | done |
| 202 | 0210  Table 1 | 202 | 0210(1) | Delete footnote about PM2.5 Increments will become effective on October 20, 2011 | No longer needed | done |
| 204 |  |  |  | Designation of Air Quality Areas |  |  |
| 204 | 0010(1) | 200 | 0025(5) | Delete definition of “AQCR” | Delete and use division 200 acronym | done |
| 204 | 0010(2) | 200 | 0025(6) | Delete definition of “AQMA” | Delete and use division 200 acronym | done |
| 204 | 0010(3) | 200 | 0025(23) | Delete definition of “CO” | Delete and use division 200 acronym | done |
| 204 | 0010(4) | 200 | 0025(15) | Delete definition of “CBD” | Delete and use division 200 acronym | done |
| 204 | 0010(5) | 200 | 0020(33) | Delete definition of criteria pollutant. | Delete and use division 200 definition | done |
| 204 | 0010(15) | 200 | 0020(82) | Move definition of “Maintenance area” to division 200 with clarifications | See discussion above in division 200. Move from division 204 to division 200 with clarifications and delete the CFR date. The definition in division 204 is more comprehensive. | done |
| 204 | 0010(19) | 200 | 0020(94) | Delete the definition of “nonattainment area” and use the division 200 definition | The definition in division 200 is more comprehensive. The cross referenced 40 CFR 51.52 does not exist. | done |
| 204 | 0010(20) | 200 | 0025(75) | Delete definition of “O3” | Delete and use division 200 acronym | done |
| 204 | 0010(22) | 200 | 0020(106) | Delete definition of “particulate matter” which references the division 200 definition  (106) "Particulate Matter" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by the test method(s) specified in each applicable rule or permit. | 340-200-0010(88) "Particulate Matter" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air. When used in emission standards, particulate matter is defined by the method specified within the standard or by an applicable reference method in accordance with OAR 340-212-0120 and 340-212-0140. Unless otherwise specified, sources with exhaust gases at or near ambient conditions may be tested with DEQ Method 5 or DEQ Method 8, as approved by the Department. Direct heat transfer sources shall be tested with DEQ Method 7; indirect heat transfer combustion sources and all other non-fugitive emissions sources not listed above shall be tested with DEQ Method 5.  340-204-0010(21) “Particulate Matter” has the meaning given that term in OAR 340-200-0020(82).  340-226-0010(2) "Particulate matter" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by an applicable reference method in accordance with OAR 340-212-0120 and 212-0140. Sources with exhaust gases at or near ambient conditions may be tested with DEQ Method 5 or DEQ Method 8, as approved by the Department. Direct heat transfer sources must be tested with DEQ Method 7; indirect heat transfer combustion sources and all other non-fugitive emissions sources not listed above must be tested with DEQ Method 5 or an equivalent method approved by the Department;  340-234-0010(28) "Particulate Matter:"  (a) As used in OAR 340-234-0200 through 340-234-0350 means all solid or liquid material, other than uncombined water, emitted to the ambient air as measured by EPA Method 5 or an equivalent test method in accordance with the Department Source Sampling Manual. Particulate matter emission determinations by EPA Method 5 shall use water as the cleanup solvent instead of acetone, and consist of the average of three separate consecutive runs having a minimum sampling time of 60 minutes each, a maximum sampling time of eight hours each, and a minimum sampling volume of 31.8 dscf each;  (b) As used in OAR 340-234-0400 through 340-234-0430 means a small, discrete mass of solid matter, including the solids dissolved or suspended in liquid droplets but not including uncombined water;  (c) As used in OAR 340-234-0500 through 340-234-0530 means all solid or liquid material, other than uncombined water, emitted to the ambient air as measured in accordance with the Department Source Sampling Manual (January, 1992). Particulate matter emission determinations shall consist of the average of three separate consecutive runs. For sources tested using DEQ Method 7, each run shall have a minimum sampling time of one-hour, a maximum sampling time of eight hours, and a minimum sampling volume of 31.8 dscf. For sources tested using DEQ Method 8, each run shall have a minimum sampling time of 15 minutes and shall collect a minimum particulate sample of 100 mg. Veneer dryers, wood particle dryers, fiber dryers and press/cooling vents shall be tested with DEQ Method 7; and air conveying systems shall be tested with DEQ Method 8.  340-236-0010(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.  340-240-0030(33) "Particulate Matter" means all solid or liquid material, other than uncombined water, emitted to the ambient air as measured in accordance with the Department Source Sampling Manual. Particulate matter emission determinations must consist of the average of three separate consecutive runs. For sources tested using DEQ Method 5 or DEQ Method 7, each run must have a minimum sampling time of one hour, a maximum sampling time of eight hours, and a minimum sampling volume of 31.8 dscf. For sources tested using DEQ Method 8, each run must have a minimum sampling time of 15 minutes and must collect a minimum particulate sample of 100 mg. Wood waste boilers and charcoal producing plants must be tested with DEQ Method 5; veneer dryers, wood particle dryers, fiber dryers and press/cooling vents must be tested with DEQ Method 7; and air conveying systems must be tested with DEQ Method 8 (January, 1992).  Definition different from division 200, 236, 238, 240. Delete and use division 200 definition. Move specific test requirements to rule with standard. Create a testing and monitoring section in 340-234-0540. | done |
| 204 | 0010(23) | 200 | 0020(114) | Delete definition of “PM10” which references the division 200 definition | Delete and use division 200 definition | done |
| 204 | 0010(24) | 200 | 0020(115) | Delete definition of “PM2.5” which references the division 200 definition | Delete and use division 200 definition | done |
| 204 | 0010(30) | 200 | 0025(111) | Delete definition of “UGB” | Delete and use division 200 acronym | done |
| 204 | 0020(5)(j) | NA | NA | Correct spelling of Wheeler County | correction | done |
| 204 | 0020 NOTE: |  | NA | Delete “NOTE: The AQCRs should not be confused with the recent DEQ reorganization that split the state into three DEQ regions: Northwest, West and East.” | NOTE no longer needed. DEQ reorganization occurred many years ago so there is no longer any confusion. | done |
| 204 | 0030(2) | NA | NA | Change designation of Klamath Falls Nonattainment Area for PM2.5 to reference the Klamath Falls Nonattainment area defined in division 204-0010. | Already defined in division 204 | done |
| 204 | 0060(1)(b) | NA | NA | Delete “or Indian Governing Bodies” | DEQ does not regulate Indian Governing Bodies | done |
| 204 | 0060(4) | NA | NA | Delete the second sentence and (a) and (b) | DEQ does not regulate Indian Governing Bodies | done |
| 204 | 0060(6) | NA | NA | Delete “or Indian Governing Body, as appropriate,” | DEQ does not regulate Indian Governing Bodies | done |
| 204 | 0090 | NA | NA | Change the oxygenated gasoline requirement in control areas since the October 31, 2007 is past. Require oxygenated gasoline if required under an applicable attainment or maintenance plan adopted by the Environmental Quality Commission, and apply it to the oxygenated gasoline control areas: Clackamas, Multnomah, Washington and Yamhill Counties. | The October 31, 2007 date has past. DEQ’s 2004 CO maintenance plan states that Section 175A(d) of the Clean Air Act provides that any control strategies removed upon redesignation to attainment must be reinstated if the area violates the air quality standard. The provisions of this section of the Contingency Plan are dictated by that Clean Air Act requirement.  If the Portland area violates the NAAQS for CO, the requirement to use wintertime oxygenated fuel in Clackamas, Multnomah, Washington, and Yamhill Counties will be reinstated. | done |
| NA | NA | 204 | 0300 | Add rules that explain how sustainment areas will be designated | DEQ has defined two new areas for minor new source review: sustainment and reattainment areas. These new areas will provide options for sources when constructing or modifying in these areas. Designation of sustainment area does not need to go through EPA for approval. Only procedures need to be approved by EPA so no SIP revision is needed to designate areas. | done |
| NA | NA | 204 | 0300(3) | Add rules to designate Lakeview as a sustainment area | Lakeview currently exceeds the ambient air quality standard for PM2.5 but is not designated as a nonattainment area by EPA. DEQ is working with Lakeview in the PM Advance program to reduce PM2.5 emissions so the area can meet the PM2.5 NAAQS. Designation as a sustainment area will also help reduce emissions in addition to the PM Advance program. | done |
| NA | NA | 204 | 0300(3) | Add:  “[**NOTE**: This rule, except section (3), is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]” | Clarification. Designation of sustainment area does not need to go through EPA for approval. | done |
| NA | NA | 204 | 0310 | Add rules that explain how reattainment areas will be designated | DEQ has defined two new areas for minor new source review: sustainment and reattainment areas. These new areas will provide options for sources when constructing or modifying in these areas. Designation of sustainment area does not need to go through EPA for approval. Only procedures need to be approved by EPA so no SIP revision is needed to designate areas. | done |
| 206 |  |  |  | Air Pollution Emergencies | None |  |
| 206 | all | NA | NA | Correct Division to lower case division | Correction | done |
| 206 | all | NA | NA | Delete “total suspended” from particulate | DEQ no longer has a total suspended particulate matter standard and doesn’t monitor for TSP | done |
| 206 | 0020 | NA | NA | Add division 204 as another division that has definitions that would apply to this division | Add reference to division 204 definitions | done |
| 206 | 0040(4) | NA | NA | Add title of Table 4: Air pollution episode conditions due to particulate which is primarily fallout from volcanic activity or windblown dust. Ambient particulate control measures to be taken as appropriate in episode area | Correction | done |
| 206 | 0050(2) | NA | NA | Correct Emits to lower case emits | Correction | done |
| 208 |  |  |  | Visible Emissions and Nuisance Requirements |  |  |
| 208 | 0010 | NA | NA | Add division 204 as another division that has definitions that would apply to this division | Add reference to division 204 definitions | done |
| 208 | 0010(2) | 200 | 0020(9) | Delete definition of “air contaminant” and use definition in division 200  340-200-0020(8) "Air Contaminant" means a dust, fume, gas, mist, odor, smoke, vapor, pollen, soot, carbon, acid or particulate matter, or any combination thereof. | 340-208-0010(2) "Air Contaminant" means a dust, fume, gas, mist, odor, smoke, pollen, vapor, soot, carbon, acid or particulate matter, or any combination thereof.  340-240-0030(1) "Air contaminant" means a dust, fume, gas, mist, odor, smoke, vapor, pollen, soot, carbon, acid or particulate matter, or any combination thereof.  Already defined in division 200 and 240. Delete and use definition in division 200 | done |
| 208 | 0010(3) | 200 | 0020(45) | Delete definition of “emission” and use definition in division 200  340-200-0020 (41) "Emission" means a release into the atmosphere of any regulated pollutant or any air contaminant. | 340-208-0010(3) "Emission" means a release into the outdoor atmosphere of air contaminants.  340-240-0030 (10) "Emission" means a release into the outdoor atmosphere of air contaminants.  Already defined in division 200 and 240. Delete and use definition in division 200 | done |
| 208  228  240 | 0010(4)  0020(4)  0030(14) | 200 | 0020(65) | Delete definition of “fuel burning equipment” and move to division 200 with clarifications | See discussion above in division 200. Move definition of fuel burning equipment from divisions 208, 228, and 240 to division 200 and clarify. | done |
| 208 | 0010(5) | 200 | 0020(66) | Delete definition of “fugitive emissions” and use division 200 definition  340-200-0020(58) "Fugitive Emissions":  (a) Except as used in subsection (b) of this section, means emissions of any air contaminant which escape to the atmosphere from any point or area that is not identifiable as a stack, vent, duct, or equivalent opening.  (b) As used to define a major Oregon Title V Operating Permit program source, means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening. | 340-208-0010(5) "Fugitive Emissions" means emissions of any air contaminant that escape to the atmosphere from any point or area not identifiable as a stack, vent, duct, or equivalent opening.  340-234-0010 (17) "Fugitive Emissions" means dust, fumes, gases, mist, odorous matter, vapors or any combination thereof not easily given to measurement, collection, and treatment by conventional pollution control methods.  340-236-0010(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.  340-240-0030(16) "Fugitive Emissions" means dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof not easily given to measurement, collection and treatment by conventional pollution control methods.  Delete and use definition in division 200 | done |
| 208 | 0010(6) | NA | NA | Delete definition of “new source” | Definition no longer needed since all sources will have to comply with 20% opacity limit, except hog fuel boilers during grate cleaning and soot blowing | done |
| 208 | 0010(8) | 200 | 0020(97) | Move definition of “odor” to division 200  (97) "Odor" means that property of an air contaminant that affects the sense of smell. | 340-208-0010(8) "Odor" means that property of an air contaminant that affects the sense of smell.  340-240-0030(30) "Odor" means that property of an air contaminant that affects the sense of smell.  Same as division 240 definition so move to division 200 | done |
| 208 | 0010(12) | 200 | 0020(159) | Delete definition of “standard conditions,” use division 240 definition and move to division 200  (159) "Standard Conditions" means a temperature of 68° Fahrenheit (20° Celsius) and a pressure of 14.7 pounds per square inch absolute (1.03 Kilograms per square centimeter). | 340-208-0010(12) "Standard conditions" means a temperature of 68° Fahrenheit and a pressure of 14.7 pounds per square inch absolute.  340-226-0010(5) "Standard conditions" means a temperature of 68° Fahrenheit and a pressure of 14.7 pounds per square inch absolute.  340-228-0020(6) "Standard conditions" means a temperature of 68° Fahrenheit and a pressure of 14.7 pounds per square inch absolute.  340-240-0030(43) "Standard Conditions" means a temperature of 68° Fahrenheit (20° Celsius) and a pressure of 14.7 pounds per square inch absolute (1.03 Kilograms per square centimeter).  Definition different from division 240 but same as division 226 and 228. Use division 240 definition and move to division 200 | done |
| 208 | 0010(13) | 200 | 0020(42) | Delete definition of “standard cubic foot” and use definition of “dry standard cubic foot” from division 240 and move to division 200  (42) "Dry Standard Cubic Foot" means the amount of gas that would occupy a volume of one cubic foot, if the gas were free of uncombined water at standard conditions. | 340-208-0010(13) "Standard cubic foot" means the amount of gas that would occupy a volume of one cubic foot, if the gas were free of uncombined water at standard conditions. When applied to combustion flue gases from fuel, "standard cubic foot" also implies adjustment of gas volume to that which would result at a concentration of 12% carbon dioxide or 50% excess air.  340-228-0020(7) "Standard cubic foot" means the amount of gas that would occupy a volume of one cubic foot, if the gas were free of uncombined water at standard conditions. When applied to combustion flue gases from fuel or refuse burning, "standard cubic foot" also implies adjustment of gas volume to that which would result at a concentration of 12% carbon dioxide or 50% excess air.  340-236-0010(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.  340-240-0030(44) "Standard cubic foot" means the amount of gas that would occupy a volume of one cubic foot, if the gas were free of uncombined water at standard conditions. When applied to combustion flue gases from fuel or refuse burning, "standard cubic foot" also implies adjustment of gas volume to that which would result at a concentration of 12% carbon dioxide or 50% excess air.  Definition different from division 236 and 240 but same as 228. Each standard will have the applicable test method long with the correct adjustment. | done |
| 208 | 0100 | NA | NA | Add exemption for fugitive emissions from opacity limits. | See the explanation below about changes to OAR 340-208-0210 for regulating visible emissions from fugitive sources. | done |
| 208 | 0110(1) and (2) | 208 | 0110(1) | Delete 40% opacity limit and make a provision for soot blowing and grate cleaning:  “No person may emit or allow to be emitted any air contaminant into the atmosphere from any air contaminant stack or emission point that equals or exceeds 20% opacity as a six-minute average except as allowed in section (2).” | DEQ is proposing the changes for the following reasons:   * Some of the affected sources will probably have to reduce emissions anyway due to future regulations, such as the Boiler and Industrial furnace MACT. * Having two standards creates an unequal playing field for industry; especially since new sources can be as much as 40 years old. * More and more areas of the state are special control areas due to population increases. * EPA’s adoption of a new PM2.5 24-hour NAAQS has resulted in 2 nonattainment areas, with a third meeting the definition but not legally designated as such. This proposed rule change will reduce opacity in all areas and will help prevent future problems. * Phased compliance will give sources that cannot meet the new standards time to comply. |  |
| 208 | 0110(1) | NA | NA | Change “source” to “stack or emission point” | “Stack or emission point” are not defined but are used in divisions 234 and 240 for veneer dryers. Each stack or emission point (vent or stack or door opening where emissions come from) should have an opacity limit and should not be averaged. The pulp mill rule says “stack” rather than source. | done |
| 208 | 0110(1) and (2) | 208 | 0110(1) | Make the 20% limit applicable to all non-fugitive sources in the state. Change limit to a 6-minute average instead of a 3-minute aggregate. | DEQ is proposing the change because of the following reasons:   * An opacity standard based on a 6-minute average is no more or less stringent than a standard based on an aggregate of 3 minutes in any hour. Theoretically, either basis could be more stringent than the other, but practically, sources do not typically have intermittent puffs of smoke. If there is an upset that lasts longer than 3 minutes, it usually lasts longer than 6 minutes, as well. * Other reasons for changing to a 6 minute average include:   + A reference compliance method has not been developed for the 3 minute standard.   + EPA method 9 results are reported as 6-minute averages.   + The 3-minute standard adds more cost to data acquisition systems for continuous opacity monitoring systems. Many of the COMS are designed for 6-minute averages, so they have to be modified to record and report data for the 3-minute standard.   + Compliance with a 6 minute average can be determined with 24 readings (6-minute observation period); whereas, compliance with the 3-minute standard may require as many as 240 readings (60 minute observation period). In addition, it is DEQ’s policy that the inspector observes the source for at least 6 minutes before making a compliance determination. | done |
| 208 | 0110(2) | NA | NA | Add exemption for wood-fired boilers constructed or installed prior to June 1, 1970 and not modified since that time:  “For wood fired boilers that were constructed or installed prior to June 1, 1970 and not modified since that time, visible emissions during grate cleaning or soot blowing operations must not equal or exceed 40% opacity as a six minute average.” | These wood-fired boilers cannot meet 20% opacity during grate cleaning or soot blowing so a provision was added to allow 40% during these times | done |
| NA | NA | 208 | 0110(2)(a) | Add exception for wood-fired boilers to allow 40% opacity during grate cleaning or soot blowing operations as long as these activities are conducted using a grate cleaning or soot blowing plan approved by DEQ by September 30, 2014. | This provision will ensure that sources minimize emission during grate cleaning or soot blowing | done |
| NA | NA | 208 | 0110(2)(b) | Add provision for wood-fired boilers that are allowed 40% opacity during grate cleaning or soot blowing operations to develop a grate cleaning or soot blowing plan and submit it to DEQ for approval by September 1, 2014. | This provision will ensure that sources minimize emission during grate cleaning or soot blowing | done |
| 208 | 0110(4) | 208 | 0110(3) | Add a reference method for determining compliance with the opacity limit and provision for continuous opacity monitoring systems installed and operated under DEQ’s Continuous Monitoring Manual | This provision will ensure that sources will know what method should be used to determine compliance with the opacity limit. | done |
| NA | NA | 208 | 0110(4) | Add a deferral until January 31, 2015 for compliance for sources that were installed, constructed, or modified before June 1, 1970 and are located outside special control areas and were subject to the 40 percent opacity limits. | This deferral gives pre-1970 sources time to add control equipment, make any other physical or operational changes and extra time to develop a grate cleaning plan if necessary. | done |
| 208 | 0200 | NA | NA | Make the fugitive emission requirements applicable statewide to replace the opacity standards. | Fugitive emissions should be controlled statewide | done |
| 208 | 0210(1) | 208 | 0210(2) | Move section (1) to section (2) and change to:  (2) When fugitive emissions escape from an air contaminant source, DEQ may order the owner or operator to abate the emissions. In addition to other means, DEQ may order that a building or equipment in which processing, handling and storage are done be tightly closed and ventilated in such a way that air contaminants are controlled or removed before being emitted to the open air. | Reorganization and clarification. DEQ has clarified that fugitive emissions must be abated upon order, rather than the subjective determination of a nuisance or trying to read opacity to comply with an opacity limit. Since the opacity standards will not apply to fugitive emission sources, work practice standards will be used instead to abate fugitive emissions. | done |
| 208 | 0210(2)(b) | 208 | 0210(1)(b) | Delete “asphalt, oil,” from the reasonable precautions to prevent particulate matter from becoming airborne | DEQ discourages the use of asphalt emulsions and oil as dust suppressants because of the negative environmental impact on other media. | done |
| NA | NA | 208 | 0210(2)(a) | Add a definition for particulate fugitive emissions for this section:  “fugitive emissions are visible emissions that leave the property of a source for more than 18 seconds in a six-minute period. The minimum observation time shall be at least six minutes unless otherwise specified in a permit.” | This clarifies how fugitive emissions are defined and evaluated. | done |
| NA | NA | 208 | 0210(2)(b) | Add EPA Method 22 as the reference method | A test method should always be specified with each standard in order to be able to show compliance | done |
| NA | NA | 208 | 0210(3) | Add requirement for development of a fugitive emission control plan if requested by DEQ | This requirement will help address issues if fugitive emissions escape the property boundary | done |
| 208 | 0450 | NA | NA | Change “emission” to “deposition” | Particulate matter larger than 250 microns is deposited on property, not emitted | done |
| 208 | 0450 | NA | NA | Delete “at sufficient duration or quantity as to create an observable deposition sufficient duration” and add cross reference to OAR 340-202-0110 Particle Fallout | Limits for particle fallout are specified in division 202. Cross reference to OAR 340-202-0110 Particle Fallout helps define duration and quantity | done |
| 208 | 0450 | NA | NA | Delete “when notified by the department that the deposition exists and must be controlled.” | Eliminates the need for DEQ to be notified. | done |
| 208 | 0600 | NA | NA | Repeal “Visible Air Contaminant Standards” | DEQ is changing to a 6-minute averaging time for all opacity standards. | done |
| 208 | 0610 | NA | NA | Add Figure 1 title:  “Particulate Matter Emission Standards for Fuel Burning Equipment” | Clarification | done |
| 209 |  |  |  | Public Participation | None |  |
| 209 | 0050(1) | NA | NA | Add provision for public notice by email | Most people receive notices by email, which is cheaper and easier to use than mail. A few people are still on DEQ’s list to receive hard copies of public notices. | done |
| 209 | 0070(1)(c)(B) | NA | NA | Add “answer questions” | DEQ answers questions from the public during informational meetings, in addition to accepting comments | done |
| 210 |  |  |  | Stationary Source Notification Requirements | None |  |
| 210 | 0020 | NA | NA | Add division 204 as another division that has definitions that would apply to this division | Add reference to division 204 definitions | done |
| 210 | 0100(3) | NA | NA | Delete section (3) | Section (3) is contains the same requirements as section (1) | done |
| 210 | 0100(2) | NA | NA | Delete “of this rule” CLARIFY??? EPA comment | Not necessary | done |
| 210 | 0110(3), (4), and (5) | NA | NA | Make structure of registration requirements similar in each section | Clarification and consistency | done |
| 210 | 0120(2) | NA | NA | Delete if deleting (3) above? |  |  |
| 210 | 0205(1)(a) | NA | NA | Add “new” to stationary sources and “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;” | Clarification for new sources that are not required to submit a Notice of Construction application | done |
| 210 | 0205(1)(b) | NA | NA | Add “(b) Modifications at existing sources that have permits under OAR 340 division 216 or 218;” | Clarification for modifications at existing sources that are required to submit a Notice of Construction application | done |
| 210 | 0205(2)(c) | NA | NA | Add “ed” to limit | Correction | done |
| 210 | 0205(2)(d) | NA | NA | Change wording to “unless they are subject to NESHAP or NSPS requirements.” | Clarification | done |
| 210 | 0215(2) | NA | NA | Change “stationary sources” to “existing sources” | Correction. Some of the sources that DEQ permits are portable sources | done |
| 210 | 0225(1) | NA | NA | Add “meets the criteria in subsections (a) through (f)” | Clarification | done |
| 210 | 0225(1)(a) & (b) | NA | NA | Add “from the source” | Clarification. Emissions are from the source, not individual “stationary sources” for comparison to the netting basis and significant emission rate | done |
| 210 | 0225(1)(a) & (c) |  | NA | Correct spelling of de minimis | Correction | done |
| 210 | 0225(1)(c) & (2)(c) | NA | NA | Change “any stationary source” to “any new emission device, activity or process; replacement of any emission device, activity or process; or modification of any emission device, activity or process; | Clarification. Emissions are from the stationary source for comparison to de minimis levels | done |
| 210 | 0225(1)(f) and (2)(f) | NA | NA | Add requirement that changes that are required to obtain a permit under OAR 340 division 216 would not qualify as a Type 1 or Type 2 changes. | Corrects a problem regarding changes that otherwise qualify as a Type 1 change but should be required to obtain a permit under division 216. There have been instances when companies have replaced a NESHAP subject chrome plating line with entirely new equipment or have replaced the control device.  In each instance the associated emissions are well below the de minimis rate and the change meets the Type 1 criteria.  The review process in these instances is more complicated than for what Type 1 category was intended and therefore  a permit is required. | done |
| 210 | 0225(2) | NA | NA | List requirements for Type 2 changes rather than reference changes in 0225(1) | Clarification | done |
| 210 | 0225(2)(a) & (b) | NA | NA | Add “from the source” | Clarification. Emissions are from the source, not individual “stationary sources” for comparison to the netting basis and significant emission rate | done |
| 210 | 0225(3)(b) | NA | NA | Correct the cross reference to Division 222 and spell out NSR | OAR 340-222-0041(3)(b) was renumbered to 340-222-0041(3)(c) | done |
| 210 | 0230(3) | NA | NA | Change “The Department must be notified” to “The owner or operator must notify DEQ” | Clarification | done |
| 210 | 0240(1)(a) and (b) | NA | NA | Add “calendar” to days | Clarification |  |
| 210 | 0240(1)(d) [NOTE:] |  |  | Delete “[Note: In non-attainment areas and maintenance areas” and “. In attainment areas, Type 4 changes may be subject to OAR 340-224-0070, Prevention of Significant Deterioration, only if the source would be a federal major source after making the change.]” | Put the language in the rule, rather than a note. Clarify that Type 4 changes may also be subject to division 224, New Source Review. | done |
| 212 |  |  |  | Stationary Source Testing and Monitoring |  |  |
| 212 | all | NA | NA | Bold Source Sampling Manual, Continuous Monitoring Manual and CFR references | Correction | done |
| 212 | 0010 | NA | NA | Add division 204 as another division that has definitions that would apply to this division | Add reference to division 204 definitions | done |
| 212 | 0120(3) | NA | NA | Update Source Sampling Manual and Continuous Monitoring Manual | The Source Sampling Manual (1992) and the Continuous Monitoring Manual (1992) have been updated to reflect current methods and procedures. | done |
| 212 | 0130(1) | NA | NA | Delete CFR date | CFR date is included in Reference Materials rule, OAR 340-200-0035 | done |
| 212 | 0130(2)(c) | NA | NA | Add “Major” to New Source Review and add cross reference to OAR 340 division 224 | DEQ has added rules for minor new source review in this division so the distinction between major and minor new source review must be made | done |
| 212 | 0140(1) | NA | NA | Update Source Sampling Manual | The Source Sampling Manual (1992) has been updated to reflect current methods and procedures. |  |
| 212 | 0140(3)(b)(A) | NA | NA | Update Source Sampling Manual | The Source Sampling Manual (1992) has been updated to reflect current methods and procedures. |  |
| 212 | 0200 - 0280 | NA | NA | Remove from SIP | Correction. The note that this rule is included in the Oregon SIP is not included in any of these rules but the rules were approved into the Oregon SIP on 01/22/03 in 68 FR2891. With this SIP submittal, DEQ is asking to remove these rules from the SIP because they apply only to Title V sources. | done |
| 212 | 0200(2)(a)(E) | NA | NA | Delete CFR date | CFR date is included in Reference Materials rule, OAR 340-200-0035 | done |
| 212 | 0200 (2)(b) and (2)(b)(A) | NA | NA | Delete CFR date | CFR date is included in Reference Materials rule, OAR 340-200-0035 | done |
| 212 | 0210(4)(b)(A) through (E) | NA | NA | Delete CFR date | CFR date is included in Reference Materials rule, OAR 340-200-0035 | done |
| 212 | 0220 (2)(c) | NA | NA | Delete CFR date | CFR date is included in Reference Materials rule, OAR 340-200-0035 | done |
| 212 | 0280(1) | NA | NA | Correct spelling of complying | Correction | done |
| 214 |  |  |  | Stationary Source Reporting Requirements |  |  |
| 214 | 0010(1) | NA | NA | Delete “, or which is subject to a National Emissions Standard for Hazardous Air Pollutants (NESHAP). Where PSELs have been incorporated into the ACDP, the PSEL will be used to determine actual emissions.” | The general provisions for NESHAP sources have excess emission reporting and some individual NESHAPs have their own excess emission reporting – like NSPS so don’t need to include these sources in the immediate reporters. The sentence about PSELs being used to determine actual emissions is redundant with requirement that PSELs limit PTE so this sentence is not necessary. | done |
| 214 | 0010(2) | NA | NA | Add “basic” to the list of small sources | Correction. This was inadvertently omitted when the definition of small source was changed in 2007 | done |
| 200 | 0020(3)(d) | 214 | 0210(1)(c)(A) | Move the definition of actual emissions for emission statements to division 214 | The part of the definition of actual emissions for emission statements should be included in the rules for emission statements | done |
| 200 | 0020(3)(d) | 214 | 0210(1)(c)(A) | Add “For the purpose of this requirement” | Provide lead-in for definition of actual emissions | done |
| 200 | 0020(3)(d) | 214 | 0210(1)(c)(A) | Delete “, but do not include categorically insignificant activities and secondary emissions.” | EPA does not exclude categorically insignificant activities or secondary emissions from reporting in emission statements for VOC and NOx sources in ozone nonattainment areas. | done |
| 214 | 0350(2) | NA | NA | Add “Whether any federal New Source Performance Standard or National Emission Standard for Hazardous Air Pollutants apply and whether the excess emission event caused a violation of the federal standard;” | Add this provision to the criteria for determining whether to take enforcement action for excess emissions. EPA can approve a SIP revision that creates an affirmative defense to claims for penalties in enforcement actions regarding excess emissions caused by malfunctions as long as the defense does not apply to SIP provisions that derive from federally promulgated performance standards or emission limits, such as new source performance standards (NSPS) and national emissions standards for hazardous air pollutants (NESHAPS). | done |
| NA | NA | 214 | 0350(7) | Add “Whether the excess emission event was due to an emergency.” | DEQ is limiting emergency as an affirmative defense to Title V permitted sources but is including emergency as one of the criteria to consider in taking enforcement action. | done |
| 214 | 0360 | NA | NA | Change title to “Emergency as an Affirmative Defense for Title V Permitted Sources | Correction. This provision only applies to Title V sources with Title V permits. | done |
| 214 | 0360 | NA | NA | Add “in a Title V permit” | Correction. This provision only applies to Title V sources with Title V permits. | done |
| 214 | 0360 | NA | NA | Delete the note saying this rule is included in the Oregon State Implementation Plan | This rule was incorrectly approved into the DEQ State Implementation Plan in December of 2012 and should not have been. | done |
| 214 | 0400 through 0430 | NA | NA | Repeal Sulfur Dioxide Emission Inventory rules. | Due to the adoption and federal approval of DEQ’s Regional Haze Plan in 2010, these rules are obsolete and no longer needed. | done |
| 216 |  |  |  | Air Contaminant Discharge Permits [[Table 1 and Table 2](http://www.deq.state.or.us/regulations/rules/div216/div216-Tables.pdf)] |  |  |
| 216 | 0020 | 216 | 8005 & 8010 | Renumber tables so that each table has its own rule number. Change reference from 216-0020 to 216-8005 or 216-8010, whichever is applicable | Clarification | done |
| 216 | 0020 | 216 | 8005 & 8010 | Add table names | Clarification | done |
| 216 | 0020 | NA | NA | Delete “of this rule” | Not necessary | done |
| 216 | 0020(1) | NA | NA | Add “More than one category in OAR 340-216-8005 Table 1 may apply to a source” | Clarification. If a source finds their source category in Table 1, they may quit looking and not realize that another source category also applies to them. | done |
| 216 | 0020(1) | NA | NA | Delete “expires, or” DEPENDS ON RMT DECISION ON TERMINATIONS | DEQ is changing the requirements for ACDP renewals. See the discussion below in 216-0082 | done |
| 216 | 0020(1)(a) & (b) | NA | NA | Change “Authority” to “Agency” | Correction | done |
| 216 | 0025(5)(b) | NA | NA | Change “in accordance with” to “using” | Plain language | done |
| 216 | 0030 | NA | NA | Add division 204 as another division that has definitions that would apply to this division | Add reference to division 204 definitions | done |
| 216 | 0030 | 200 | 0020(89) | Delete the definition of “permit modification” or “modified permit.” Change references to “permit modification” which is already defined in division 200 | “Permit Modification” is already defined in division 200 and has the same meaning at this definition:  (90) "Permit modification" means a permit revision that meets the applicable requirements of OAR 340 division 216, 340 division 224, or 340-218-0160 through 340-218-0180 | done |
| 216 | 0040(1) | NA | NA | Restructure subsections (a) through (l) into paragraphs and add subsection (a) to the requirements for new permits. | Restructure | done |
| 216 | 0040(1)(j) | 216 | 0040(1)(a)(J) | Change “in accordance with” to “under” | Restructure | done |
| NA | NA | 216 | 0040(1)(a)(L) | Add language for NSR/PSD applications:  “(L) Any information required by division 224 and 225, including but not limited to control technology and analysis, air quality impact analysis; offsets and net air quality benefit, if applicable;” | Correction. Approval for NSR/PSD permits is through the ACDP program. The requirements for an NSR/PSD permit application should be included. | done |
| 216 | 0040(1)(b) | NA | NA | Add a requirement for when applications for new permits should be submitted:  “(b) Applications for new permits should be submitted at least 60 days prior to when a permit is needed. When preparing an application, the applicant should also consider the timelines provided in paragraph (2)(b), as well as OAR 340-224-0030 (NSR permit applications), to allow DEQ adequate time to process the application and issue a permit before it is needed.” | Clarification | done |
| 216 | 0040(2) | NA | NA | Restructure section (2) to separate out the requirements for renewals with no significant changes to the permit | Restructure | done |
| NA | NA | 216 | 0040(2)(b) | Add requirements for submittal of ACDP renewal applications:  “(b) The owner or operator must submit an application for renewal of the existing permit by no later than:  (A) 30 days prior to the expiration date of a Basic ACDP;  (B) 120 days prior to the expiration date of a Simple ACDP; or  (C) 180 days prior to the expiration date of a Standard ACDP.” | Align submittal of permit renewal application with internal timeliness targets | done |
| NA | NA | 216 | 0040(2)(c) | Add requirements for submittal of an application for reassignment to a general ACDP |  | done |
| NA | NA | 216 | 0040(3)(a) | Add requirements for when an application for a permit modification should be submitted:  “(a) Applications for modifications to existing permits should be submitted at least 60 days prior to when a permit modification is needed.” | Clarification | done |
| NA | NA | 216 | 0040(3)(b) | Add requirements for consideration of adequate timelines for a permit processing:  “(b) When preparing an application, the applicant should also consider the timelines provided in paragraph (2)(b), as well as OAR 340-224-0030 (NSR permit applications), to allow DEQ adequate time to process the application and issue a permit before it is needed.” | Clarification | done |
| 216 | 0040(5) | NA | NA | Delete the requirement for submittal of an application at least 60 days before a permit or modified permit is needed | This requirement is no longer necessary with the changes to 340-216-0040(2)(b) | done |
| 216 | 0052(2)(a) | NA | NA | Change “in accordance with” to “using” | Plain language | done |
| 216 | 0052(4)(b) | 216 | 0052(4)(a) | Change “in accordance with” to “using” | Plain language | done |
| 216 | 0052(4)(a) | NA | NA | Delete the requirement that construction must commence within 18 months after the permit is issued. | This requirement comes from NSR/PSD requirements. NSR/PSD construction is required to commence within 18 months after the permit is issued because of the BACT and AQ computer modeling analyses. If construction is not commenced within that time, technology and AQ analyses may have changed, which may require a change in the NSR/PSD application/permit. Construction ACDPs do not include requirements for control technology or AQ analyses so the requirement for commencement of construction within 18 months is not needed. | done |
| 216 | 0052(5)(a) | NA | NA | Change “in accordance with” to “under” | Plain language | done |
| 216 | 0052(5)(c)(A) & (B) | NA | NA | Change “in accordance with” to “using” | Plain language | done |
| NA | NA | 216 | 0052(6) | Add a requirement that construction ACDPs cannot be renewed. | Construction ACDPs are issued for 5 years with an initial permitting fee of $9600. There are no annual fees for a construction ACDP that would cover the cost of a renewal. Also, DEQ does not want the possibility of extending unsigned PSELs that may be in the permit. | done |
| 216 | 0054(1) | NA | NA | Add “unexpected or” before emergency and “activity” after emergency | 216-0025 allows for short term activity ACDPs for unexpected or emergency activities, operations, or emissions. This change makes 215-0054 consistent with 216-0025. | done |
| 216 | 0054(4) | NA | NA | Change “in accordance with” to “using” | Plain language | done |
| 216 | 0056(1) | NA | NA | Change “in accordance with” to “under” | Plain language | done |
| 216 | 0056(4) | NA | NA | Change “in accordance with” to “using” | Plain language | done |
| 216 | 0060(1)(b)(B) | NA | NA | Change “in accordance with” to “under” | Plain language | done |
| 216 | 0060(1)(c) | NA | NA | Change the first “in accordance with” to “using” and the second “in accordance with” to “under” | Plain language | done |
| 216 | 0060(2)(a) | NA | NA | Change “in accordance with” to “using” | Plain language | done |
| 216 | 0060(2)(c)(A) | NA | NA | Change “in accordance with” to “using” | Plain language | done |
| 216 | 0060(2)(c)(D) | NA | NA | Change “in accordance with” to “under” | Plain language | done |
| 216 | 0060(2)(c)(E) | NA | NA | Change “in accordance with” to “under” | Plain language | done |
| 216 | 0060(4) | NA | NA | Change to “Rescission. DEQ may rescind an individual source's assignment to a General ACDP if the source no longer meets the requirements of the permit. The source must submit an application for a Simple or Standard permit upon notification by DEQ of its intent to rescind the general ACDP. Upon issuance of the Simple or Standard permit, DEQ will rescind a source's assignment to a General ACDP.” | Clarify the language for rescission of a General ACDP and add a requirement that the source must apply for a Simple or Standard permit upon notification of rescission. If the source no longer qualifies for the general permit because of violations, provide a simple way to cancel the general permit and require a simple or standard permit. | done |
| 216 | 0062(2)(a)(D) | NA | NA | Change “in accordance with” to “under” | Plain language | done |
| 216 | 0062(2)(c) | NA | NA | Change “in accordance with” to “using” | Plain language | done |
| 216 | 0062(3)(c)(A) | NA | NA | Change “in accordance with” to “using” | Plain language | done |
| 216 | 0062(3)(c)(D) | NA | NA | Change “in accordance with” to “under” | Plain language | done |
| 216 | 0062(3)(d) | NA | NA | Change “in accordance with” to “under” | Plain language | done |
| 216 | 0064(2) | NA | NA | Change “in accordance with” to “using” | Plain language | done |
| 216 | 0064(3)(c) | NA | NA | Change “in accordance with” to “under” | Plain language | done |
| 216 | 0064(3)(a)(A) | NA | NA | Delete “(category 27. Electric Power Generation, may be included with any category listed below).” Include it only with categories 13 and 85 and make a separate category for it. | Category 25 electrical power generators and their relationship to simple-low fee sources and permitting were discussed by regional managers.  The current rule wording is unclear as to their categorization and due to this wording there is the actual or potential issue of regional inconsistency in assigning to the proper permit category. | done |
| 216 | 0064(4)(b) | NA | NA | Change “in accordance with” to “under” | Plain language | done |
| 216 | 0064(5)(a) | NA | NA | Change “in accordance with” to “using” | Plain language | done |
| 216 | 0064(5)(b)(A) & (B) | NA | NA | Change “in accordance with” to “using” | Plain language | done |
| 216 | 0066(1) | NA | NA | Change “in accordance with” to “under” | Plain language | done |
| 216 | 0066(1)(b)(C) | NA | NA | Change “January 1, 1978” to “the baseline concentration year” | January 1, 1978 was chosen in the initial round of rules because baseline period was 1977/78 instead of the August 1977 Clean Air Act date. The baseline concentration year varies by pollutant. | done |
| 216 | 0066(4)(a)(A) & (B) | NA | NA | Change “in accordance with” to “using” | Plain language | done |
| 216 | 0066(4)(b)(A) | NA | NA | Change “in accordance with” to “using” | Plain language | done |
| 216 | 0068(1) | NA | NA | Change “in accordance with” to “under” | Plain language | done |
| 216 | 0068(2)(a) | NA | NA | Change “in accordance with” to “using” | Plain language | done |
| 216 | 0082(1) and (2) | 216 | 0082(1) – (4) | Replace the language about permit expiration and automatic termination with the following:  “(1) Permits remain in effect unless terminated under section (4) or revoked in accordance with section (6).  (2) A source may not be operated after a permit is revoked.  (3) A source may not be operated after a permit is terminated unless the permit is renewed or a different type of permit is issued for the source.  (4) A permit is terminated when:  (a) the permit is renewed or a different type of permit is issued for the source;  (b) the owner or operator does not submit an application for renewal of the existing permit or a different type of permit within the following time periods:  (A) 24 months after the expiration date of the current permit for Basic ACDPs;  (B) 12 months after the expiration date of the current permit for Simple ACDPs; or  (C) 6 months after the expiration date of the current permit for Standard ACDPs.  (c) 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) failure to commence construction within the second extension period under a permit issued under OAR 340-224-0010 through 340-224-0070; or  (e) the owner or operator requests termination of the permit.” | DEQ is changing the requirements for ACDP renewals. Currently, if the owner or operator does submit a timely application for permit renewal (at least 60 days before s permit or modified permit is needed), the permit expires. If the permit expires, the owner or operator can no longer operate the air contaminant source. If the owner or operator inadvertently forgot to submit the renewal application, expiration of the permit would require submittal of a new application and associated fees. DEQ believes this consequence is too severe, especially for small businesses. Therefore, DEQ is changing expiration to termination and allowing the owner or operator additional time to submit a permit renewal application. The owner or operator will still be required to submit a permit renewal application and will be subject to enforcement for not doing so but the permit will not expire immediately, saving DEQ resources. | done |
| 216 | 0082(3) | 216 | 0082(5) | Delete “automatically” from permit termination and change the cross references | The rules regarding automatic termination are being deleted and replaced with the termination rules in section (4) | done |
| 216 | 0082 | NA | NA | Change hyphen to through | Clarification | done |
| 216 | 0082(4)(a) | 216 | 0068(6)(a) | Change “in accordance with” to “under” | Plain language | done |
| 216 | 0082(4)(b) | 216 | 0068(6)(b) | Change “in accordance with” to “under” | Plain language | done |
| 216 | 0084 | NA | NA | Change “in accordance with” to “under” | Plain language | done |
| 216 | 0090 | NA | NA | Add “ keep a copy of the permit onsite” | Having the permit on site and monitoring and record-keeping conditions all exist to ensure the permittee is meeting the “rules and standards adopted by the Commission.” | done |
| 216 | Table 1 | NA | NA | Add “The following source categories must obtain a permit. More than one source category in OAR 340-216-8005 Table 1 may apply to a source. If more than one source category in OAR 340-216-8005 Table 1 applies to a source, the highest level of permit specified in Part A, B, or C is required.” | Clarification | done |
| 216 | Table 1 Part A 2. | NA | NA | Add “both portable and stationary” to concrete manufacturing | Clarification | done |
| 216 | Table 1 Part B | NA | NA | Delete “commercial and industrial” from the sources that are required to obtain ACDPs | Clarification. Not all permitted sources fit under these two categories. | done |
| 216 | Table 1 Part B | NA | NA | Delete “hereof” and add “or does not qualify for a Simple ACDP” | Clarification. If a source qualifies for a simple permit, then it doesn’t need to get a Standard ACDP unless the owner/operators chooses to do so. | done |
| 216 | Table 1 Part B 1. | NA | NA | Add “subject to RACT as regulated by division 232” | Clarification | done |
| 216 | Table 1 Part B 7. | NA | NA | Add “Manufacturing” | Clarification | done |
| 216 | Table 1 Part B 11. | NA | NA | Add “Lead-Acid” | Clarification | done |
| 216 | Table 1 Part B 13. | NA | NA | Change “over 10 MMBTU/hr heat input” to “with a combined heat input greater than” | Clarification | done |
| 216 | Table 1 Part B 13. | NA | NA | Change to “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. “ | Clarification | done |
| 216 | Table 1 Part B 14. | NA | NA | Capitalize “paper” | Correction | done |
| 216 | Table 1 Part B 16. | NA | NA | Add “subject to RACT as regulated by division 232” to Can or Drum Coating | Clarification | done |
| 216 | Table 1 Part B 20. | NA | NA | Change “Alkalies” to “Alkali” | Correction | done |
| 216 | Table 1 Part B 21. | NA | NA | Add “and Anodizing subject to a NESHAP” | Clarification. Some chrome plating is not subject to a NESHAP and we don’t want to permit them. | done |
| 216 | Table 1 Part B 24 | NA | NA | Add “both portable and stationary” | Clarification. DEQ permits both portable and stationary concrete manufacturing | done |
| 216 | Table 1 Part B 29. | NA | NA | Add “Stationary reciprocating internal combustion engines used to power pumps or compressors less than 500 horsepower, excluding emergency generators and firewater pumps and 2-stroke lean burn engines.” | These sources are required to get general permits under the RICE NESHAP. | done |
| 216 | Table 1 Part B 31. | 216 | 8005 Table 1 Part B XX | Add “as regulated by division 232” to flexographic or rotogravure printing | Clarification |  |
| 216 | Table 1 Part B 34. | 216 | 8005 Table 1 Part B XX | Change to “Bulk Gasoline Plants, Bulk Gasoline Terminals, and Pipeline Facilities | Clarification |  |
| 216 | Table 1Part B 45. | 216 | 8005 Table 1 Part B XX | Change “subject to OAR Division 232” to “subject to RACT as regulated by division 232” to liquid storage tanks | Clarification | done |
| 216 | Table 1Part B 48. | 216 | 8005 Table 1 Part B XX | Add “subject to RACT as regulated by division 232” to marine vessel petroleum loading and unloading | Clarification | done |
| 216 | Table 1Part B 50. | 216 | 8005 Table 1 Part B XX | Add “manufacturing” to millwork | Clarification | done |
| 216 | Table 1Part B 51. | NA | NA | Add “manufacturing” to molded container | Clarification | done |
| 216 | Table 1Part B 60. | NA | NA | Add “subject to RACT as regulated by division 232” to paper or other substrate coating | Clarification | done |
| 216 | Table 1Part B 75. | NA | NA | Add “engines or flares” to internal combustion for sewage treatment facilities | Clarification | done |
| 216 | Table 1Part B 76. | NA | NA | Add “using thermal desorption and not exempted under ORS 465.315(3), or a performing party not under a DEQ oversight through a cleanup agreement” to soil remediation facilities | Some remedial actions are exempt from having to obtain permits. Under ORS 465.315(3):  Except as provided in subsection (4) of this section, the director may exempt the on-site portion of any removal or remedial action conducted under ORS 465.200 to 465.545 and 465.900 from any requirement of ORS 466.005 to 466.385 and ORS chapters 459, 468, 468A and 468B. | done |
| 216 | Table 1 Part B 78. | 216 | 8005 Table 1 Part B XX | Add “as regulated by division 232” to Surface Coating in Manufacturing subject to RACT | Clarification | done |
| 216 | Table 1 Part B 86. |  |  | Move “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.” from Part C to Part B | Reorganize. This category of sources is required to obtain a permit in Part B and does not need to be listed in the exemption for a standard ACDP with the proposed changes to Part C. | done |
| 216 | Table 1 Part B 87. | NA | NA | Add “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; or  (c) for any individual engine, the engine is subject to 40 CFR Part 60, Subpart IIII or Subpart JJJJ and does not use the manufacturer’s certification to comply with those subparts” | Emergency generators and firewater pumps over 500 hp may need a permit for RICE NESHAP requirements and PTE | done |
| 216 | Table 1 Part C 3. | NA | NA | Delete “baseline emission rate, or” from all sources electing to maintain the source’s baseline emission rate, or netting basis | Sources have a netting basis based on the baseline emission rate so “baseline emission rate” is Definition no longer needed | done |
| NA | NA | 216 | 8005 Table 1 Part C 4. | Add “All sources that request a Plant Site Emission Limit equal to or greater than the significant emission rate for a pollutant” | Sources that are on Standard ACDPs have PSELs equal to or greater the SER for any pollutant. If all PSELs are less than the SER, the source qualifies for a General, Basic or Simple ACDP | done |
| 216 | Table 1 Part C 4. | 216 | 8005 Table 1 Part C 5. | Change to “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 the following sources which may qualify for a different type of permit:” and delete “or other significant Air Quality regulation(s)” | Clarification. The phrase “or other significant Air Quality regulation(s)” is not necessary because the requirements for which a source may be subject to are included in the list. | done |
| 216 | Table 1Part C 4b. | 216 | 8005 Table 1Part C 5b. | Change 4.b. to “Sources which qualify for a Simple ACDP.” | Simplification. Sources that qualify for a Simple ACDP do not have to get a Standard ACDP, regardless of whether they are subject to a RACT or an NSPS or NESHAP. | done |
| NA | NA | 216 | 8005 Table 1 Part C, 5d | Add “Sources subject 40 CFR Part 60 Subpart IIII or Subpart JJJJ or 40 CFR Part 63 Subpart ZZZZ” | Sources subject 40 CFR Part 60 Subpart IIII Stationary Compression Ignition Internal Combustion Engines (CI ICE) or Subpart JJJJ Stationary Spark Ignition Internal Combustion Engines (SI ICE) or 40 CFR Part 63 Subpart ZZZZ National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE) BUT WE ADDED THESE TO 28. DO WE NEED THEM HERE TOO? | done |
| 216 | Table 1 Part C, 4d-4i; 4k | NA | NA | Delete:  d. Electrical power generation units used exclusively as emergency generators and units less than 500 kW.  e. Gasoline dispensing facilities, provided the gasoline dispensing facility has monthly throughput of less than 10,000 gallons of gasoline per month  f. 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).  g. 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  h. Commercial ethylene oxide sterilization operations using less than 1 ton of ethylene oxide within all consecutive 12-month periods after December 6, 1996.  i. Metal fabrication and finishing operations 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.  k. Prepared feeds manufacturing facilities with less than 10,000 tons per year throughput. | Simplification. All of the categories listed in 4d-4i and 4k are included in Part B for sources that must get a general, simple or standard ACDP. Repeating them in Part C as sources which may qualify for a different type of permit is redundant. | done |
| 216 | Table 1 Part C, 6 | NA |  | Change regulated air “contaminant” to regulated air “pollutant” | Regulated air contaminant is not defined | done |
| 216 | Table 1 Part C, 6, 7, and 8 | NA |  | Do not capitalize potential to emit | Correction | done |
| NA | NA | 216 | 8010 Table 2, Part 1, h | Add fee for State NSR | Requirements for State NSR not as onerous (?) as NSR so the fee should be lower. |  |
| 216 | Table 1 | 216 | 8005 and 8010 | Add SIP note, statutory history, statutes implemented, and rule history | Tables 1 and 2 should be in the SIP and should also have rule history so people can know when changes have been made to the table. The rule history from OAR 340-216-0020 should be similar Table 1 and Table 2 and has been copied here until SOS can do a rule history. | done |
| 218 |  |  |  | Oregon Title V Operating Permits |  |  |
| 218 | 0030 | NA | NA | Add Division 204 as another division that has definitions that would apply to this division | Add reference to division 204 definitions | done |
| 218 | 0040(1)(a)(F) | NA | NA | Delete “through 0180” | Correction. OAR 340-244-0110 is now the only rule that applies to early reductions of HAPs | done |
| 218 | 0040(3)(c)(A) | NA | NA | Change 340-224-0040 to 340-244-0040 | Correction | done |
| 218 | 0040(3)(c)(C) | NA | NA | Change 340-222-0070 to 340-222-0035 (6) and (7), and 340-224-0025(1)(b)(A) | Provisions for emissions from insignificant activities were moved in division 222. | done |
| 218 | 0040(3)(c)(C) | NA | NA | Delete hyphen from require-ment | Correction | done |
| 218 | 0040(3)(o)(D) | NA | NA | Delete reference to “enhanced monitoring” protocols and change to compliance assurance monitoring | There are no enhanced monitoring protocols, only compliance assurance monitoring protocols | done |
| 218 | 0040(4)(a)(A) | NA | NA | Delete date of Continuous Monitoring Manual | Clarification. The Reference Materials in OAR 340-200-0035 will include these reference materials and the dated version of these documents that are adopted. People can check this single rule to see which version they should be using. The dates of these reference materials will be deleted throughout the other divisions. | done |
| 218 | 0040(4)(a)(B) | NA | NA | Delete date of Source Sampling Manual | Clarification. The Reference Materials in OAR 340-200-0035 will include these reference materials and the dated version of these documents that are adopted. People can check this single rule to see which version they should be using. The dates of these reference materials will be deleted throughout the other divisions. | done |
| 218 | 0050(3)(a)(C) | NA | NA | Delete date of Continuous Monitoring Manual and Source Sampling Manual | Clarification. The Reference Materials in OAR 340-200-0035 will include these reference materials and the dated version of these documents that are adopted. People can check this single rule to see which version they should be using. The dates of these reference materials will be deleted throughout the other divisions. | done |
| 218 | 0050(6)(a) | NA | NA | Add a requirement to keep a copy of the permit onsite | Having the permit on site and monitoring and record-keeping conditions all exist to ensure the permittee is meeting the “rules and standards adopted by the Commission.” | done |
| 218 | 0150(1)(h) | NA | NA | Correct 340-0210-250 to 340-210-0250 | Correction | done |
| 218 | 0210(1) | NA | NA | Add “with” to in accordance the procedures | Correction | done |
| 220 |  |  |  | Oregon Title V Operating Permit Fees |  |  |
| 220 | 0020 |  | NA | Add Division 204 as another division that has definitions that would apply to this division | Add reference to Division 204 definitions | done |
| 220 | 200-0020(3)(d) |  | 0120(1) | Move the definition of actual emissions for Title V operating permit fees to division 220 | The part of the definition of actual emissions for Title V operating permit fees should be included in the rules for Title V operating permit fees. | done |
| 220 | 200-0020(3)(e) |  | 0120(2) | Move the method of measuring actual emissions for Title V operating permit fees to division 220 | The part of the definition of actual emissions for Title V operating permit fees should be included in the rules for Title V operating permit fees | done |
| 222 |  |  |  | Stationary Source Plant Site Emission Limits |  |  |
| 222 | 0020(1) | NA | NA | Change rule citations for insignificant activities since these rules were moved | Correction | done |
| 222 | 0020(1) | NA | NA | Add “listed in the definition of significant emission rate” to “regulated pollutants” | Clarification | done |
| 222 | 0020(3)(c) | NA | NA | Reference CFRs Early Reduction High Risk and Accidental Release Substances | Tables 2 and 3 in Division 244 are being removed so the CFRs should be referenced instead. | done |
| 222 | 0020(3)(c) and (d) | NA | NA | Include “unless listed in Table 2 OAR 340-200-8010” | Some hazardous air pollutants have SERs in Table 2 OAR 340-20-8010 that require PSELs. This is consistent with the netting basis. | done |
| 222 | 0020(3)(d) | NA | NA | Exclude toxic air pollutants in division 246 unless listed in Table 2 OAR 340-200-8010 | Some air toxics have SERs in Table 2 OAR 340-20-8010 that require PSELs This is consistent with the netting basis. | done |
| 222 | 0020(4) | NA | NA | Add “or source specific PSELs set at the generic PSEL levels, or may be set at source specific levels.  (a) A source with a generic PSEL cannot maintain a netting basis for that pollutant.  (b) A source with a source specific PSEL that is set at the generic PSEL level may maintain a netting basis for that pollutant.” | Clarification. PSELs can be Generic PSELs or they can be set at the same levels as the Generic PSEL but not be a Generic PSEL. Clarify when netting basis can or cannot be maintained with generic or generic level PSELs. | done |
| 222 | 0030 | NA | NA | Add division 204 as another division that has definitions that would apply to this division | Add reference to division 204 definitions | done |
| 222 | 0043(1), (2), and (3) | 222 | 0035(1) & (2) | Move General Requirements for All PSELs from 222-0043 to 222-0035 | Restructure | done |
| 222 | 0043(2)(c) | 222 | 0035(2)(c) | Change the title of OAR 340-216-0084 to “Department Initiated Modifications” | Correction | done |
| 200 | 0200(76)(f) | 222 | 0035(3) | Add “PSEL reductions required by rule, order or permit condition will be effective on the compliance date of the rule, order, or permit condition.” | This provision is from the definition of netting basis and applies to all PSELs. | done |
| 222 | 0043(3) | 222 | 0035(4) | Move “Annual PSELs are established on a rolling 12 consecutive month basis and will limit the source's potential to emit.” | This applies to all PSELs | done |
| 222 | 0070(1) | 222 | 0035(5) | Move requirements for categorically insignificant activities and delete “section (3) of this rule” | This applies to all PSELs and the rule numbers have changed. | done |
| 222 | 0070(2) | 222 | 0035(6) | Move requirements for aggregate insignificant activities | This applies to all PSELs | done |
| 222 | 0070(3) | 222 | 0035(7) | Move requirements for insignificant activity emissions in the applicability of NSR/PSD | This applies to all PSELs | done |
| 222 | 0040 and 0041 |  | NA | “Generic” should not be capitalized | correction | done |
| 222 | 0040(2) | 222 | 0040(3) | Split into a different section (3) and add “”for that pollutant” | Clarification. The generic PSEL is pollutant specific. | done |
| 222 | 0041(1) | NA | NA | Delete “an initial” from the source specific PSEL | The source specific PSEL that is set equal to the generic PSEL level doesn’t necessarily need to be the “initial” source specific PSEL | done |
| 222 | 0041(2) | NA | NA | Add a provision that the source specific PSEL could be set to a level requested by the applicant | Sources can request a PSEL set at a level different than the potential to emit or the netting basis | done |
| 222 | 0041(2) | NA | NA | Add an exception for setting the source specific PSEL for PM2.5 in section (3) | The source specific PSEL for PM2.5 is the PM2.5 fraction of the PM10 PSEL. | done |
| 222 | 0041(2) | NA | NA | Add an exception for increasing in the PSEL in section (4) | Sources can request a PSEL greater than the netting basis in accordance with OAR 340-222-0041(4). | done |
| 200 | 0020(76)(b) & (b)(A) | 222 | 0041(3) | Add the provision for establishing the source specific annual PSEL for PM2.5 that was in the netting basis definition. | This will move procedural requirements from the definitions | done |
| NA | NA | 222 | 0041(3)(a) | Add “(a) Any source with a permit in effect on May 1, 2011 is eligible for an initial PM2.5 PSEL without being otherwise subject to OAR 340-222-0041(4) except as provided in OAR 340-224-0030(4)(c).” | Sources with permits in effect on May 1, 2011 get an initial PM2.5 PSEL based on the PM2.5 fraction of the PM10 PSEL are not required to do any modeling or go through NSR/PSD as required in OAR 340-222-0041(4) if the PM2.5 PSEL is greater than an SER over the PM2.5 netting basis. The exception is if a source needs a third extension of an NSR/PSD permit under OAR 340-224-0030(4)(c). A new application would be required since DEQ does not grant three extensions and that would require a whole analysis of PM2.5. PM2.5 protected under first 2 extensions of an NSR/PSD permit. | done |
| NA | NA | 222 | 0041(3)(b) | Add “(b) For a source that had a permit in effect on May 1, 2011 but later needs to correct its PM10 PSEL that was in effect on May 1, 2011, due to better information, the corrected PM10 PSEL will be used to correct the initial PM2.5 PSEL.” | Clarification. If the PM10 PSEL was incorrect, it should be corrected before setting the PM2.5 PSEL based on the PM2.5 fraction of the PM10 PSEL. This is a one-time correction only for the initial PSEL and netting basis. | done |
| 200 | 0020(76)(b)(A) | 222 | 0041(3)(c) | Add “(c) If after establishing the initial PSEL for PM2.5 in accordance with this rule and establishing the initial PM2.5 netting basis in accordance with OAR 340-222-0046, the PSEL is more than nine tons above the netting basis, any future increase in the PSEL for any reason would be subject to OAR 340-222-0041(4).” | Initially PM2.5 PSELs will be exempt from triggering ambient air quality modeling or NSR/PSD because DEQ did not want a source to trigger any new requirements if it was not making any modifications or production increases when PM2.5 was added as a regulated pollutant. If the PM2.5 PSEL is more than 9 tons above the netting basis, then any future increase will trigger modeling or NSR/PSD. | done |
| 222 | 0041(3) | 222 | 0041(4) | Clarify language if the source is requesting an increase in the PSEL:  (4) For an increase in a PSEL or an initial PSEL, the applicant must satisfy subsection (a) or (b), as applicable: | Clarification | done |
| 222 | 0041(3)(a) | 222 | 0041(4)(a) | Clarify that if the source is requesting an increase in the PSEL, it must be less than or equal to the SER above the netting basis or (b)  (a) Demonstrate that the requested PSEL is not equal to or greater than an SER above the netting basis; or | Clarification | done |
| 222 | 0041(3)(b) | 222 | 0041(4)(b) | Clarify that if the source is requesting an increase in the PSEL and it is greater than the SER over the netting basis, the source must meet the applicable requirements of Major New Source Review or State New Source Review:  (b) For a PSEL increase that is equal to or greater than the SER over the netting basis, the source is subject to New Source Review.  (i) If the source is subject to Major New Source Review, the applicant must meet the applicable requirements of OAR 340-224-0010 and OAR 340-224-0025 through 224-0070,  (ii) If the source is not subject to Major New Source Review, the applicant must meet the applicable requirements of OAR 340-224-0010 and OAR 340-224-200 through 224-0270 (State New Source Review). | Clarification. Any increase in the PSEL | done |
| NA | NA | 222 | 0041(5) | Add a provision for not adjusting the source specific PSEL if the netting basis is adjusted in accordance with OAR 340-222-0051(3). | Clarification | done |
| NA | NA | 222 | 0041(6) | Add “(6) If a PSEL is established or revised to include emissions from activities that existed at a source prior to April 1, 2014 and which were previously considered categorically insignificant activities prior to April 1, 2014, and results in a PSEL greater than the netting basis by greater than or equal to an SER as a result of this revision, the requirements of OAR 340-222-0041(4) do not apply. If the revised PSEL is greater than or equal to the SER above the netting basis, any future increase in the PSEL for any reason would be subject to OAR 340-222-0041(4).” | The RICE NESHAP has requirements for emergency generators that were previously considered categorically insignificant activities. DEQ is also making changes to fuel and gas burning equipment included in categorically insignificant activities. A source could have numerous emissions units that burn fuel or gas, whose emissions could be greater than one ton in the aggregate. Because of these changes to categorically insignificant activities, DEQ realizes that existing sources that have these activities should not be penalized. Therefore, DEQ is grandfathering sources that had emergency generators or small fuel or gas burning equipment as of April 1, 2014 from potentially triggering NSR. Sources would be required to get a permit if needed but could limit PTE to stay on a general permit. | done |
| 222 | 0041(3)(b)(A) | 224 | 0250 | Move to division 224 | The requirements for State NSR in nonattainment areas are now in 340-224-0250. SEE SEPARATE DOCUMENT. | done |
| 222 | 0041(3)(b)(B) | 224 | 0260 | Move to division 224 | The requirements for State NSR in maintenance areas are now in 340-224-0260. SEE SEPARATE DOCUMENT. | done |
| 222 | 0041(3)(b)(C) | 224 | 0270 | Move to division 224 | The requirements for State NSR in attainment or unclassified areas are now in 340-224-0270. SEE SEPARATE DOCUMENT. | done |
| 222 | 0041(3)(b)(D) | 224 | 0250(2)(a)  0260(2)(a)(C)  0270(1)(c) | Move to division 224 | The requirement for demonstrating compliance with AQRV protection are in OAR 340-224-0250 for nonattainment areas, OAR 340-224-0260 for maintenance areas, and OAR 340-224-0270 for attainment and unclassified areas. | done |
| 222 | 0041(3)(c) | 224 | 0010 | Move to division 224 | The requirements for New Source Review are in division 224 | done |
| 222 | 0042(1) | NA | NA | Add “an” to established short term SER | Correction | done |
| 222 | 0042(1)(a) & (a)(A) | NA | NA | Restructure by adding “new and” to existing sources and “with potential to emit less than the short term SER, an initial short term PSEL will be set equal to the level of the short term generic PSEL” | Clarification and restructure | done |
| 222 | 0042(1)(a)(B) | 222 | 0042(1)(b) | Change to “For existing sources with potential to emit greater than or equal to the short term SER, a short term PSEL will be set equal to the source's short term potential to emit or current permit’s short term PSEL, whichever is less.” | Clarification and restructure | done |
| 222 | 0042(1)(b) | 222 | 0042(1)(c) | Add “with potential to emit greater than or equal to the short term SER” and “set at the level requested by the applicant provided the applicant meets the requirements of (2)(b)” | Sources can request a short term PSEL at a level greater than or equal to the short term SER if they follow the correct procedures in (2)(b) | done |
| 222 | 0042(2) | NA | NA | Change “If an applicant wants a short term PSEL at a rate greater than the initial short term PSEL, the applicant must” to “If an applicant requests an increase in a short term PSEL, the applicant must satisfy subsection (a) or (b) as applicable” | Clarification | done |
| 222 | 0042(2)(a) | NA | NA | Change “Demonstrate that the requested increase over the initial short term PSEL is less than the significant emission rate (Note: In this case new sources would get a generic PSEL); or” to “Demonstrate that the requested short term PSEL is not equal to or greater than the significant emission rate; or” | Clarification. The Note is not necessary. | done |
| 222 | 0042(2)(b) | NA | NA | Change to “For increases equal to or greater than the SER over the initial short term PSEL:” to “Meet the requirements of subsections (A) through (D) as applicable for a PSEL increase that is equal to or greater than the SER:” | Clarification and restructure | done |
| 222 | 0042(2)(b)(A) | NA | NA | Change “Obtain offsets and demonstrate a net air quality benefit in accordance with OAR 340-225-0090” to “Obtain offsets in accordance with the offset provisions for the designated area as specified in division 224” | The Requirements for Demonstrating a Net Air Quality Benefit are being moved to division 224 because they are requirements for NSR/PSD. They are not air quality analysis requirements. SEE SEPARATE DOCUMENT. | done |
| 222 | 0042(2)(b)(D) | NA | NA | Delete (D) For federal major sources, demonstrate compliance with air quality related values (AQRV) protection in accordance with OAR 340-225-0070. | The annual PSEL should be the driver for this AQRV requirement, not short term PSEL because it is a PSD provision. | done |
| NA | NA | 222 | 0042(2)(b)(D) | Add “For satisfying the requirements of (A) or (B), the short term PSEL increase must first be converted to an annual increase by multiplying the short term increase by 8,760 hours, 365 days, or 12 months, depending on the term of the short term PSEL.” | Offsets for short term PSEL increases need to be in terms of tons per year. | done |
| 222 | 0042(3) | NA | NA | Change “Once the short term PSEL is increased pursuant to section (2) of this rule, the increased level becomes the initial short term PSEL for future evaluations.” to “Once the short term PSEL is increased pursuant to section (2) of this rule, the increased level becomes the basis for evaluating future increases in the short term PSEL.” | Clarification | done |
| 200 | 0020(76) | 222 | 0046 | Move rules about establishing the netting basis from the definition to the PSEL rule | This will move procedural requirements from the definitions | done |
| 200 | 0020(76)(a) | 222 | 0046(1) | Move from division 200 definition of netting basis. Add “those” and delete “as specified in the definition of regulated pollutant” | Clarification. Division 224 defines what pollutants are regulated. | done |
| 200 | 0020(76)(b) | 222 | 0046(1)(a) | Move from division 200 definition of netting basis | Move without changes | done |
| 200 | 0020(76)(c) | 222 | 0046(1)(b) | Move from division 200 definition of netting basis. Delete “and PSEL” | This rule is for netting basis, not the PSEL | done |
| NA | NA | 222 | 0046(2) | Add “(2) The netting basis is determined as specified in subsection (a), (b), or (c) and will be adjusted according to section (3):” | Clarification | done |
| 200 | 0020(76) | 222 | 0046(2)(a) | Move from division 200 definition of netting basis. Add exception for PM2.5. | There is no baseline emission rate for PM2.5 | done |
| 200 | 0020(76)(b)(A) | 222 | 0046(2)(b) | Move from division 200 definition of netting basis. Change to "For PM2.5, a source’s initial netting basis is equal to the overall PM2.5 fraction of the PM10 PSEL in effect on May 1, 2011 multiplied by the PM10 netting basis in effect on May 1, 2011. The initial netting basis may be increased by up to 5 tons if necessary to avoid exceedance of the PM2.5 significant emission rate.” | Clarification | done |
| 200 | 0020(76)(b)(B) | 222 | 0046(2)(b)(A) | Change to “(A) Any source with a permit in effect on May 1, 2011 is eligible for a PM2.5 netting basis without being otherwise subject to OAR 340-222-0041(4) unless the permit is terminated as required by OAR 340-224-0030(4)(c). ” | Clarification. Initially PM2.5 PSELs will be exempt from triggering ambient air quality modeling or NSR/PSD because DEQ did not want a source to trigger any new requirements if it was not making any modifications or production increases when PM2.5 was added as a regulated pollutant. The exception is if a source needs a third extension of an NSR/PSD permit under OAR 340-224-0030(4)(c). A new application would be required since DEQ does not grant three extensions and that would require a whole analysis of PM2.5. PM2.5 protected under first 2 extensions of an NSR/PSD permit. | done |
| NA | NA | NA | 0046(2)(b)(B) | Add “(B) For a source that had a permit in effect on May 1, 2011 but later needs to correct its PM10 netting basis that was in effect on May 1, 2011, due to better information, the corrected PM10 netting basis will be used to correct the initial PM2.5 netting basis.” | After adding PM2.5 as a regulated pollutant, DEQ found that some PM10 netting bases required correction before they could be used to establish PM2.5 netting bases. DEQ wrote an Internal Management Directive addressing this situation and is now including it in the rule. | done |
| 200 | NA | NA | 0046(2)(b)(B)(i) | Add “(i) Correction of a PM10 netting basis will not by itself trigger OAR 340-222-0041(4) for PM2.5.” | Clarification. Initially PM2.5 PSELs will be exempt from triggering ambient air quality modeling or NSR/PSD because DEQ did not want a source to trigger any new requirements if it was not making any modifications or production increases when PM2.5 was added as a regulated pollutant. | done |
| 200 | NA | NA | 0046(2)(b)(B)(ii) | Add “(ii) Correction of a PM10 netting basis could result in further requirements for PM10 in accordance with all applicable regulations.” | Clarification. Correcting the PM10 netting basis could result in further requirements such as a different permit, modeling, or triggering NSR/PSD. | done |
| 200 | 0020(76)(d) | 222 | 0046(2)(c) | Move from division 200 definition of netting basis | Move without changes | done |
| 200 | 0020(76) | 222 | 0046(2)(c)(A) | Move from division 200 definition of netting basis. Add “Major” to New Source Review and add “except as provided in subsection (2)(b) for PM2.5” | Sources will be given a netting basis for PM2.5 without going through Major New Source Review if they had a netting basis for PM10. | done |
| 200 | 0020(76) | 222 | 0046(2)(c)(B) | Move from division 200 definition of netting basis | Move without changes | done |
| 200 | 0020(76) | 222 | 0046(2)(c)(C) | Move from division 200 definition of netting basis | Move without changes | done |
| 200 | 0020(76) | 222 | 0046(2)(c)(D) | Move from division 200 definition of netting basis | Move without changes | done |
| 200 | 0020(76) | 222 | 0046(3) | Move from division 200 definition of netting basis | Separate the ways that the netting basis can be adjusted from section (76) | done |
| 200 | 0020(76)(f) | 222 | 0046(3)(a) | Move from division 200 definition of netting basis . Change to “(a) The netting basis will be reduced by any emission reductions required by rule, order, or permit condition required by the SIP or used to avoid SIP requirements effective as of the effective date of the rule, order or permit condition;” | Correction. Add language about SIP which was previously omitted. | done |
| 200 | 0020(76)(f) | 222 | 0046(3)(a)(A) | Move from division 200 definition of netting basis. Change to “(A) The netting basis reduction only applies if the source is allowed, on the effective date of the rule, order or permit condition, to operate the devices or emissions units that are subject to the rule, order, or permit condition requiring emission reductions.” | Clarification | done |
| 200 | 0020(76) | 222 | 0046(3)(a)(B) | Add “(B) Emission reductions for the affected devices or emissions units will be determined consistent with the approach used to determine the netting basis prior to the regulatory action reducing the emissions. The emission reduction is the difference between the emissions calculated using the previous emission rate and the emission rate established by rule, order, or permit using appropriate conversion factors when necessary.” | Clarification. DEQ wrote an Internal Management Directive addressing this situation and is now including it in the rule. | done |
| 200 | 0020(76)(h) | 222 | 0046(3)(a)(C) | Move from division 200 definition of netting basis | Move without changes | done |
| NA | NA | 222 | 0046(3)(a)(D) | Add “(D) Emission reductions required by rule do not include emission reductions as a result of the requirements in OAR 340, division 244 and therefore, do not reduce the netting basis for criteria pollutants.” | From 11/12/97 EPA Memo: Crediting of MACT emissions reductions for NSR netting and offsets. Required HAP emission reductions are not creditable as offsets but can be used if in excess of MACT standards. Therefore, these reductions would not affect the netting basis. | done |
| 200 | 0020(76) | 222 | 0046(3)(b) | Move from division 200 definition of netting basis | Separate the ways that the netting basis can be adjusted from section (76) | done |
| 200 | 0020(76) | 222 | 0046(3)(c) | Move from division 200 definition of netting basis | Separate the ways that the netting basis can be adjusted from section (76) | done |
| 200 | 0020(76)(g) | 222 | 0046(3)(d) | Move from division 200 definition of netting basis. Change to “(d) The netting basis will be reduced when actual emissions are reduced according to OAR 340-222-0051” | Simplification | done |
| NA | NA | 222 | 0046(3)(e) | Add “(e) Except as provided in subsection (f), the netting basis will be increased by any emission increases approved through the Major New Source Review regulations in OAR 340 division 224 provided the increases were subject to both an air quality analysis and a control technology analysis.” | Clarification | done |
| NA | NA | 222 | 0046(3)(f) | Add “(f) For sources where the netting basis was increased in accordance with DEQ PSD rules prior to July 1, 2001, emissions from emissions units that were not subject to both air quality analysis and a control technology analysis will remain in the netting basis.” | Clarification. Prior to 2001, DEQ PSD rules allowed sources that triggered PSD but did not cause or contribute to a significant air quality impact to be exempt from BACT requirements. These sources satisfied all the applicable requirements at the time and should therefore receive an increase in their netting basis like other sources that met the applicable requirements of PSD at the time they triggered PSD. | done |
| NA | NA | 222 | 0043(3)(g) | Add “(g) The netting basis will be increased by any emissions from activities previously classified as categorically insignificant prior to April 1, 2014, provided the activities existed during the baseline period or at the time of the last Major New Source Review approval.” | The RICE NESHAP has requirements for emergency generators that were previously considered categorically insignificant activities. DEQ is also making changes to fuel and gas burning equipment included in categorically insignificant activities. A source could have numerous emissions units that burn fuel or gas, whose emissions could be greater than one ton in the aggregate. Because of these changes to categorically insignificant activities, DEQ realizes that existing sources that have these activities should not be penalized. Therefore, DEQ is grandfathering sources that had emergency generators or small fuel or gas burning equipment as of April 1, 2014 from potentially triggering NSR. The emissions from the categorically insignificant activities will be added to the netting baseline if applicable. | done |
| 222 | 0043(3) | 222 | 0046(4) | Move from OAR 340-222-0043 General Requirements for All PSEL. Add “ and remains at zero unless an increase is approved in accordance with OAR 230-222-0046(3)(e)” | The netting basis can be increase if approved through Major New Source Review. | done |
| 200 | 0020(76)(e) | 222 | 0046(5) | Move from division 200 definition of netting basis | Move without changes | done |
| 200 | 0020(76)(i) | 222 | 0046(6) | Move from division 200 definition of netting basis. Change “permit’s netting basis  to “source’s netting basis” | Clarification | done |
| 200 | 0020(76)(j) | 222 | 0046(7) | Move from division 200 definition of netting basis | Move without changes | done |
| 222 | 0048 |  |  | Add baseline emission rate procedures from division 200 definitions | Move procedural requirements out of definitions. Establishment of the baseline emission rate should be in Division 222 Plant Site Emission Limits | done |
| 200 | 0020(13) | 222 | 0048(1) | Move from division 200 definition of baseline emission rate | Move without changes | done |
| 200 | 0020(14)(a) | 222 | 0048(1)(a) | Move from division 200 definition of baseline period. Change to “(a) The baseline period for any regulated pollutant other than greenhouse gases is any consecutive 12 calendar month period during the calendar years 1977 or 1978. DEQ may allow the use of a prior time period upon a determination that it is more representative of normal source operation.” | Restructure from definition of baseline period | done |
| 200 | 0020(14)(b) | 222 | 0048(1)(b) | Move from division 200 definition of baseline period. Change to “(b) The baseline period for greenhouse gases is any consecutive 12 calendar month period during the calendar years 2000 through 2010.” | Restructure from definition of baseline period | done |
| 200 | 0020(13)( | 222 | 0048(1)(c) | Add “(c) For a pollutant that becomes a regulated pollutant subject to OAR 340 division 224 after May 1, 2011, the baseline period is any consecutive 12 month period within the 24 months immediately preceding its designation as a regulated pollutant if a baseline period has not been defined for the pollutant.” | For consistency with the definition of baseline emission rate since pollutant that become regulated after May 1, 2011 also need a baseline period defined. | done |
| 200 | 0020(13)(a) | 222 | 0048(2) | Move from division 200 definition of baseline emission rate. Delete “as specified in the definition of regulated pollutant” | Simplification. Division 224 defines what pollutants are regulated. | done |
| 200 | 0020(13)(a) | 222 | 0048(3) | Move from division 200 definition of baseline emission rate. | Move without changes | done |
| 200 | 0020(13)(b) | 222 | 0048(4) | Move from division 200 definition of baseline emission rate. | Move without changes | done |
| 200 | 0020(13)(c) | 222 | 0048(5) | Move from division 200 definition of baseline emission rate. Change to “For a pollutant that becomes a regulated pollutant subject to OAR 340 division 224 after May 1, 2011, the initial baseline emission rate is the actual emissions of that pollutant during the baseline period specified in OAR 340-222-0048(1)(c)” | Simplification | done |
| 200 | 0020(13)(d) | 222 | 0048(6) | Move from division 200 definition of baseline emission rate. Change to “(6) The baseline emission rate will be recalculated only under the following circumstances:” | Clarification. Restructure how the baseline emission rate will be recalculated. | done |
| 200 | 0020(13)(d) | 222 | 0048(6)(a) | Move from division 200 definition of baseline emission rate. Change to “(a) For greenhouse gases, if actual emissions are reset in accordance OAR 340-222-0051;” | Only the GHG baseline emission rate will be reset. The netting basis will be reset for all other pollutants, not the baseline emission rate. | done |
| 200 | 0020(13)(e) | 222 | 0048(6)(b) | Move from division 200 definition of baseline emission rate. Change to “(b) If a material mistake or an inaccurate statement was made in establishing the production basis for the baseline emission rate; or” | Clarification | done |
| NA | NA | 222 | 0048(6)(c) | Add “(c) A better emission factor is available.” | Correction, previously omitted | done |
| NA | NA | 222 | 0048(7) | Move from division 200 definition of baseline emission rate. | Move without changes | done |
| 200 | 0020(3) | 222 | 0051 | Move from division 200 definition of actual emissions | Move procedural requirements out of definitions. Establishing and resetting actual emissions should be in Division 222 Plant Site Emission Limits. | done |
| 200 | 0020(3)(a) | 222 | 0051(1) | Move from division 200 definition of actual emissions | Move without changes | done |
| 200 | 0020(3)(a)(A) | 222 | 0051(1)(a) | Move from division 200 definition of actual emissions. Change “paragraphs (B) and (C)” to “subsections (b) and (c)” | Restructure so correct cross reference | done |
| 200 | 0020(3)(a)(A) | 222 | 0051(1)(a) | Move from division 200 definition of actual emissions. Change “subsection (b)” to “section (2)” | Restructure so correct cross reference | done |
| 200 | 0020(3)(a)(A) | 222 | 0051(1)(a) | Move from division 200 definition of actual emissions. Delete “of this section” | Not needed | done |
| 200 | 0020(3)(a)(B) | 222 | 0051(1)(b) | Move from division 200 definition of actual emissions. Change (A) to (a) | Restructure | done |
| 200 | 0020(3)(a)(C) | 222 | 0051(1)(c) | Move from division 200 definition of actual emissions. Change “(i) through (iii)” to “(A) through (C)” and “subsection (c) of this section” to “subsection (3) below” | Restructure | done |
| 200 | 0020(3)(a)(C)(i) | 222 | 0051(1)(c)(A) | Move from division 200 definition of actual emissions. Add division 216 | Sources can be approved to construct and operate in accordance with division 216 | done |
| 200 | 0020(3)(a)(C)(ii) | 222 | 0051(1)(c)(B) | Move from division 200 definition of actual emissions | Move without changes | done |
| 200 | 0020(3)(a)(C)(iii) | 222 | 0051(1)(c)(C) | Move from division 200 definition of actual emissions | Move without changes | done |
| 200 | 0020(3)(b) | 222 | 0051(2) | Move from division 200 definition of actual emissions. Add “the Major New Source Review rules in” | Clarification. Only the Major New Source Review rules would set actual emissions to potential to emit. | done |
| 200 | 0020(3)(b) | 222 | 0051(2) | Move from division 200 definition of actual emissions. Add “or part of the source” | Clarification. This will make the language consistent with this section. | done |
| 200 | 0020(3)(b) & (3)(c)(A) | 222 | 0051(3) | Move from division 200 definition of actual emissions. Change to “For any source or part of a source whose actual emissions of greenhouse gases were determined pursuant to paragraph (1)(c)(B), and for all other sources of all other regulated pollutants that are permitted in accordance with the Major New Source Review rules in OAR 340 division 224 on or after May 1, 2011, the potential to emit of the source or part of the source will be reset to actual emissions as follows:” | Restructure | done |
| 200 | 0020(3)(c)(B) | 222 | 0051(3)(a) | Move from division 200 definition of actual emissions. Change to “Except as provided in subsection (c), ten years from the end of the applicable baseline period under paragraph (1)(c)(B) or ten years from the date the permit is issued under section (2), or an earlier time if requested by the source in a permit application involving public notice, DEQ will reset actual emissions of the source or part of the source to equal the highest actual emission rate during any consecutive 12-month period during the ten year period or any shorter period if requested by the source. Actual emissions are determined as follows:” | Restructure | done |
| NA | NA | 222 | 0051(3)(a)(A) | Add “(A) The source must select a consecutive 12-month period and the same 12-month period must be used for all pollutants and all affected devices or emissions units;” | Defines the period for which actual emissions are determined | done |
| NA | NA | 222 | 0051(3)(a)(B) | Add “(B) The source must determine the actual emissions during that 12-month period for each device or emissions unit that was subject to Major New Source Review or for which the baseline emission rate is equal to the potential to emit;: | Defines the devices or emissions units for which actual emissions must be determined for sources that triggered Major New Source Review and GHG sources whose baseline emission rate was set to potential to emit | done |
| NA | NA | 222 | 0051(3)(a)(C) | Add “(C) The reset netting basis or part of the netting basis is equal to the sum of the actual emissions for all of the affected devices and emissions units.” | Defines how the netting basis will be reset based on actual emissions | done |
| 200 | 0020(3)(c)(D) | 222 | 0051(3)(b) | Move from division 200 definition of actual emissions. | Move without changes | done |
| 200 | 0020(3)(c)(C) | 222 | 0051(3)(c) | Delete “(highest and best practicable treatment and control)” | OAR 340-226-0110 is Pollution Prevention and 0120 is Operating and Maintenance Requirements | done |
| 200 | 0020(3)(c)(C) | 222 | 0051(3)(c) | Move from division 200 definition of actual emissions. Change “paragraph (A)” to “subsection (a)” | Restructure | done |
| 222 | 0045 | 222 | 0055 | Renumber | Renumber | done |
| 222 | 0060 | NA | NA | Delete “**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.” | This rule is for hazardous air pollutants so should not be included in the SIP. Approval for this rule should be under Section 112(l) of the Clean Air Act | done |
| 222 | 0070(1) | 222 | 0035(5) | Move PSELs for categorically insignificant activities to the General Requirements for All PSELs | Reorganize to clarify | done |
|  | 0070(2) | 222 | 0035(6) | Move PSELs for aggregate insignificant emissions to the General Requirements for All PSELs | Reorganize to clarify | done |
|  | 0070(3) | 224 | 0025(1)(b)(A) | Move PSELs for insignificant activities to the major modification section of division 224 | Reorganize to clarify | done |
| 222 | 0090(1)(b)(A) & (B) | NA | NA | Add “Major” to New Source Review | DEQ has separated Major New Source Review from Minor New Source Review | done |
| 222 | 0090(2) & (2)(a) | NA | NA | Require sources that split into two or more separate sources, and where each new separate source has a different two-digit primary SICs from the original source, the netting basis and SER for the original source stays with the original source. Add a provision for transferring the netting basis and SER to a combined heat and power facilities that supports the primary SIC. | If you split a source into 2 separate sources, those two sources can have different SICs but the netting basis and SER must stay with the original source except in the case of a combined heat and power facility that supports the primary SIC. The netting basis protects the airshed. If the new SIC source is grandfathered, then they wouldn’t have to do an AQ analysis. The source with the new SIC should be considered a new source and should potentially trigger NSR/PSD. EPA encourages use of combined heat and power facilities. | done |
| 222 | 0090(2)(b)(A) & (B) | NA | NA | Add “Major” to New Source Review | DEQ has separated Major New Source Review from Minor New Source Review | done |
| NA | NA | 222 | 0090(2)(c) | Add “The amount of the netting basis that is transferred to the combined heat and power facility may not exceed its potential to emit.” | Add a provision for transferring the netting basis to the combined heat and power facility. |  |
| 222 | 0090(3) | NA | NA | Add “or operator” and “or most recent Major New Source Review action” | Clarification. If a source has triggered Major New Source Review, then a netting basis since that action must be split instead of the netting basis since the baseline period. | done |
| 224 |  |  |  | Major New Source Review |  |  |
| 224 |  |  |  | Secretary of State - Correct rule history in whole division | Research into the rule history for this division found inaccuracies. Rules for NSR/PSD were adopted at the June 8, 1979, April 24, 1981 and June 5, 1981 EQC meetings.  Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0220; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1900; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2004, f. & cert. ef. 4-14-04; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; Administrative correction, 3-29-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11 |  |
| 224 | NA | NA | NA | Change title of division to New Source Review | DEQ has added rules for minor new source review in this section so this division now covers both major and minor new source review | done |
| NA | NA | 224 | All | Replace “major source” with “federal major source” if applicable | DEQ is regulating major sources at the federal major thresholds under the Major New Source Review program. Sources emitting at the significant emission rate up to the federal major thresholds will be regulated under the Minor New Source Review program. | done |
| NA | NA | 224 | 0010(1) & (2) | Add rules that specify which rules apply to Major New Source Review and which rules apply to Minor New Source Review | Clarification | done |
| 224 | 0010(1) | 224 | 0010(3) | Add an applicability section for sustainment areas which are areas violating the NAAQS but not yet designated as nonattainment areas | There are areas that violate the NAAQS but have not yet been designated nonattainment by EPA.  Sources in these areas would fall under the requirements for attainment or unclassified areas rather than nonattainment areas. DEQ is creating requirements for sources in these “sustainment areas” in order to improve air quality and to enable the source to construct or modify. Without these rules, sources would not be able to construct or modify because they would never be able to show compliance with the NAAQS since the background concentration is already above the NAAQS. | done |
| 224 | 0010(1) | 224 | 0010(3) | Add an applicability section for reattainment areas which are areas that are currently designated as nonattainment areas but are meeting ambient air quality standards and have not yet been designated as maintenance areas | It takes time to develop maintenance plans for nonattainment areas before EPA can redesignate the area to maintenance. After DEQ has three years of data showing that the area is meeting the NAAQS but before the maintenance plan can be developed, DEQ wants to designate these areas as reattainment areas. This will give source more flexibility in permitting requirements before the area is redesignated as maintenance. | done |
| 224 | 0010(1) | 224 | 0010(3) | Change to “(3) Within designated sustainment, nonattainment, reattainment and maintenance areas, the requirements for these areas apply only to the regulated pollutant(s) for which the area is designated.” | Clarification for additional areas and define by pollutant | done |
| 224 | 0010(2) | 224 | 0010(4) | Change to “(4) Within attainment and unclassifiable areas, this division applies to all regulated pollutant(s) emitted at or above the significant emission rate for the regulated pollutant(s) except for any pollutant for which the area is designated nonattainment and reattainment .” | Define by pollutant instead of source type | done |
| 224 | 0010(3) | 224 | 0010(5) | Change to “(5) Owners and operators of all sources are subject to other DEQ rules, including but not limited to Highest and Best Practicable Treatment and Control (OAR 340-226-0100 through 340-226-0140),” | All sources are subject to the listed applicable requirements, not just sources that are not subject to either Major or Minor New Source Review | done |
| 224 | 0010(4) | 224 | 0010(6) | Delete “of this rule” | Unnecessary | done |
| 224 | 0010(5) | 224 | 0010(7) | Delete the “s” from GHG | Correction | done |
| 224 | 0010(6) | 224 | 0010(8) | Change “section (5)” to “section (7)” and delete “of this rule” | Correction for renumbering of rules and unnecessary | done |
| 224 | 0010(7) | 224 | 0010(9) | Add “and State New Source Review” to “Major New Source Review” | LRAPA will also be implementing the State New Source Review program | done |
| NA | NA | NA | NA | Add the title “Major New Source Review” | DEQ has added rules for minor new source review in this section so this division now covers both major and minor new source review | done |
| 200 | 0020(71) | 224 | 0025 | Add definition of major modification from division 200 and change lead-in to:  (1) "Major Modification" means any physical change(s) or change(s) in the method of operation of a source where the requirements of both sections (2) and (3) or of section (5) are satisfied for any pollutant subject to Major New Source Review as specified in subsection (c) of the definition of regulated air pollutant in division 200 since the later of:  (a) the baseline period for all pollutants except PM2.5; or  (b) May 1, 2011 for PM2.5; or  (c) the most recent New Source Review action for that pollutant. | The definition of major modification only applies to this division and explains how to determine if a major modification takes place. This procedural requirement does not belong in the definitions of division 200. This also provides clarification of when a major modification is triggered. | done |
| 200 | 0020(71)(a) | 224 | 0025(2) | Change “subsection” to “section” and change the cross reference to (6) | Restructure | done |
| 200 | 0020(71)(b) | 224 | 0025(3) | Delete “as determined in accordance with paragraphs (A) and (B) of this subsection | Restructure | done |
| 200 | 0020(71)(b)(A) | 224 | 0025(3)(a) | Change to:  “(a) Calculations of emission increases in section (3) must account for all accumulated increases in actual emissions due to physical changes and changes in the method of operation occurring at the source since the netting basis was last established for that pollutant as specified in section (1). Emissions from categorically insignificant activities, aggregate insignificant emissions, and fugitive emissions must be included in the calculations. “ | Restructure and clarification. There is no baseline period for PM2.5 so the changes must be tracked since the netting basis was last established. Reword the requirement that emissions from categorically insignificant activities, aggregate insignificant emissions and fugitive emissions must be included in the calculations. | done |
| 200 | 0020(71) | 224 | 0025(4) | Move “Major modifications for ozone precursors or PM2.5 precursors also constitute major modifications for ozone and PM2.5, respectively.” to section (4) | Restructure | done |
| 200 | 0020(71)(e) | 224 | 0025(5) | Add “federal” to major and delete “in nonattainment or maintenance areas or a federal major source in attainment or unclassified areas” | The change in the definition of “federal major” makes this language no longer necessary. | done |
| 200 | 0020(71)(1)(c) | 224 | 0025(5) | Change to “(c) Any change at a source, including production increases, that would result in a Plant Site Emission Limit increase of 1 ton or more for any regulated pollutant for which the source is a federal major source, if the source obtained permits to construct and operate after the applicable baseline period but has not undergone Major New Source Review.” | DEQ has changed the definition of major source to federal major source to accommodate the State New Source Review program for non-federal major sources and changes that are not major modifications. The requirement applies in all areas of the state. | done |
| 200 | 0020(71)(c)(A) | 224 | 0025(5)(a) | Change subsections to sections because of restructuring. | Correction | done |
| 200 | 0020(71)(d) | 224 | 00025(6) | Delete parentheses around “or both” and change subsections to sections. Change the reference to the reset of the netting basis to OAR 340-222-0051. Delete “the definitions of baseline emission rate and netting basis.” | Correction. Procedures for the netting basis were moved to division 222. | done |
| 200 | 0020(71)(e)(A) | 224 | 0025(7)(a) | Change subsections to sections because of restructuring. | Correction | done |
| NA | NA | 224 | 0025(8) | Add:  (8) When better emissions information becomes available, a recalculation of the PSEL, netting basis, and increases/decreases in emissions must be performed to determine whether a major modification has occurred. Regardless of the preconstruction PSEL contained in the permit, a major modification has occurred if the criteria in sections (1) through (7) are met as a result of the recalculated PSEL. | Clarification. When better emissions information becomes available, DEQ will use that information to determine whether a major modification has occurred. | done |
|  |  | 224 | 0025 | Add the Editorial Note:  “[ED. NOTE: This rule was moved verbatim from OAR 340-200-0020(71) and amended in redline/strikeout.]” | Clarification | done |
| NA | NA | 224 | 0025 | Add the Note and statutory authority :  “NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.  Stat. Auth.: ORS 468.020, 468A.025, 468A.035, 468A.055 & 468A.070  Stats. Implemented: ORS 468A.025 & 468A.035” | This new rules should be included in the SIP. | done |
| 224 | 0030 | NA | NA | Change title to “Major New Source Review Procedural Requirements” | Clarification. These procedural requirements are for Major New Source Review. There are also procedural requirements for State New Source Review. | done |
| 224 | 0030 | NA | NA | Add “federal” to major source | DEQ has changed the definition of major source to federal major source to accommodate the State New Source Review program for non-federal major sources and changes that are not major modifications. | done |
| 224 | 0030(3) | 224 | 0030(2) | Change the time when DEQ will make a final determination on the application from six months to twelve months. | Past practice for DEQ to make a final determination on an application has been at least 12 months, if not longer. The rule changes reflect the reality of Major NSR application processing. | done |
| 224 | 0020(3)(b) | 224 | 0030(2)(b) | Add “using the public participation procedures of Category IV in OAR 340 division 209:” to the end of (b) | Clarification. The Category IV public participation procedures will be used for Major NSR/PSD permit applications. | done |
| NA | NA | 224 | 0030(3)(b)(A) | Add “(A) Making the permit application available at a public meeting;” | Clarification. A public meeting will be held shortly after the NSR/PSD application is received to notify the public. | done |
| 224 | 0030(3)(b)(B) | 224 | 0030(2)(b)(C) | Change to “(C) Making the proposed permit available for comment and holding a public hearing.” | Clarification and restructuring. Add the requirement for a public hearing on the proposed permit. Move the public participation requirements to subsection (b). Move the allowances for extensions to section (3). | done |
| 224 | 0030(2) | 224 | 0030(3) | Delete “Other Obligations” and restructure | Restructure | done |
| NA | NA | 224 | 0030(4) | Add:  “(4) If after construction commences, the owner or operator intends to modify the project, the owner or operator must temporarily halt construction and obtain approval for the modification using permit application requirements in division 216 and this division.” | Clarification. If the owner or operator needs to modify the approved project, construction must be temporarily halted to ensure air quality is protected by doing any additional analysis that may be required. | done |
| 224 | 0030(2)(a) | 224 | 0030(5) | Add “Permit Extensions” | Correction | done |
| 224 | 0030(2)(a) | NA | NA | Change to:  “DEQ may extend the 18-month period for good cause provided there have not been any changes to the project which would negatively affect air quality.” | Clarify that extensions to NSR/PSD construction permits are allowed as long as there haven’t been any changes to the project that would negatively affect air quality, such as increase emissions, different stack characteristics, etc. | done |
| NA | NA | 224 | 0030(3)(a) | Add”  “(a) For the first extension, the owner or operator must provide a LAER or BACT analysis, as applicable, if any new control technologies become commercially available since the original LAER or BACT analysis for the original pollutants subject to major New Source Review. | Clarify what is required for the first extensions to NSR/PSD construction permits. | done |
| NA | NA | 224 | 0030(3)(b) | Add”  “(b) For the second extension the owner or operator must provide the following for the original pollutants subject to major New Source Review:  (A) A review of the original LAER or BACT analysis for potentially lower limits and a review of any new control technologies that may have become commercially available since the original LAER or BACT analysis; and  (B) A review of the air quality analysis to address any of the following:  (i) all ambient standards or increments that were subject to review under the original application;  (ii) any new competing sources or changes in ambient air quality, including any redesignation of the area impacted, since the original application was submitted;  (iii) any new ambient standards or increments for the regulated pollutants that were subject to review under the original application; and  (iv) any changes to EPA approved models that would affect modeling results since the original application was submitted. ” | Clarify what is required for the second extensions to NSR/PSD construction permits. | done |
| NA | NA | 224 | 0030(3)(c) | Add:  (c) DEQ will not grant a third extension and the original major New Source Review/Prevention of Significant Deterioration permit is automatically terminated no later than five years after it was issued.  (A) If the owner or operator wants approval to construct beyond the second extension, the owner or operator must submit a new major New Source Review/Prevention of Significant Deterioration permit application. (B) The owner or operator may continue to use the original emission reduction credits and any additional emission reduction credits that may become necessary for the project provided:  (i) the 10 year emission reduction credit banking period has not expired; and  (ii) changes to the project do not result in a change to the two digit Standard Industrial Classification (SIC) code associated with the project; and  (iii) the emission reduction credits will continue to satisfy the offset and net air quality benefit criteria.” | Clarification. DEQ will not grant third extensions. Add a provision that any emission reduction credits or offsets used in the original application may continue to be used if a new application is required provided the credit has not expired and any changes to the project do not change the two digit SIC code. | done |
| NA | NA | 224 | 0030(5)(d) | Add:  “(d) To request a construction extension as provided in subsection (a) or (b), the owner or operator must submit an application to modify the permit at least 30 days prior to the end of the current construction approval period. | Clarification. Add requirements for submittal of an application for construction extension | done |
| NA | NA | 224 | 0030(5)(d)(A) | Add:  “(A) DEQ will make a proposed permit modification available using the following public participation procedures:  (i) Category II for an extension that does not require an air quality analysis; or  (ii) Category III for an extension that requires an air quality analysis.” | DEQ will grant the first extension provided there have not been any changes to the project which would negatively affect air quality. The public participation procedures for Category II provide a 30 period to submit written comments | done |
| NA | NA | 224 | 0030(5)(b)(B) | Add:  “(B) If DEQ determines that the project will continue to meet New Source Review requirements, the approval to construct will be extended for 18 months from the date the permit modification is issued.” | If an air quality analysis is required for the second extension, the public participation procedures for Category III provides a 35 day period to submit written comments and a provision for a hearing, if one is scheduled. | done |
| NA | NA | 224 | 0030(5)(b)(C) | Add:  “(C) The expiration date of an New Source Review permit is not affected by construction extensions.  If the owner or operator wants approval to construct beyond the expiration date of the New Source Review permit, the owner or operator must submit a new major New Source Review permit application UNLESS AN APPLICATION FOR A TITLE V PERMIT HAS BEEN SUBMITTED. IF A TITLE V PERMIT APPLICATION HAS BEEN SUBMITTED, THE NEW SOURCE REVIEW PERMIT WILL REMAIN IN EFFECT UNTIL THE TITLE V PERMIT HAS BEEN ISSUED.” | Clarification. Extensions cannot extend beyond the original date of the NSR permit. | done |
| 224 | 0030(2)(c) | 224 | 0030(7) | Change “paragraph (3)(b) of this rule” to “division 216” and “subsection (d) of this rule” to “section (8)” | Correction and restructure. Construction approval under an ACDP is in division 216 | done |
| 224 | 0030(2)(c) | 224 | 0030(7)(a) | Add “federal” to major source | DEQ has changed the definition of major source to federal major source to accommodate the State New Source Review program for non-federal major sources and changes that are not major modifications. | done |
| 224 | 0030(3)(b)(B) | NA | NA | Delete “Extension of Construction Permits beyond the 18-month time period in paragraph (2)(a) of this rule are available in accordance with the public participation procedures required by Category II in lieu of Category IV.” | Permit extensions are covered in section (5) | done |
| 224 | 0080 | 224 | 0034 | Move “Exemptions” and delete “(NAAQS)” after National Ambient Air Quality Standard | Restructure and not necessary | done |
| 224 | 0080 | 224 | 0034 | Add “PSD” to increment | Clarify that it is the PSD increment that is defined in division 202. | done |
| 224 | 0100 | 224 | 0038 | Move “Fugitive and Secondary Emissions” | Restructure | done |
| 224 | 0100 | 224 | 0038 | Change to:  “Secondary emissions are not included in calculations of potential emissions that are made to determine if a proposed source is a federal major or if the modification is major. Once a source is identified as being a federal major source or a modification is identified as being major, secondary emissions also become subject to the air quality impact analysis requirements in this division and OAR 340 division 225.” | Clarification. Secondary emissions are not included in the emission calculations of potential emissions to determine if a proposed source is a federal major source. Once the source is identified as a federal major source or a modification is major, secondary emissions become subject to the air quality analysis requirements of division 225. | done |
| 224 | 0040 | NA | NA | Add “federal” and “at a federal major source” | DEQ has changed the definition of major source so the distinction between major and federal major must be made. | done |
| NA | NA | 224 | 0045 | Add a section for Requirements for Sources in Sustainment Areas:  “Within a designated sustainment area, proposed federal major sources and major modifications at federal major sources must meet the requirements listed below:  (1) The owner or operator must comply with the Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas in OAR 340-224-0070; and  (2) For the sustainment area pollutant, including precursors, the owner or operator must meet the Net Air Quality Benefit requirements of OAR 340-224-0520 for ozone areas or 340-224-0540(4) for non-ozone areas, whichever is applicable, unless the source can demonstrate that the impacts are less than the significant impact levels at all receptors within the designated area.” | This provision will help the area from becoming a nonattainment area and will also allow sources to construct in areas that are not yet designated as nonattainment areas. BACT will minimize emissions and the net air quality benefit requirements will ensure that AQ will not be harmed. | done |
| 224 | 0050 | NA | NA | Add “federal” and “at a federal major source” and switch the order or SO2 or NOx | DEQ has changed the definition of major source so the distinction between major and federal major must be made. Consistency | done |
| 224 | 0050(1)(a)(B) | NA | NA | Change “or” to “for” | Correction | done |
| 224 | 0050(1)(c) | NA | NA | Add “major” | DEQ has changed the definition of major source so the distinction between major and federal major must be made. | done |
| NA | NA | 224 | 0050(2) | Add a provision for Air Quality Protection   * Air quality analysis – AQRV for federal major sources * Net Air Quality Benefit   + ozone NAA   + non-ozone NAA     - offsets 1.2:1 or 1.0:1 if from priority sources     - modeling < Class II SILs @ all receptors or     - modeling < Class II SILs @ DEQ monitor &     - modeling < 10% of NAAQS | DEQ is redefining Net Air Quality Benefit for all sources in all areas. See SEPARATE DOCUMENT. | done |
| NA | NA | 224 | 0050(3) | Add a provision for requirements if a source impacts other designated area:   * Other than attainment or unclassified area:   + less than Class II SIL at all receptors or   + offsets * Attainment or unclassified area:   + NAAQS   + Class II Increments | DEQ is redefining Net Air Quality Benefit for all sources in all areas. See SEPARATE DOCUMENT.  Nonattainment: offsets and demonstrate a net air quality benefit 340-225-0090  Maintenance: offsets and demonstrate a net air quality benefit OAR 340-225-0090; OR  growth allowance; or  (compliance with the air quality impact levels in OAR 340-224-0060(2)(c) or (2)(d),    Located in attainment, maintenance, or unclassifiable area: single source < SILs or competing sources < NAAQS and PSD increments | done |
| 224 | 0050(3)(a) | 224 | 0050(4)(a) | Add “federal major “ to source and delete “that emits or has the potential to emit 100 tons per year or more of any regulated pollutant” | 340-224-0050 applies to federal major sources, which are defined as 100 tpy sources in nonattainment areas. This language is not necessary. | done |
| 224 | 0050(3)(a) | 224 | 0050(4)(b) | Add “federal major” to source and delete “that emits or has the potential to emit 100 tons per year or more of any regulated pollutant” | 340-224-0050 applies to federal major sources, which are defined as 100 tpy sources in nonattainment areas. This language is not necessary. | done |
| 224 | 0050(3)(a) | 224 | 0050(4)(a) | Change “division” to “rule” | Correction | done |
| 224 | 0050(3)(b) | 224 | 0050(4)(b) | Change “division” to “rule” and add “federal” to “major sources” | Correction | done |
| 224 | 0050(3)(c) | NA | NA | Delete this rule requiring visibility impact analysis | Already included in OAR 340-224-0050(2)(a) | done |
| NA | NA | 224 | 0055 | Add a section for Requirements for Sources in Reattainment Areas:  “Within a designated reattainment area, proposed federal major sources and major modifications at federal major sources of a reattainment pollutant, including VOC or NOx in a designated ozone area and NOx or SO2 in a designated PM2.5 area, must meet the requirements listed below:  (1) the requirements for nonattainment areas in OAR 340-224-0050;  (2) the requirements for additional impacts analysis in OAR 340-225-0050(3); and  (3) the owner or operator must not cause or contribute to a new violation of an ambient air quality standard even if the single source impact is less than the significant impact level, using OAR 340-202-0050(2).” | It takes time to develop maintenance plans for nonattainment areas before EPA can redesignate the area to maintenance. After DEQ has three years of data showing that the area is meeting the NAAQS but before the maintenance plan can be developed, DEQ wants to designate these areas as reattainment areas. This will give source more flexibility in permitting requirements before the area is redesignated as maintenance. | done |
| 224 | 0060 | NA | NA | Add “at federal major sources” after “and major modifications” and switch the order of SO2 and NOx | Clarification and consistency | done |
| 224 | 0060(1) | 224 | 0060(1) & (2) | Replace existing requirements with:   * Same as OAR 340-224-0070 for attainment or unclassified areas * Net Air Quality Benefit | DEQ is redefining Net Air Quality Benefit for all sources in all areas. See SEPARATE DOCUMENT. | done |
| 225 | 0090(1)(d) & (e) | 224 | 0060(2)(a)(A) & (B) | Move Medford and Salem Ozone Maintenance Area requirements to this rule | Restructure | done |
| 224 | 0060(2)(b) | 224 | 0060(2)(c) | Change “in accordance with” to “under” | Plain language | done |
| 224 | 0060(2)(b) | 226 | 0060(2)(c) | Add “obtain an allocation from a” before growth allowance and change cross reference to Net Air Quality Benefit | Clarification. The Net Air Quality Benefit requirements have been moved from OAR 340-225-0090 to OAR 340-224-0520 for ozone areas and OAR 340-224-0540 for non-ozone areas. | done |
| 224 | 0060(2)(b) | 226 | 0060(2)(c) | Change OAR 340-225-0090 to “subsection (2)(a) | The Net Air Quality Benefit requirements have been moved from OAR 340-225-0090 to OAR 340-224-0520 for ozone areas and OAR 340-224-0540 for non-ozone areas. | done |
| 224 | 0060(2)(c) | 202 | 0225 | Move Ambient Air Quality Thresholds for CO and PM10 Maintenance Areas to division 202 | Division 202 will contain all ambient standards and thresholds intended to protect ambient air quality | done |
| 224 | 0060(2)(e) | NA | NA | Delete (e) for Salem Ozone Maintenance exemption | Already included in OAR 340-224-0060(2)(e) | done |
| 224 | 0060(3) | NA | NA | Delete this rule | Already included in OAR 340-224-0070 | done |
| 224 | 0060(4) | NA | NA | Delete the provision for OAR 340-224-0070 applying to federal majors | Already included in OAR 340-224-0070 | done |
| NA | NA | 224 | 0060(3) | Add a provision for requirements if a source is located outside but impacts a designated area:   * Other than attainment or unclassified area:   + less than Class II SIL at all receptors or   + offsets * Attainment or unclassified area:   + NAAQS   + Class II Increments | DEQ is redefining Net Air Quality Benefit for all sources in all areas. See SEPARATE DOCUMENT. | done |
| 224 | 0060(5)(a) | 224 | 0060(4)(a) | Delete “of this rule” | Unnecessary | done |
| 224 | 0060(5)(b) | 224 | 0060(4)(b) | Delete “An allocation from a growth allowance may not be used to meet the requirement for offsets in section (2) of this rule.” And just reference the grown allowances in (2)(c) | Clarification | done |
| 224 | 0060(5)(c) | 224 | 0060(4)(b) | Change “exemption” to “alternatives” | The Ambient Air Quality Limits (thresholds) for Maintenance Areas were moved to division 202 but the exemption was provided in (2)(b). | done |
| 224 | 0060(5)(c) | 224 | 0060(4)(c) | Change the cross references to (2)(b) and (2)(c) to the alternatives provided | Restructure | done |
| 224 | 0060(5)(c) | 224 | 0060(4)(b) | Delete “for major sources or major modifications within a carbon monoxide or PM10 maintenance area” | Correction. The alternatives that no longer apply are for more than CO or PM10 maintenance areas | done |
| 224 | 0060(7) | 224 | 0060(6) | Change the cross reference to OAR 340-224-0055 and add “(Requirements for Sources in Reattainment Areas)” | If a source submits an application before the maintenance area was redesignated from nonattainment to attainment by EPA, the source is subject to the requirements for sources in reattainment areas. | done |
| 224 | 0070 | NA | NA | Delete “for the pollutant(s) for which the area is designated attainment or unclassified” | Correction. There are pollutants that do not have NAAQS for which PSD can be triggered. | done |
| 225 | 0050(4) | 224 | 0070(1) | Move Air Quality Monitoring to this rule | Air quality monitoring may be required for attainment or unclassified areas and belongs in division 224 rather than division 225. | done |
| 225 | 0050(4) | 224 | 0070(1)(a) | Change title to Preconstruction Air Quality Monitoring | Restructuring | done |
| 225 | 0050(4) | 224 | 0070(1)(a)(A) | Delete “When referred to this rule by division 224,” | This rule was moved from division 225 so this language is no longer needed | done |
| 225 | 0050(4) | 224 | 0070(1) | Delete all CFR dates | CFR date is included in Reference Materials rule, OAR 340-200-0035 | done |
| 225 | 0050(4) | 224 | 0070(1) | Restructure (1)(a)(A) into subparagraphs and move paragraph (E) to subparagraph (iv) | Clarification | done |
| 225 | 0050(4) | 224 | 0070(1)(a)(A)(i) | Add “except as allowed by paragraph (B) or (C)” | Clarification. Paragraphs (B) and (C) provide exceptions to the preconstruction air quality monitoring requirement | done |
| 224 | 0070(4)(a)(B) | 224 | 0070(1)(a)(A)(vi) | Change “in accordance with” to “using” | Plain language | done |
| NA | NA | 224 | 0070(1)(a)(A)(iv) | Add “(iv) When PM10/PM2.5 preconstruction monitoring is required by this section, at least four months of data must be collected, including the season(s) DEQ judges to have the highest PM10/PM2.5 levels. PM10/PM2.5 must be measured using 40 CFR Part 50, Appendices J and L. In some cases, a full year of data will be required.” | Clarification for PM10/PM2.5 preconstruction monitoring requirements along with methods for measurement of ambient concentrations. |  |
| NA | NA | 224 | 0070(1)(a)(A)(vi) | Correct the title of 40 CFR 58, Appendix A to “Quality Assurance Requirements for SLAMS, SPMs and PSD Air Monitoring” | Correction | done |
| NA | NA | 224 | 0070(1)(a)(A)(vi) | Delete the date on Appendix A | CFR date is included in Reference Materials rule, OAR 340-200-0035 | done |
| 225 | 0050(4) | 224 | 0070(1)(a)(B) | Change to:  “DEQ may exempt the owner or operator of a proposed source or modification from preconstruction monitoring for a specific pollutant if the owner or operator demonstrates that the air quality impact from the emissions increase would be less than the amounts listed below or that modeled competing source concentration plus the general background concentration of the pollutant within the Source Impact Area, as defined in division 225, are less than the following significant monitoring concentrations:” | Source Impact Area is defined in division 225 | done |
| 225 | 0050(4) | 224 | 0070(1)(a)(C) | Change to  “In addition to the exemption provided in paragraph (B), the requirement for preconstruction monitoring in paragraph (A) may be satisfied by the submittal of representative or conservative general background concentration data.” | The previous language allowing the owner or operator of a source (where required by divisions 222 or 224) to substitute post construction monitoring for the requirements of preconstruction monitoring for a specific pollutant if the owner or operator demonstrates that the air quality impact from the emissions increase would not cause or contribute to an exceedance of any air quality standard is being changed.  The demonstration that the air quality impact from the emissions increase would not cause or contribute to an exceedance of any air quality standard requires a competing source analysis and representative background data if the new source impacts are above the SIL. DEQ has not allowed post construction monitoring to be substituted for preconstruction monitoring. Ambient air data from the same monitor that provided the background concentration used in the modeling is used to ensure that air quality is below the NAAQS after construction. Therefore, DEQ is changing this requirement to exempt a source from preconstruction monitoring if representative or conservative general background concentration data is available. | done |
| 225 | 0050(4) | 224 | 0070(1)(b) | Add title Post-Construction Air Quality Monitoring | Restructure | done |
| 224 | 0070(1)(a)(B) | 224 | 0070(2)(a)(B) | Change “or” to “for” and delete “non” from nonattainment | Correction | done |
| 224 | 0070(1)(c) | 224 | 0070(2)(c) | Add “major” to NSR | DEQ has added rules for minor new source review in this division so the distinction between major and minor new source review must be made | done |
| NA | NA | 224 | 0070(3) | Add Air Quality Protection heading | Restructure | done |
| 224 | 0070(2) | 224 | 0070(3) | Delete “subject to this rule” | The owner or operator of a source would only be in this part of the rules if it were subject to this rule. | done |
| 224 | 0070(2) | 224 | 0070(3) | Change “in accordance with” to “under” | Plain language | done |
| 224 | 0070(2) | 224 | 0070(3) | Change the cross references from “OAR 340-225-0050 through 340-225-0070” to “OAR 340-225-0050(1) through (3), 340-225-0060, and 340-225-0070” | OAR 340-225-0050(4) Air Quality Monitoring is being moved to division 224. | done |
| 224 | 0070(2)(a) | 224 | 0070(3)(a) | Add “For increases of PM2.5 precursors equal to or greater than the significant emission rate, the owner or operator must provide an analysis of PM2.5 air quality impacts based on all increases of direct PM2.5 and PM2.5 precursors.” | DEQ is requiring analysis of PM2.5 air quality impacts on all increases of direct PM2.5 and PM2.5 precursors if the PM2.5 precursors increase greater than the significant emission rate. | done |
| NA | NA | 224 | 0070(3)(b) | Add “The owner or operator must not cause or contribute to a new violation of an ambient air quality standard even if the single source impact is less than the significant impact level under OAR 340-202-0050(2).” | In a recent lawsuit, the Sierra Club argued that EPA lacks authority to establish Significant Impact Levels (SILs) because a proposed source or modification in an area that is close to violating the NAAQS or an increment could violate the NAAQS or increment even if its emissions would have an ambient impact below the SIL. The U.S. Court of Appeals for the D.C. Circuit vacated and remanded to EPA certain aspects of a 2010 agency rule regarding SILs and the Significant Monitoring Concentration (SMC) for fine particulate matter (PM2.5). Therefore, DEQ has added the requirement that the new or modified source must not cause or contribute to a new violation of an ambient air quality standard even if the single source impact is less than the SIL. This safeguard ensures that a new or modified source will not significantly impact the area. | done |
| NA | NA | 224 | 0070(4) | Add a provision for requirements if a source is located outside but impacts a designated area:   * Other than attainment or unclassified area:   + less than Class II SIL at all receptors or   + offsets * Attainment or unclassified area:   + NAAQS   + Class II Increments | DEQ is redefining Net Air Quality Benefit for all sources in all areas. See SEPARATE DOCUMENT. | done |
| 224 | 0070(3) | NA | NA | Delete Air Quality Monitoring | Already included in OAR 340-224-0070(1) | done |
| 224 | 0070(4) | NA | NA | Delete the requirement for significantly impacting a PM10 maintenance area | Already included in AOR 340-224-0070(4) | done |
| 224 | 0080 | 224 | 0034 | Move this rule to OAR 340-224-0034 | Restructure | done |
| 224 | 0100 | 224 | 0038 | Move this rule to OAR 340-224-0038 | Restructure | done |
| NA | NA | 224 | 0200 | Add Minor New Source Review Applicability | DEQ has added rules for minor new source review in this section so this division now covers both major and minor new source review | done |
| NA | NA | 224 | 0210 | Add State New Source Review Procedural Requirements | DEQ has added rules for minor new source review. These procedural requirements are for State New Source Review. There are also procedural requirements for Major New Source Review. See SEPARATE DOCUMENT. | done |
| NA | NA | 224 | 0245 | Add Requirements for Sources in Sustainment Areas | DEQ has added rules for minor new source review. See SEPARATE DOCUMENT. | done |
| NA | NA | 224 | 0250 | Add Requirements for Sources in Nonattainment Areas | DEQ has added rules for minor new source review. See SEPARATE DOCUMENT. | done |
| NA | NA | 224 | 0255 | Add Requirements for Sources in Reattainment Areas | DEQ has added rules for minor new source review. See SEPARATE DOCUMENT. | done |
| NA | NA | 224 | 0260 | Add Requirements for sources in Maintenance Areas | DEQ has added rules for minor new source review. See SEPARATE DOCUMENT. | done |
| NA | NA | 224 | 0270 | Add Requirement for Sources in Attainment and Unclassifiable Areas | DEQ has added rules for minor new source review. See SEPARATE DOCUMENT. | done |
| NA | NA | 224 | NA | Add Offsets | DEQ has added rules for minor new source review. See SEPARATE DOCUMENT. | done |
| NA | NA | 224 | 0500 | Add Net Air Quality Benefit for Sources Locating Within or Impacting Designated Areas | DEQ has added rules for minor new source review. See SEPARATE DOCUMENT. | done |
| NA | NA | 224 | 0510 | Add Common Offset Requirements | DEQ has added rules for minor new source review. See SEPARATE DOCUMENT. | done |
| NA | NA | 224 | 0520 | Add Requirements for demonstrating Net Air Quality Benefit for Ozone Areas | DEQ has added rules for minor new source review. See SEPARATE DOCUMENT. | done |
| 225 | 0090(1) | 224 | 0520 | Delete “(1) Ozone areas (VOC and NOx emissions). | This language is already in the title and does not need to be repeated | done |
| 225 | 0090(1) | 224 | 0520 | Delete “nonattainment or maintenance” | This rule covers areas other than nonattainment and maintenance | done |
| 225 | 0090(1)(a) | 224 | 0520(1) & (2)d) | Do not capitalize ozone precursor distance | Correction | done |
| 225 | 0090(1)(b) | 224 | 0520(2) | Change “in accordance with” to “using” | Plain language | done |
| 225 | 0090(1)(b)(A) | 224 | 0520(2)(a) | Add sustainment and reattainment to the list of designated areas | DEQ has defined two new areas for minor new source review: sustainment and reattainment areas. | done |
| 225 | 0090(1)(b)(A) | 224 | 0520(2)(a) | Delete “nonattainment” | This rule covers areas other than nonattainment | done |
| 225 | 0090(1)(b)(D) | 224 | 0520(2)(d) | Change to “definition in OAR 340 division 225” | Definition numbers change so just reference the division | done |
| NA | NA | 224 | 0520(1)(e) | Add “(e) Offsets obtained for a previous PSEL increase that did not involve resetting the netting basis can be credited toward offsets currently required for a PSEL increase.” | If a new source was first permitted at 50 tpy, and assuming they don’t go through PSD, then their netting basis is zero and they need to get offsets according to the formula. If they then want to increase the PSEL to 75 tpy, their netting basis is still zero and on the face of it, they need to get offsets based on a 75 tpy increase. One might hope that DEQ would see fit to give credit for offsets used for the original 50 tpy and the source would only have to get offsets for the 25 tpy increase, but the rules don’t seem to contemplate that situation. |  |
| 225 | 0090(2)(d) & (e) | NA | NA | Delete:  “ (d) Sources within or affecting the Medford Ozone Maintenance Area are exempt from the requirement for NOx offsets relating to ozone formation.  (e) Sources within or affecting the Salem Ozone Maintenance Area are exempt from the requirement for VOC and NOx offsets relating to ozone formation.” | These subsections were moved to 340-224-0060(2)(a)(A) and (B) | done |
| 225 | 0010(10) & (11) | 224 | 0530(1) & (2) | Create a rule for the Definitions Used in Requirements for Demonstrating Net Air Quality Benefit for Ozone Areas and move the definitions of “ozone precursor distance” and “ozone precursor offset” to this rule. | Restructure | done |
| 225 | 0010(10) | 224 | 0530(1) | Delete “nonattainment or maintenance” | This rule covers areas other than nonattainment and maintenance | done |
| 225 | 0010(10)(b) & (11) | 224 | 0530(1)(b) & (2) | Add “reattainment area” to the list of areas that the applicant must demonstrate that the proposed source would not significant impact | EPA still considers reattainment areas as nonattainment so it needs to be included here. | done |
| 225 | 0010(11) | 224 | 0530(2) | Change “in OAR 340-225-0090” to “above” | The definition of “ozone precursor distance” was moved to division 224. | done |
| 225 | 0010(11)(a)(D)(iii) | 224 | 0530(2)(a)(D)(iii) | Add “reattainment area” to the list of areas for the source distance (SD) | EPA still considers reattainment areas as nonattainment so it needs to be included here. | done |
| 225 | 0010(11)(a)(D)(vi) | 224 | 0530(2)(a)(D)(vi) | Add “reattainment area” to the list of areas for the contributing source distance (CD) | EPA still considers reattainment areas as nonattainment so it needs to be included here. | done |
| NA | NA | 224 | 0540 | Add Requirements for Demonstrating Net Air Quality Benefit for Non-Ozone Areas | DEQ has added rules for minor new source review. See SEPARATE DOCUMENT. | done |
| 225 |  |  |  | Air Quality Analysis Requirements |  |  |
| 225 | 0010 | NA | NA | Delete “Major” | DEQ has added rules for minor new source review so the division has been renamed to “New Source Review” | done |
| 225 | 0020 | NA | NA | Add division 204 as another division that has definitions that would apply to this division | Add reference to division 204 definitions | done |
| 225 | 0020(1)(a) | NA | NA | Add 40 CFR Part 62 to the definition of “allowable emissions” | The definition of “Allowable Emissions” should also include 40 CFR Part 62, since that is where the federal standards are for existing incineration sources in Oregon. | done |
| 225 | 0020(2) | NA | NA | Delete the definition of “background light extinction” | “Background light extinction” not used in this division or any air quality division | done |
| 225 | 0020(3) | 225 | 0020(2) | Add “major” to “background concentration” definition | DEQ has added rules for minor new source review in this division so the distinction between major and minor new source review must be made | done |
| 225 | 0020(3)(d) | 225 | 0020(2)(d) | Change “redesignates” to “redesignated” and add the year that EPA redesignated the AQMA to attainment for PM10 - 2006 | Clarification | done |
| 225 | 0020(4) | 225 | 0020(3) | Add “and decreased” to emissions of all other sources and add “of increased emissions” to Allowable Emissions may be used as a conservative estimate | Decreases in emissions since the baseline concentration year should also be included in a competing PSD increment consuming source analysis. Allowable emissions should not include creased emissions to be a conservative estimate. | done |
| 225 | 0020(5) | 225 | 0020(4) | Change to:  "Competing NAAQS Source Impacts" means total modeled concentrations resulting from allowable emissions of all other sources expected to cause a significant concentration gradient in the vicinity of the source or sources under consideration. | Clarification. The Range of Influence is a formula that doesn’t take into account actual topography. The change allows more flexibility in evaluating the impact from sources on a case-by-case basis. This is language taken from EPA’s Appendix W to Part 51—Guideline on Air Quality Models – 8.2.3 Recommendations (Multi-Source Areas). | done |
| 225 | 0020(8) | 225 | 0020(8) | Move definition of “predicted maintenance area concentration” | This definition is not in alphabetic order | done |
| 225 | 0020(10) | 224 | 0530 | Move definition of “ozone precursor distance” to division 224 | This definition is part of the requirements for VOC and NOx offsets in ozone nonattainment and maintenance areas. Therefore, it belongs with the offset requirements in division 224. |  |
| 225 | 0020(11) | 224 | 0530 | Move definition of “ozone precursor offsets” to division 224 | This definition is part of the requirements for VOC and NOx offsets in ozone nonattainment and maintenance areas. Therefore, it belongs with the offset requirements in division 224. |  |
| 225 | 0020(12)(a)(B)(i) | 225 | 0020(9)(a)(B)(i) | Change “significant impact area” to “source impact area” | Correction. The defined term is “source impact area” | done |
| 225 | 0020(12)(a)(B)(iii) | 225 | 0020(9)(a)(B)(iii) | Delete “in the table” and add constants K to definition of “Range of Influence” | Clarification. Add constants to text and strike Ed. Note that links to table of K values | done |
| 225 | 0020(13) | 225 | 0020(10) | Delete “Air Quality” from “Class II Significant Air Quality Impact levels.” | Clarification | done |
| 225 | 0020 | NA | NA0020(10) | Delete the note:  “[ED. NOTE: Tables referenced are not included in rule text. Click here for PDF copy of table(s).]” | The table with K values has been added to the definition of “Range of Influence” | done |
| NA | NA | 225 | 0030(1) | Add a new section (1): When required to conduct an air quality analysis by division 224, the owner or operator must submit a modeling protocol to DEQ and have it approved before submitting a permit application. | Clarification. This has always been a requirement. | done |
| 225 | 0030 | 225 | 0030(1) | Delete “Information Required.” | Heading not needed. | done |
| 225 | 0030 | 225 | 0030(2) | Add “for permit applications” to clarify what OAR 340-216-0040 pertains to | Clarification | done |
| 225 | 0030 | 225 | 0030(2) | Delete parentheses and reference to division 222 | Division 222 no longer requires modeling analyses. Modeling for PSEL increases in division 222 has been moved to division 225. | done |
| 225 | 0030 | 225 | 0030(2) | Change “must” to “may” | The air quality analysis and visibility analysis is not required for all sources | done |
| 225 | 0030(4) | 225 | 0030(2)(d) | Change “January 1, 1978” to “the baseline concentration year” | Correction. January 1, 1978 was chosen in the initial round of rules because baseline period was 1977/78 instead of the August 1977 Clean Air Act date. The PM2.5 baseline concentration year is 2007 and there is no baseline emission rate for PM2.5, only a netting basis. | done |
| 225 | 0040 | NA | NA | Delete CFR date | CFR date is included in Reference Materials rule, OAR 340-200-0035 | done |
| 225 | 0040 | NA | NA | Add “other than that” and change “inappropriate” to “appropriate” | Provide an option of using another impact model in PSD Class II and III areas based on approval by DEQ and EPA | done |
| 225 | 0040 | NA | NA | Delete reference to "Interim Procedures for Evaluating Air Quality Models (Revised)" (U.S. Environmental Protection Agency, 1984) | This document is no longer used. | done |
| 225 | 0045 | NA | NA | Change “224-0060(2)(c) and (2)(d), NAAQS, and PSD Increments” to “202-0225” | Correction. Reference the ambient air quality limits for maintenance areas that were moved to division 202. | done |
| 225 | 0045(1) | NA | NA | Delete “standards, PSD increments, and” and add “the” | Correction | done |
| 225 | 0045(1) | NA | NA | Delete “Air Quality” from “Class II Significant Air Quality Impact Levels” | Correction | done |
| 225 | 0045(2) | NA | NA | Delete “the owner or operator of a proposed source or modification being evaluated must perform competing source modeling as follows:  (a) For demonstrating compliance with the maintenance area limits established in OAR 340-224-0060(2)(c) and (2)(d),” | Restructure | done |
| 225 | 0045(2)(a) | 225 | 0045(2) | Do not capitalize “Competing Source Impacts” and add “in OAR 340-202-0225” | Correction | done |
| 225 | 0045(2)(b) and (c) | NA | NA | Delete (b) for demonstrating compliance with the NAAQS and (c) for demonstrating compliance with the PSD increments | These requirements are less restrictive than the maintenance area limits in OAR 340-202-0225 plus they are already included in OAR 340-225-0050. | done |
| 225 | 0050(1) | NA | NA | Replace “standards” with “the NAAQS” | Clarification | done |
| 225 | 0050(1) | NA | NA | Delete “Air Quality” from “Class II Significant Air Quality Impact Levels” | Correction | done |
| 225 | 0050(1) | NA | NA | Add “The owner or operator cannot cause or contribute to a new violation of an ambient air quality standard even if the single source impact is less than the significant impact level, in accordance with OAR 340-202-0050(2).” | In a recent lawsuit, the Sierra Club argued that EPA lacks authority to establish Significant Impact Levels (SILs) because a proposed source or modification in an area that is close to violating the NAAQS or an increment could violate the NAAQS or increment even if its emissions would have an ambient impact below the SIL. The U.S. Court of Appeals for the D.C. Circuit vacated and remanded to EPA certain aspects of a 2010 agency rule regarding SILs and the Significant Monitoring Concentration (SMC) for fine particulate matter (PM2.5). Therefore, DEQ has added the requirement that the new or modified source must not cause or contribute to a new violation of an ambient air quality standard even if the single source impact is less than the SIL. This safeguard ensures that a new or modified source will not significantly impact the area. |  |
| 225 | 0050(2) | NA | NA | Delete “of this rule” | Not necessary | done |
| 225 | 0050(2)(a) | NA | NA | Add “Class II and III” | Clarification | done |
| 225 | 0050(2)(a) | NA | NA | Do not capitalize “Baseline Concentration” or “Competing PSD Increment Consuming Source Impacts.” Delete parentheses. | Correction | done |
| 225 | 0050(2)(b) | NA | NA | Do not capitalize “Competing NAAQS Source Impacts” or “General Background Concentrations.” | Correction | done |
| 225 | 0050(2)(a) | NA | NA | Delete division 222 | Division 222 has been changed to refer to sources to division 224 rather than division 225 | done |
| 225 | 0050(4) | NA | NA | Move Air Quality Monitoring to division 224 | Reorganization. Air quality monitoring is a NSR/PSD requirement. It is not a part of an air quality analysis. | done |
| 225 | 0050 | NA | NA | Delete the note:  “[ED. NOTE: Tables referenced are available from the agency.]” | The tables referenced have been added to the text of the definitions significant impact levels, PSD Class II and III Increments, and significant emission rates | done |
| 225 | 0060(1) | NA | NA | Delete division 222 and parentheses | Division 222 has been changed to refer to sources to division 224 rather than division 225 | done |
| 225 | 0060(2)(a) | NA | NA | Add “PSD” to increments and “significant” to Class I impact | Clarification | done |
| 225 | 0060(2)(b) | NA | NA | Delete “of this section” | Not necessary | done |
| 225 | 0060(2)(b) | NA | NA | Do not capitalize “Baseline Concentration” or “Competing PSD Increment Consuming Source Impacts.” Delete parentheses. | Correction | done |
| 225 | 0060(2)(b) | NA | NA | Add “Class I” to PSD increments | Clarification | done |
| 225 | 0060(2)(c) | NA | NA | Add “significant” to Class II impact | Clarification | done |
| 225 | 0060(2)(d) | NA | NA | Delete “of this section” | Not necessary | done |
| 225 | 0060 | NA | NA | Delete the note:  “[ED. NOTE: Tables referenced are available from the agency.]” | The table referenced has been added to the text of the definitions significant impact levels | done |
| 225 | 0070(1) | NA | NA | Change to “Non-federal major sources are exempt from the requirements of this rule.” |  |  |
| NA | NA | 225 | 0070(2) | Add “(2) When directed by division 224, the requirements of this rule apply to each emissions unit that increases the actual emissions of the pollutant in question above the portion of the netting basis attributable to that emissions unit.” | Clarification. AQRV requirements apply to each emissions unit that increases actual emissions above its portion of the netting basis. | done |
| 225 | 0070(2) | 225 | 0070(3) | Change to “DEQ shall provide notice of permit applications involving AQRV analysis to EPA and Federal Land Managers as follows:” | Clarification. DEQ provides notice of permit applications to EPA and Federal Land Managers | done |
| 225 | 0070(2)(d) | 225 | 0070(3)(d) | Replace “maximum allowable” with PSD | Correction | done |
| 225 | 0070(3) | 225 | 0070(4) | Delete division 222 | Division 222 has been changed to refer to sources to division 224 rather than division 225 | done |
| 225 | 0070(3)(a) | 225 | 0070(3)(b) | Require visibility analysis in Columbia River Gorge National Scenic Area | DEQ is making a visibility analysis on the Columbia River Gorge National Scenic Area mandatory if it is affected by the source. DEQ partnered with Southwest Clean Air Agency in developing the **Columbia River Gorge Air Study and Strategy.** The strategy uses the requirements of the federal Regional Haze Program to improve visibility in the Gorge. Therefore, DEQ believes that mandatory visibility analysis on the Columbia River Gorge is an important part of that strategy. | done |
| 225 | 0070(3)(c) | 225 | 0070(4)(c) | Delete “pursuant to AOR 340-224-0030(1) | Not necessary | done |
| 225 | 0070(5) | 225 | 0070(6)(a) | Delete parentheses | Correction | done |
| 225 | 0070(6) | 225 | 0070(7) | Require deposition modeling in Class I areas and the Columbia River Gorge Scenic Area where visibility modeling is required. | Because similar pollutants affect both visibility and acid deposition, DEQ is making deposition modeling required where visibility modeling is required. | done |
| 225 | 0070(7)(a) | 225 | 0070(8)(a) | Delete division 222 | Division 222 has been changed to refer to sources to division 224 rather than division 225 | done |
| 225 | 0070(7)(b) | 225 | 0070(8)(b) | Change to “After construction has been completed the owner or operator must conduct such visibility monitoring if DEQ requires visibility monitoring as a permit condition to establish the effect of the pollutant on visibility conditions within the impacted Class I area.” | Clarification | done |
| 225 | 0070(8) | 225 | 0070(9) | Change cross reference | Rule numbers have changed | done |
| 225 | 0090(1) | 224 | 0520 | Move to division 224 | The Requirements for Demonstrating a Net Air Quality Benefit are being moved to division 224 because they are requirements for NSR/PSD. They are not air quality analysis requirements. SEE SEPARATE DOCUMENT. | done |
| 225 | 0090(1)(a) | 224 | 0520(1) | Move to division 224 | See above | done |
| 225 | 0090(1)(b) | 224 | 0520(2) | Move to division 224 | See above | done |
| 225 | 0090(1)(c) | 224 | 0520(3) | Move to division 224 | See above | done |
| 225 | 0090(1)(d) | 224 | 0060(2)(d) | Move to division 224 | See above | done |
| 225 | 0090(1)(e) | 224 | 0060(2)(e) | Move to division 224 | See above | done |
| 225 | 0090(2) | 224 | 0540 | Move to division 224 | See above | done |
| 225 | 0090(2)(a)(B) | 224 | 0540(2) | Move to division 224 | See above. Change offset requirement to 1.2:1 if offsets do not include offsets from priority sources. Ratio reduced to 1.0:1 if using offsets from priority sources. SEE SEPARATE DOCUMENT | done |
| 225 | 0090(2)(a)(C) | 224 | 0500(3) | Move to division 224 | See above | done |
| 225 | 0090(2)(a)(D) | 224 | 5000 | Move to division 224 | See above | done |
| 225 | 0090(2)(a)(D)(i) | 224 | 0540(4) | Move to division 224 | See above | done |
| 225 | 0090(2)(a)(D)(ii) & (2)(c)(A)(ii) | NA | NA | Delete requirements for small scale local energy project | Not necessary with new definition of Net Air Quality Benefit | done |
| 225 | 0090(2)(a)(E) | 224 | 0500 | Move to division 224 | See above | done |
| 225 | 0090(2)(b) & (c) | 224 | 0550 | Move to division 224 | See above | done |
| 225 | 0090(2)(c)(A) | 224 | 0540(1) | Move to division 224 | See above | done |
| 225 | 0090(2)(c)(B) | 224 | 0550 | Move to division 224 | See above | done |
| 225 | 0090(3) | 224 | 0500(2) | Move to division 224 | See above | done |
| 225 | 0090(4) | 224 | 0500(1) | Move to division 224 | See above. Also covered in division 268. | done |
| 225 | 0090(5) | 224 | 0500(1) | Move to division 224 | See above | done |
| 225 | 0090(6) | 224 | 0500(4) | Move to division 224 | See above | done |
| 225 | 0090(7) | 224 | 0540 | Move to division 224 | See above | done |
| 226 |  |  |  | General Emission Standards [Table 1-Particulate Matter Emissions Standards for Process Equipment] |  |  |
| 226 | 0010 | NA | NA | Add Division 204 as another division that has definitions that would apply to this division | Add reference to Division 204 definitions | done |
| 226 | 0010(1) | NA | NA | Delete definition of “new source” and incorporate dates for new and existing sources into rule language. | Clarification | done |
| 226 | 0010(2) | 200 | 0020(106) | Delete definition of “particulate matter” and use modified division 200 definition | See discussion above in division 204. Definition different from division 200, 226, 234, 236, and 240. Delete and use a modified version of division 200 definition. Move specific test requirements to rule with standard. Create a testing and monitoring section in 340-234-0540. | done |
| 226 | 0010(5) | 200 | 0020(159) | Delete definition of “standard conditions,” use division 240 definition and move to division 200 | See discussion above in division 200. Definition different from division 240 but same as division 226 and 228 | done |
| 226 | 0010(6) | 200 | 0020(42) | Move definition of “standard cubic foot” to division 200 and change to “dry standard cubic foot” | See discussion above in division 200 definition of “dry standard cubic foot.” Definition of standard cubic foot different from division 236 and 240. Use definition in 240 and move to division 200 | done |
| 226 | 0120(1)(b)(A) | NA | NA | Add “pressure drop, ammonia slip” to the operational, maintenance and work practice requirements | Pressure drop was inadvertently omitted before Even though ammonia isn’t a regulated pollutant, SCR control is becoming a very common control technology so add this for clarification | done |
| 226 | 0130 | NA | NA | Add note that this rule is included in the Oregon SIP | Correction | done |
| 226 | 0210 | NA | NA | Change title to “Particulate Emission Limitations for Sources Other Than Fuel Burning Equipment, and Refuse Burning Equipment, and Fugitive Emissions: | Clarification | done |
| 226 | 0210(1) | NA | NA | Change 0.2 and 0.1 gr/dscf to the following:  (a) 0.20 grains per dry standard cubic foot for sources installed, constructed, or modified before June 1, 1970 except as required by section (d).  (b) 0.1 grains per dry standard cubic foot for sources installed, constructed, or modified after June 1, 1970, except as required by sections (c) and (d).  (c) 0.10 grains per dry standard cubic foot if the source is located within 5 miles of a potential nonattainment area, nonattainment area, or maintenance area and was installed, constructed or modified after June 1, 1970.  (d) 0.10 grains per dry standard cubic foot for all sources on or after January 1, 2019.  (2) The owner or operator of an existing source who is unable to comply with OAR 340-228-0210(1)(a), (c), or (d) may request that DEQ grant an extension allowing the source up to one year to comply with the standard, if such period is necessary for the installation of controls. | DEQ is proposing the change because of the following reasons:   * Some of the affected sources will probably have to reduce emissions anyway due to future regulations, such as the Boiler and Industrial furnace MACT. * Having two standards creates an unequal playing field for industry; especially since new sources can be as much as 40 years old. * More and more areas of the state are special control areas due to population increases. * EPA’s adoption of a new PM2.5 24-hour NAAQS has resulted in 2 nonattainment areas, with a third meeting the definition but not legally designated as such. This proposed rule change will reduce grain loading in all areas and will help prevent future problem. * Phased compliance will give sources that cannot meet the new standards time to comply. * Changes would make it easier * to determine compliance for the both the source and the DEQ. | done |
| NA | NA | 226 | 0210(2) | Add “The owner or operator of an existing source who is unable to comply with OAR 340-226-0210(1)(a), (c) or (d) may request that DEQ grant an extension allowing the source up to one year to comply with the standard, if such period is necessary for the installation of controls.” | Allows extra time for installation of control equipment if necessary | done |
| NA | NA | 226 | 0210(3) | Add “Sources with exhaust gases at or near ambient conditions may be tested with DEQ Method 5 or DEQ Method 8, as approved by DEQ. Direct heat transfer sources must be tested with DEQ Method 7. Indirect heat transfer combustion sources and all other non-fugitive emissions sources not listed above must be tested with DEQ Method 5 or an equivalent method approved by DEQ.” | A test method should always be specified with each standard in order to be able to show compliance | done |
| 226 | 0210(2) | 226 | 0210(4) | Add a comma after refuse burning equipment | Correction | done |
| 228 |  |  |  | Requirements For Fuel Burning Equipment and Fuel Sulfur Content |  |  |
| 228 | 0020 | NA | NA | Add division 204 as another division that has definitions that would apply to this division | Add reference to division 204 definitions | done |
| 228 | 0020(1) | 200 | 0025(8) | Delete definition of ASTM already in division 200 | Delete and use acronym in division 200 | done |
| 228 | 0020(2) | NA | NA | Definition of Coastal Areas not used in this or any other air quality division | Delete definition | done |
| 208  228  240 | 0010(4)  0020(4)  0030(14) | 200 | 0020(65) | Delete definition of “fuel burning equipment” and move to division 200 with clarifications | See discussion above in division 200. Move definition of fuel burning equipment from divisions 208, 228, and 240 to division 200 and clarify. | done |
| 228 | 0020(6) | 200 | 0020(159) | Delete definition of “standard conditions,” use division 240 definition and move to division 200 | See discussion above in division 200. Definition different from division 240 but same as division 226 and 228. Use division 240 definition and move to division 200 | done |
| 228 | 0020(7) | 200 | 0020(42) | Delete definition of “standard cubic foot” and use definition of “dry standard cubic foot” from division 240 and move to division 200 | See discussion above in division 200. Definition different from division 236 and 240 but same as 228. Each standard will have the applicable test method long with the correct adjustment. | done |
| 228 | 0120(2) | NA | NA | Delete “Except as provided for in sections (4) and (5) of this rule” | DEQ is deleting sections (4) and (5) because the dates have passed so this language excepting sections (4) and (5) is no longer necessary. | done |
| 228 | 0120(4) and (5) | NA | NA | Delete:  “(4) Users of coal for direct residential space heating in 1980 who apply in writing by July 1, 1983 and receive written approval from the Department shall be exempted from the requirement of section (2) of this rule provided they certify that they used more than one-half ton of coal in 1980.  (5) Distributors may sell coal not meeting specification in section (2) of this rule to those users who have applied for and received the exemption provided for in section (4) of this rule.” | These rules apply to residential coal users in 1980. Those users had to have applied to DEQ in 1983 for an exemption. These rules are no longer necessary since the dates have past. The requirement for not selling coal for direct space heating with greater than 0.3 percent sulfur and five percent volatile matter remains the same. | done |
| 228 | 0130(2) | NA | NA | Delete “of Environmental Quality” | Department is defined in Division 200 as “Department of Environmental Quality” so “of Environmental Quality” isn’t necessary | done |
| 228 | 0200 | NA | NA | Move “only” to before “applicable to sources” from the end of the phrase | Clarification | done |
| 228 | 0200 | NA | NA | Add “except recovery furnaces regulated in division 234” | The change in the definition of fuel burning equipment pulls in recovery furnaces so they need to be exempt from the sulfur dioxide standards in division 228. There are sulfur dioxide standards for recovery furnaces in division 234. | done |
| 228 | 0210(1) | NA | NA | Change the grain loading requirements for fuel burning equipment to the following:  (a) 0.20 grains per dry standard cubic foot for sources installed, constructed, or modified before June 1, 1970 except as required by section (d).  (b) 0.1 grains per dry standard cubic foot for sources installed, constructed, or modified after June 1, 1970, except as required by sections (c) and (d).  (c) 0.10 grains per dry standard cubic foot if the source is located within 5 miles of a PM10/PM2.5 sustainment area, nonattainment area, or maintenance area and was installed, constructed or modified after June 1, 1970.  (d) 0.10 grains per dry standard cubic foot for all sources on or after January 1, 2019.  (2) The owner or operator of an existing source who is unable to comply with OAR 340-228-0210(1)(a), (c), or (d) may request that DEQ grant an extension allowing the source up to one year to comply with the standard, if such period is necessary for the installation of controls. | DEQ is proposing the change because of the following reasons:   * Some of the affected sources will probably have to reduce emissions anyway due to future regulations, such as the Boiler and Industrial furnace MACT. * Having two standards creates an unequal playing field for industry; especially since new sources can be as much as 40 years old. * More and more areas of the state are special control areas due to population increases. * EPA’s adoption of a new PM2.5 24-hour NAAQS has resulted in 2 nonattainment areas, with a third meeting the definition but not legally designated as such. This proposed rule change will reduce grain loading in all areas and will help prevent future problem. * Phased compliance will give sources that cannot meet the new standards time to comply. * Changes would make it easier * to determine compliance for the both the source and the DEQ. | done |
| 228 | 0210(2) | NA | NA | Delete requirement for burning salt laden wood | The source for which this was an applicable requirement has shut down and there are no other sources in the state that burn salt laden wood. | done |
| NA | NA | 228 | 0210(4) | Add “Compliance with the emissions standards in section (1) is determined using Oregon Method 5. For external combustion devices that burn wood fuel by itself or in combination with any other fuel, the emission results are corrected to 12% CO2. For external combustion devices that burn fuels other than wood, the emission results are corrected to 50% excess air.” | A test method should always be specified with each standard in order to be able to show compliance | done |
| 228 | 0300 | NA | NA | Delete CFR date | CFR date is included in Reference Materials rule, OAR 340-200-0035 | done |
| 228 | 0400 through 0530 plus Appendix A |  |  | Repeal Federal Acid Rain Program rules for Western Backstop SO2 Federal Trading Program | Rules are no longer necessary since DEQ now uses federal regional haze rules | done |
| 232 |  |  |  | Emission Standards For VOC Point Sources |  |  |
| 232 | 0010(3) | NA | NA | Change Salem SATS to Salem SKATS | Correction | done |
| 232 | 0010(4) | NA | NA | Add “before add on controls” | Correction. States must do RACT for major sources using uncontrolled emissions | done |
| 232 | 0020(1) | NA | NA | Delete “(1) Notwithstanding the emission limitations in OAR 340 this division, all new major sources or major modifications at existing sources, located within the areas cited in section (2) of this rule, shall comply with OAR 340 division 224 (New Source Review).” | This does not add anything to the rules. It is covered in division 224 so delete here. |  |
| 232 | 0030(17) | 200 | 0020(35) | Move definition of “day” to division 200 | Definition used in many divisions | done |
| 232 | 0030(19) | 200 | 0020(52) | Delete and use the definition of “emissions unit” in division 200  (52) "Emissions unit" means any part or activity of a source that emits or has the potential to emit any regulated air pollutant.  (a) A part of a source is any machine, equipment, raw material, product, or byproduct that produces or emits regulated air pollutants. An activity is any process, operation, action, or reaction (e.g., chemical) at a stationary source that emits regulated air pollutants. Except as described in subsection (d) of this section, parts and activities may be grouped for purposes of defining an emissions unit if the following conditions are met:  (A) The group used to define the emissions unit may not include discrete parts or activities to which a distinct emissions standard applies or for which different compliance demonstration requirements apply; and  (B) The emissions from the emissions unit are quantifiable.  (b) Emissions units may be defined on a pollutant by pollutant basis where applicable.  (c) The term emissions unit is not meant to alter or affect the definition of the term "unit" under Title IV of the FCAA.  (d) Parts and activities cannot be grouped for determining emissions increases from an emissions unit under OAR 340-224-0050 through 340-224-0070, or 340 division 210, or for determining the applicability of any New Source Performance Standard (NSPS). | 340-232-0030(19) "Emissions unit" means any part of a stationary source which emits or would have the potential to emit any pollutant subject to regulation.  Definition different from division 200 definition | done |
| 232 | 0030(28) | NA | NA | Change “gas service” which is not used to “gaseous service” | Correction | done |
| 232 | 0030(31) | 200 | 0020(71) | Delete and use definition of “hardboard” from divisions 234 and 240 and move to division 200 | See discussion above in division 200. Division 232 definition different from division 234 and 240 definitions. Use definition from division 234 and division 240 and move to division 200 | done |
| 232 | 0030(41) | NA | NA | Delete definition of “low solvent coating” | Definition not used in division 232 or any other division | done |
| 232 | 0030(42) | 200 | 0020(84) | Use modified definition of “major modification” in division 200  (84) "Major Modification" means any physical change(s) or change(s) in the method of operation that would be subject to Major New Source Review as determined under division 224. | **340-232-0030**(42) "Major modification" means any physical change or change of operation of a source that would result in a net significant emission rate increase for any pollutant subject to regulation under the Clean Air Act.  Definition different from division 200. Delete and use division 200 definition | done |
| 232 | 0030(43) | 200 | 0020(85) | Use definition of “major source” in division 200 | 340-232-0030(43) "Major source" means a stationary source which emits or has the potential to emit any pollutant regulated under the Clean Air Act at a significant emission rate.  Definition different from division 200. Delete and use division 200 definition | done |
| 232 | 0030(51) | 232 | 0030(45) | The term should be “oven dried,” not “oven-dried” | Remove hyphen | done |
| 232 | 0030(54) | 200 | 0020(112) | Move definition of “person” to division 200 | See discussion above in division 200. Definition different from division 200. Delete and use division 200 definition | done |
| 232 | 0030(56) | NA | NA | Delete definition of “plant site basis” | Definition not used in division 232 or any other division | done |
| 232 | 0030(57) | 200 | 0020(118) | Delete definition of “potential to emit” and use division 200 definition  (118) "Potential to emit" or "PTE" means the lesser of:  (a) The capacity of a stationary source; or  (b) The maximum allowable emissions taking into consideration any physical or operational limitation, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, if the limitation is enforceable by the Administrator.  (c) This definition does not alter or affect the use of this term for any other purposes under the Act or the term "capacity factor" as used in Title IV of the Act and the regulations promulgated thereunder. Secondary emissions are not considered in determining the potential to emit. | 340-232-0030(57) "Potential to emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitations on the capacity of a source to emit an air pollutant, excluding air pollution control equipment, shall be treated as part of its design if the limitation is enforceable by the Department.  Definition different from division 200. Delete and use division 200 definition | done |
| 232 | 0030(61) | 232 | 0030(50) | Move definition of “prime coat” since it is not in alphabetic order | Move definition | done |
| 232 | 0030(67) | NA | NA | Definition of “splash filling” not used in this division or any other division | Delete definition | done |
| 232 | 0030(68) | 200 | 0020(156) | Delete definition of “source” and use division 200 definition  (156) "Source" means any building, structure, facility, installation or combination thereof that emits or is capable of emitting air contaminants to the atmosphere, is located on one or more contiguous or adjacent properties and is owned or operated by the same person or by persons under common control. The term includes all pollutant emitting activities that belong to a single major industrial group (i.e., that have the same two-digit code) as described in the Standard Industrial Classification Manual, (U.S. Office of Management and Budget, 1987) or that support the major industrial group. | 340-232-0030(68) "Source" means any building, structure facility, installation or combination thereof which emits or is capable of emitting air contaminants to the atmosphere and is located on one or more contiguous or adjacent properties and is owned or operated by the same person or by persons under common control.  Definition different from division 200. Delete and use division 200 definition | done |
| 232 | 0030(69) | 200 | 0020(157) | Delete definition of “source category” and use division 200 definition  (157) "Source category":  (a) Except as provided in subsection(b) of this section, means all the pollutant emitting activities that belong to the same industrial grouping(i.e., that have the same two-digit code) as described in the Standard Industrial Classification Manual, (U.S. Office of Management and Budget, 1987).  (b) As used in OAR 340 division 220, Oregon Title V Operating Permit Fees, means a group of major sources that DEQ determines are using similar raw materials and have equivalent process controls and pollution control equipment. | 340-232-0030(69) "Source category" means all sources of the same type or classification.  Definition different from division 200. Delete and use division 200 definition | done |
| 232 | 0030(71) | NA | NA | Definition of thin particleboard not used in this division or any other division | Delete definition | done |
| 232 | 0060 | NA | NA | Delete “Applicants are encouraged to submit designs approved by other air pollution control agencies where VOC control equipment has been developed. Construction approvals and proof of compliance will, in most cases, be based on Departmental evaluation of the source and controls.” | Requirements for construction approvals are in division 210 and do not need to be included in division 232. | done |
| 232 | 0080(1)(b) | NA | NA | Delete “or equivalent system as approved in writing by the Department” | This discretionary approval for equivalent systems to a vapor tight vapor balance system has never been used and is not needed. | done |
| 232 | 0080(2) | NA | NA | Delete “or some other setting approved in writing by the Department” | This discretionary approval for an alternative pressure relief valve set point has never been used and is not needed. | done |
| 232 | 0085(1)(b) | NA | NA | Delete “or equivalent system as approved in writing by the Department” | This discretionary approval for equivalent systems to a vapor tight vapor balance system has never been used and is not needed. | done |
| 232 | 0110(1) | NA | NA | Delete “ozone” from Portland ozone air quality maintenance area | The term defined is “Portland Air Quality Maintenance Area” | done |
| 232 | 0110(4) | NA | NA | Delete “or other equivalent methods approved in writing by the Department” | This discretionary approval for equivalent methods to EPA Method 25 has never been used and is not needed. | done |
| 232 | 0110(5)(b) | NA | NA | Delete “or other equivalent methods approved in writing by the Department” | This discretionary approval for equivalent methods to EPA Method 21 has never been used and is not needed. | done |
| 232 | 0110(5)(c) | NA | NA | Delete “or other equivalent methods approved in writing by the Department” | This discretionary approval for equivalent methods to EPA Method 21 has never been used and is not needed. | done |
| 232 | 0150(1)(a) | NA | NA | Delete “as amended by Federal Register, April 4, 1980, pages 23379 through 23381” | CFR date is included in Reference Materials rule, OAR 340-200-0035 | done |
| 232 | 0150(4)(a)(D) | NA | NA | Replace “:” with “; and” at the end of the requirement | Clarification | done |
| 232 | 0150(4)(d)(A) | NA | NA | Delete “or alternative methods approved by the Department” | This discretionary approval for equivalent methods to determine compliance for secondary seals has never been used and is not needed. | done |
| 232 | 0160(2)(b)(A) | NA | NA | Add “before add on controls” to potential to emit | Correction. States must do RACT for major sources using uncontrolled emissions | done |
| 232 | 0160(5)(j)(B) | NA | NA | The term defined is “forced air dried,” not force air dried | Correction | done |
| 232 | 0220(1)(a) and (2) | NA | NA | Change “particle board” to “particleboard” | The defined term is “particleboard” as one word | done |
| 232 | 0220(5) | NA | NA | Change “emission control system” to “air pollution control devices” | Correction | done |
| 232 | 0230(1) | NA | NA | Add “before add on controls” to potential to emit | Correction. States must do RACT for major sources using uncontrolled emissions | done |
| 232 | 0230(1)(a) |  |  | (a) The volatile fraction of ink, as it is applied to the substrate contains 25.0 percent by volume or less ~~or~~ of organic solvent and 75 percent by volume or more of water; or | Correction | done |
| 232 | 0230(1)(c)(A) | NA | NA | Add “or” between (A) and (B) to make it clearer since there is an “or” between (B) and (C) | Clarification | done |
| 232 | 0230(1)(c)(C) | NA | NA | Change “emissions reduction system” to “pollution control device” | Correction | done |
| 232 | 0230(1)(c)(C) | NA | NA | Change “90.0 percent reduction efficiency” to “90.0 percent removal efficiency” | Correction | done |
| 232 | 0230(1)(c)(C) | NA | NA | Change “control system” to “air pollution control devices” | Correction | done |
| 232 | 0230(2) | NA | NA | Change “emission control systems” to “air pollution control devices” | Correction | done |
| 232 | 0230(2) | NA | NA | Change “an overall reduction” to “a control efficiency” | Correction | done |
| 234 |  |  |  | Emission Standards For Wood Products Industries |  |  |
| 234 | NA | NA | NA | Delete “[**NOTE**: Administrative Order DEQ 37 repealed applicable portions of SA 22, filed 6-7-68.]” | This note is no longer needed. SA probably stands for Sanitary Authority, which was the regulatory agency before DEQ was established. | done |
| 234 | 0010(1) | NA | NA | Delete the definition of “acid absorption tower” | Definition no longer needed since the neutral sulfite semi-chemical pulp mill rules are being repealed | done |
| 234 | 0010(2) | NA | NA | Delete the definition of “acid plant” | Definition no longer needed since the neutral sulfite semi-chemical pulp mill rules are being repealed | done |
| 234 | 0010(3) | NA | NA | Delete the definition of “average daily emission” | Definition no longer needed since the neutral sulfite semi-chemical pulp mill rules are being repealed | done |
| 234 | 0010(4) | NA | NA | Delete the definition of “average daily production” | Definition no longer needed since the neutral sulfite semi-chemical pulp mill rules are being repealed | done |
| 234 | 0010(5) | 200 | 0020(13) | Move definition of average operating opacity to division 200 | Definition same as division 240. See discussion above in division 200 | done |
| 234 | 0010(7) | NA | NA | Delete the definition of “blow system” | Definition no longer needed since the neutral sulfite semi-chemical pulp mill rules are being repealed | done |
| 234 | 0010(9) | NA | NA | Delete the definition of “continual monitoring” | The term “continual monitoring” is not used in OAR 340-234-0200 through 340-234-0350. Since the neutral sulfite semi-chemical pulp mill rules are being repealed the range of rules that this definition applies to changes. | done |
| 234 | 0010(11) | NA | NA | Delete the definition of “continuous-flow conveying system” | This definition is not used in this division. | done |
| 234 | 0010(12) | 234 | 0010(4) | Delete “or Department approved equivalent period,” | This phrase is not necessary. DEQ will not approve an equivalent period other than a 24 hour period in a calendar day. | done |
| NA | NA | 234 | 0010(5) | Add definition of “dry standard cubic meter” | Not previously defined | done |
| 234 | 0010(13) | 200 | 0020(37) | Delete the definition of “Department” | Delete and use division 200 definition | done |
| 234 | 0010(14) | 200 | 0020(45) | Delete definition of “emission” and use division 200 definition  (45) "Emission" means a release into the atmosphere of any regulated pollutant or any air contaminant. | 340-234-0010(14) "Emission" means a release into the atmosphere of air contaminants.  Definition different from division 200. Delete and use division 200 definition | done |
| 234 | 0010(15) | 200 | 0020(54) | Move definition of “EPA Method 9” to division 200 | See discussion above in division 200. Definition same as division 240. Move to division 200 and change reference to 40 CFR Part 60 Appendix A-4 | done |
| 234 | 0010(16) | NA | NA | Delete definition of "fuel moisture content” | Incorporated language into OAR 340-234-0510(1)(c)(A) and (B) | done |
| 234 | 0010(17) | 200 | 0020(66) | Delete definition of “fugitive emissions” and use division 200 definition | See discussion above in division 208. Delete and use definition in division 200 | done |
| 234 | 0010(18) | 200 | 0020(71) | Move definition of “hardboard” to division 200 | See discussion above in division 200. Definition different from division 232 but same as division 240. Use definition from division 234 and move to division 200 | done |
| 234 | 0010(21) | 200 | 0020(87) | Move definition of “maximum opacity” to division 200 | See discussion above in division 200. Definition same as division 240. Move to division 200 | done |
| 234 | 0010(22) | NA | NA | Delete definition of “modified wigwam waste burner” | This definition is not used in this division. | done |
| 234 | 0010(23) | NA | NA | Delete definition of “neutral sulfite semi-chemical (NSSC) pulp mill” | Definition no longer needed since the neutral sulfite semi-chemical pulp mill rules are being repealed | done |
| 234 | 0010(24) | NA | NA | Correct spelling of condensable in the definition of “non-condensibles” | Condensable used throughout this rule | done |
| 234 | 0010(27) | 200 | 0020(105) | Move definition of “particleboard” to division 200 | See discussion above in division 200. Definition same as Division 240. Move to division 200 | done |
| 234 | 0010(28) | 200 | 0020(106) | Delete definition of “particulate matter” and use modified division 200 definition | See discussion above in division 204. Definition different from division 200, 226, 234, 236, and 240. Delete and use a modified version of division 200 definition. Move specific test requirements to rule with standard. Create a testing and monitoring section in 340-234-0540. | done |
| 234 | 0010(29) | 200 | 0020(119) | Delete definition of “parts per million” and use division 202 definition | See discussion above in division 202. Definition different division 202. Clarify division 202 definition and move to division 200 | done |
| 234 | 0010(30) | 200 | 0020(112) | Delete definition of “person” and use division 200 definition | See discussion above in division 200. Delete definition and use division 200 definition | done |
| 234 | 0010(31) | 200 | 0020(117) | Move definition of “plywood” to division 200.  (117) Plywood" means a flat panel built generally of an odd number of thin sheets of veneers of wood in which the grain direction of each ply or layer is at right angles to the one adjacent to it. | 340-234-0010(31) "Plywood" means a flat panel built generally of an odd number of thin sheets of veneers of wood in which the grain direction of each ply or layer is at right angles to the one adjacent to it.  Term used in divisions 240 and 244 but not defined there. | done |
| 234 | 0010(32) | 200 | 0020(121) | Move definition of “press cooling vent” to division 200 | See discussion above in division 200. Definition same as division 240. Move to division 200 | done |
| 234 | 0010(33)(b) | NA | NA | Delete definition of “production” for neutral sulfite semi-chemical pulping” | Definition no longer needed since the neutral sulfite semi-chemical pulp mill rules are being repealed | done |
| 234 | 0010(39) | NA | NA | Delete definition of “spent liquor incinerator” | Definition no longer needed since the neutral sulfite semi-chemical pulp mill rules are being repealed | done |
| 234 | 0010(40) | 234 | 0010(6) | Change defined term from “standard dry cubic meter” to “dry standard cubic meter” and re-alphabetize | The term used in the rule is “dry standard cubic meter” | done |
| 234 | 0010(42) | NA | NA | Delete definition of “sulfite mill” | Definition no longer needed since the neutral sulfite semi-chemical pulp mill rules are being repealed | done |
| 234 | 0010(43) | NA | NA | Delete definition of “sulfur oxides” | Definition no longer needed in division 234 since the neutral sulfite semi-chemical pulp mill rules are being repealed. | done |
| 234 | 0010(44) | 200 | 0020(167) | Delete definition of “total reduced sulfur” | Definition already in division 200 | done |
| 234 | 0010(45) | 200 | 0020(172) | Move definition of “veneer” to division 200 | See discussion above in division 200. Definition same as division 240. Move to division 200 | done |
| 234 | 0010(47) | 200 | 0020(176) | Move definition of “wood fired veneer dryer” division 200 | See discussion above in division 200. Definition same as division 240. Move to division 200 | done |
| 234 | 0100(2) | NA | NA | Correct cross reference to OAR 340-222-0055 | Rule renumbered | done |
| 234 | 0210 | NA | NA | Change “lbs.” to “pound” in all cases | Consistency | done |
| 234 | 0210(4) | NA | NA | Clarify opacity limits for Kraft pulp mill sources other than recovery furnace | Clarification. Recovery furnaces have an opacity limit in OAR 340-234-0120(2)(a)(C) | done |
| 234 | 0210(4) | NA | NA | Replace “for a period exceeding three minutes in any one hour” to “as a six minute average” | DEQ is proposing the change because of the following reasons:   * An opacity standard based on a 6-minute average is no more or less stringent than a standard based on an aggregate of 3 minutes in any hour. Theoretically, either basis could be more stringent than the other, but practically, sources do not typically have intermittent puffs of smoke. If there is an upset that lasts longer than 3 minutes, it usually lasts longer than 6 minutes, as well. * Other reasons for changing to a 6 minute average include:   + A reference compliance method has not been developed for the 3 minute standard.   + EPA method 9 results are reported as 6-minute averages.   + The 3-minute standard adds more cost to data acquisition systems for continuous opacity monitoring systems. Many of the COMS are designed for 6-minute averages, so they have to be modified to record and report data for the 3-minute standard.   + Compliance with a 6 minute average can be determined with 24 readings (6-minute observation period); whereas, compliance with the 3-minute standard may require as many as 240 readings (60 minute observation period). In addition, it is DEQ’s policy that the inspector observes the source for at least 6 minutes before making a compliance determination. | done |
| 234 | 0240(2)(a) | NA | NA | Add the source test methods for particulate matter | The definition of particulate matter has been moved to Division 200. The test methods are being separated from the definition and included with the standard. | done |
| 234 | 0240(2)(a)(A), (B) and (C) | NA | NA | Add adjustments for oxygen correction | Clarification | done |
| 234 | 0250(6) | NA | NA | Delete “Where transmissometers are not feasible, the mass emission rate shall be determined by alternative sampling approved by the Department.” | This alternative is not necessary. All pulp mills have transmissometers. | done |
| 234 | 0250(7) | NA | NA | Correct spelling of condensible | Condensable used throughout this rule | done |
| 234 | 0300-0360 | NA | NA | Delete neutral sulfite semi-chemical pulp mill rules | These sources no longer exist in the state. If a source did build a new facility, New Source Review/Prevention of Significant Deterioration (requiring a demonstration that emissions would not cause or contribute to a NAAQS or increment violation), New Source Performance Standards and MACT would apply. These rules would be more stringent than the existing rules. | done |
| 234 | 0400-0430 | NA | NA | Delete sulfite pulp mill rules | These sources no longer exist in the state. If a source did build a new facility, New Source Review/Prevention of Significant Deterioration (requiring a demonstration that emissions would not cause or contribute to a NAAQS or increment violation), New Source Performance Standards and MACT would apply. These rules would be more stringent than the existing rules. | done |
| 234 | 0510(1)(b)(A) | NA | NA | Add the sentence that defines a violation | This sentence does not belong in the definition of average operating opacity. It belongs in this subsection with the standard | done |
| 234 | 0510(1)(c)(A) and (B) | NA | NA | Incorporate fuel moisture content into rule and add test method | Avoids confusion about indirect heat transfer (e.g., boilers), direct heat transfer (e.g., dryers), and internal combustion devices (e.g., gas turbines). | done |
| 234 | 0530(3)(a) | NA | NA | Add “except as allowed by paragraph (b)” | Correction. Paragraph (b) allows an exception for a lower temperature than 1500 F from the requirement to incinerate gases and vapors in a hardboard tempering oven. | done |
| 234 | 0530(3)(b) | NA | NA | Change (b) from:  “Specific operating temperatures lower than 1500° F. may be approved by the Department upon application, provided that information is supplied to show that operation of said temperatures provides sufficient treatment to prevent odors from being perceived on property not under the ownership of the person operating the hardboard plant;” to  “Specific operating temperatures lower than 1500° F. may be approved by DEQ in accordance with 40 CFR Part 63, Subpart DDDD, NESHAP for Plywood and Composite Wood Products.” | Remove reference to odors since this requirement is to control VOC emissions. The NESHAP already includes procedures for approving lower temperatures so it is not necessary here. | done |
| 234 | 0530(3)(c) & (d) | NA | NA | Delete subsections (c) and (d):  (c) In no case shall fume incinerators installed pursuant to this section be operated at temperatures less than 1000° F.;  (d) Any person who proposes to control emissions from hardboard tempering ovens by means other than fume incineration shall apply to DEQ for written authorization to utilize alternative controls. The application shall describe in detail the plan proposed to control odorous emissions and indicate on a plot plan the location of the nearest property not under ownership of the applicant. | Subsection (c) is not needed because there are provisions in the NESHAP for setting a lower temperature. Subsection (d) is not needed because the hardboard tempering ovens in Oregon are controlled by fume incineration. |  |
| 234 | 0540 | NA | NA | Add a rule for Testing and Monitoring | A test method should always be specified with each standard in order to be able to show compliance | done |
| 236 |  |  |  | Emission Standards For Specific Industries |  |  |
| 236 | 0010(1) | NA | NA | Delete definition of “all sources” | Definition no longer needed since primary aluminum and ferronickel rules are being repealed | done |
| 236 | 0010(2) | NA | NA | Delete definition of “annual average” | Definition no longer needed since primary aluminum rules are being repealed | done |
| 236 | 0010(3) | NA | NA | Delete definition of “anode baking plant” | Definition no longer needed since primary aluminum rules are being repealed | done |
| 236 | 0010(4) | NA | NA | Delete definition of “anode plant” | Definition no longer needed since primary aluminum rules are being repealed | done |
| 236 | 0010(5) | NA | NA | Delete definition of “average dry laterite ore production rate” | Definition no longer needed since ferronickel rules are being repealed | done |
| 236 | 0010(5) | NA | NA | Delete definition of “collection efficiency” and define “control efficiency,” “capture efficiency,” “destruction efficiency,” and “removal efficiency” | Clarification. There has been confusion among the terms “capture efficiency,” “collection efficiency,” “removal efficiency,” and “control efficiency.” “Collection efficiency” is the only term currently defined in divisions 236 and 240. “Removal efficiency” is replacing “collection efficiency.” The definitions of “capture efficiency,” “destruction efficiency,” and “control efficiency” are being added to help clarify the differences among the terms.  To demonstrate compliance with a removal efficiency requirement, testing the inlet/outlet of a control device on an air conveying system would be very difficult.  Usually, there is not enough room (straight duct) to measure the inlet and the flow is cyclonic.  Therefore, DEQ is changing the requirement to a “rated removal efficiency” which should be available from the manufacturer of the equipment. Required operation and maintenance plans will ensure proper operation of any air pollution control devices. | done |
| 236 | 0010(7) | 200 | 0020(27) | Delete definition of “Commission” | Definition different from division 200 definition, use division 200 definition | done |
| 236 | 0010(8) | NA | NA | Delete definition of “cured forage” | Definition no longer needed since primary aluminum rules are being repealed | done |
| 236 | 0010(9) | 200 | 0020(37) | Delete definition of “Department” | Definition different from division 200 definition, use division 200 definition | done |
| 236 | 0010(11) | NA | NA | Delete definition of “dry laterite ore” | Definition no longer needed since ferronickel rules are being repealed | done |
| 236 | 0010(12) | 200 | 0020(45) | Delete definition of “emission” | Definition different from division 200 but same as division 240. Delete and use division 200 definition | done |
| 236 | 0010(13) | 200 | 0020(51) | Delete the definition of “emission standards” | Definition different from division 200. The definition used in division 200 is more comprehensive so use that definition instead. | done |
| 236 | 0010(14) | NA | NA | Delete definition of “ferronickel” | Definition no longer needed since ferronickel rules are being repealed | done |
| 236 | 0010(15) | NA | NA | Delete definition of “fluorides” | Definition no longer needed since primary aluminum rules are being repealed | done |
| 236 | 0010(16) | NA | NA | Delete definition of “forage” | Definition no longer needed since primary aluminum rules are being repealed | done |
| 236 | 0010(17) | 200 | 0020(66) | Delete definition of “fugitive emissions” and use division 200 definition | See discussion above in division 208. Delete and use definition in division 200 | done |
| 236 | 0010(19) | NA | NA | Delete definition of “laterite ore” | Definition no longer needed since ferronickel rules are being repealed | done |
| 236 | 0010(20) | NA | NA | Delete definition of “monthly average” | Definition no longer needed since primary aluminum rules are being repealed | done |
| 236 | 0010(21) | 200 | 0020(106) | Delete definition of “particulate matter” and use modified division 200 definition | See discussion above in division 204. Definition different from division 200, 226, 234, 236, and 240. Delete and use a modified version of division 200 definition. Move specific test requirements to rule with standard. Create a testing and monitoring section in 340-234-0540. | done |
| 236 | 0010(22) | NA | NA | Delete definition of “primary aluminum plant” | Definition no longer needed since primary aluminum rules are being repealed | done |
| 236 | 0010(24) | NA | NA | Delete definition of “pot line primary emission control systems” | Definition no longer needed since primary aluminum rules are being repealed | done |
| 236 | 0010(25) | NA | NA | Delete “by Hour” from the definition of “Process Weight by Hour.” The term should just be “process weight.” “Process weight by hour” is defined later in the definition. | Clarify definition | done |
| 236 | 0010(26) | NA | NA | Delete definition of “regularly schedule monitoring” | Definition no longer needed since primary aluminum rules are being repealed | done |
| 236 | 0010(27) | 200 | 0020(158) | Definition of “source test” | Definition already in division 200. | done |
| 236 | 0010(28) | 200 | 0020(42) | Delete definition of “standard cubic foot” and use definition of “dry standard cubic foot” from division 240 and move to division 200 | See discussion above in division 200. Definition different from division 236 and 240 but same as 228. Each standard will have the applicable test method long with the correct adjustment. | done |
| 236 | 0100-0150 | NA | NA | Delete primary aluminum standards | These sources no longer exist in the state. If a source did build a new facility, New Source Review/Prevention of Significant Deterioration (requiring a demonstration that emissions would not cause or contribute to a NAAQS or increment violation), New Source Performance Standards and MACT would apply. These rules would be more stringent than the existing rules. | done |
| 236 | 0200-0230 | NA | NA | Delete laterite ore production of ferronickel rules | These sources no longer exist in the state. If a source did build a new facility, New Source Review/Prevention of Significant Deterioration (requiring a demonstration that emissions would not cause or contribute to a NAAQS or increment violation), New Source Performance Standards and MACT would apply. These rules would be more stringent than the existing rules. | done |
| 236 | 0410(1) | NA | NA | Change to “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 hot mix asphalt plant are controlled by a device or devices with a design removal efficiency for particulate matter of at least 80 percent by weight.” | Clarification | done |
| 236 | 0410(3) | NA | NA | Update references to division 208 based on proposed changes | Clarification | done |
| NA | NA | 236 | 0410(4) | Add:  “(4) If requested by DEQ, the owner or operator must develop a fugitive emission control plan.” | If fugitive emissions are an issue, DEQ will request that a fugitive emission control plan be developed and implemented. | done |
| NA | NA | 236 | 0410(5) | Add test method and reference to DEQ’s Source Sampling Manual | A test method should always be specified with each standard in order to be able to show compliance | done |
| 236 | 0430 | NA | NA | Repeal Portable Hot Mix Asphalt Plants | Requirements for portable hot mix asphalt plants are included in the general permit for asphalt plants. DEQ does not do a control device approval when the plant moves.  The source is required to get approval from the local land use authority and the permits include the emission limits and standards for each area where a portable source could be located.  No other approval is needed when a source moves.  However, the source needs to notify DEQ, but that is a condition of the permit. | done |
| 236 | 0500(2) | NA | NA | Delete CFR date | CFR date is included in Reference Materials rule, OAR 340-200-0035 | done |
| 236 | 0500(3) | NA | NA | Delete “of this subsection” | Not necessary | done |
| 236 | 0500(4)(a) & (b) | NA | NA | Delete “of this rule” and add “the following” to what large landfills must comply with | Correction | done |
| 240 |  |  |  | Rules For Areas With Unique Air Quality Needs |  |  |
| 240 | 0030(1) | 200 | 0020(8) | Delete definition of “air contaminant” and use division 200 definition | Definition of air contaminant already in division 200 | done |
| 240 | 0030(3) | 200 | 0020(13) | Move definition of “average operating opacity” to division 200 | See discussion above in division 200. Definition is same as in division 234 except for sentence that determines when a violation occurs. Put that sentence with opacity limit. | done |
| 240 | 0030(4) | NA | NA | Delete definition of “charcoal producing plant” | Definition no longer needed since Charcoal Producing Plant rules are being repealed | done |
| 240 | 0030(5) | NA | NA | Delete definition of “collection efficiency” and define “control efficiency,” “capture efficiency,” “destruction efficiency,” and “removal efficiency” in division 200 | Clarification. There has been confusion among the terms “capture efficiency,” “collection efficiency,” “removal efficiency,” and “control efficiency.” “Collection efficiency” is the only term currently defined in divisions 236 and 240. “Removal efficiency” is replacing “collection efficiency.” The definitions of “capture efficiency,” “destruction efficiency,” and “control efficiency” are being added to division 200 to help clarify the differences among the terms.  To demonstrate compliance with a removal efficiency requirement, testing the inlet/outlet of a control device on an air conveying system would be very difficult.  Usually, there is not enough room (straight duct) to measure the inlet and the flow is cyclonic.  Therefore, DEQ is changing the requirement to a “design removal efficiency” which should be available from the manufacturer of the equipment. Required operation and maintenance plans will ensure proper operation of any air pollution control devices. | done |
| 240 | 0030(6) | 200 | 0020(37) | Delete definition of Department | Definition already in division 200 | done |
| 240 | 0030(9) | 200 | 0020(42) | Move definition of “dry standard cubic foot” to division 200 | See discussion above in division 200. Definition is different from the definition of “standard cubic foot.” Use definition of “dry standard cubic foot” and move to Division 200 | done |
| 240 | 0030(10) | 200 | 0020(45) | Delete definition of “emission” and use division 200 definition | See discussion above in division 234. Definition different from division 200 definition but the same as division 234 | done |
| 240 | 0030(11) | 200 | 0020(54) | Move definition of “EPA Method 9” to division 200 and change reference to 40 CFR Part 60 Appendix A-4. | See discussion above in division 200. Definition of EPA Method 9 same as Division 234 | done |
| 240 | 0030(12) | 200 | 0020(60) | Delete the definition of “facility” | The definition of “facility” does not agree with the use of “facility” throughout division 240. “Facility” is used in the context of “source.” | done |
| 240 | 0030(14) | 200 | 0020(65) | Delete definition of “fuel burning equipment” and move to division 200 with clarifications | See discussion above in division 200. Move definition of fuel burning equipment from divisions 208, 228, and 240 to division 200 and clarify. | done |
| 240 | 0030(15) and (16) | NA | NA | Delete definitions of “fuel moisture content” | Incorporated language into OAR 340-240-0120(1)(e) and (f) | done |
| 240 | 0030(17) | 200 | 0020(66) | Delete definition of “fugitive emissions” and use division 200 definition | See discussion above in division 208. Delete and use definition in division 200 | done |
| 240 | 0030(19) | 200 | 0020(71) | Use definition of “hardboard” from division 234 and division 240 and move to division 200 | See discussion above in division 200. Definition of hardboard different from division 232 but same as division 234 | done |
| 240 | 0030(23) | 200 | 0020(80) | Move definition of ‘liquefied petroleum gas” to division 200 | See discussion above in division 200. Definition not used in division 240 | done |
| 240 | 0030(24) | 200 | 0020(81) | Delete definition of “lowest achievable emission rate” | Definition already in division 200 | done |
| 240 | 0030(25) | 200 | 0020(87) | Move definition of “maximum opacity” to division 200 | See discussion above in division 200. Definition same as in division 234 | done |
| 240 | 0030(26) | NA | NA | Delete definition of “Medford-Ashland Air Quality Maintenance Area” | Definition already in division 204 | done |
| 240 | 0030(27) | NA | NA | Delete definition of “modified source” | This definition is not needed since it is clear that it is meant to apply to sources with “major modifications” subject to 224-0050 or 224-0060. | done |
| 240 | 0030(28) | 200 | 0020(91) | Move definition of “natural gas” to division 200 | Definition used in other divisions | done |
| 240 | 0030(29) | NA | NA | Delete definition of “new source” | Requirements for “old” wood waste boilers were repealed in 12/2004 because the compliance date (12/31/94) had past. All sources must meet the requirements for “new” sources. New sources and existing sources must comply with 340-240-0110(1), 340-240-120 through 250 so the definition of “new source” is no longer necessary. | done |
| 240 | 0030(30) | 200 | 0020(97) | Move definition of “odor” to division 200 | See discussion above in division 200. Definition same as in division 208 | done |
| 240 | 0030(31) | 200 | 0020(98) | Delete definition of “offset” | This definition refers to the definition in Division 200 | done |
| 240 | 0030(32) | 200 | 0020(99) | Delete definition of "opacity" and use division 200 definition | See discussion above in division 200. Move to division 200 | done |
| 240 | 0030(34) | 200 | 0020(105) | Move definition of “particleboard” to division 200 | See discussion above in division 200. Definition same as Division 234 | done |
| 240 | 0030(35) | 200 | 0020(106) | Delete definition of “particulate matter” and use modified division 200 definition | See discussion above in division 204. Definition different from division 200, 226, 234, 236, and 240. Delete and use a modified version of division 200 definition. Move specific test requirements to rule with standard. Create a testing and monitoring section in 340-234-0540. | done |
| 240 | 0030(36) | 200 | 0020(112) | Delete definition of “person” | Definition already in division 200 | done |
| 240 | 0030(37) | 200 | 0020(121) | Move definition of “press cooling vent” to division 200 | Definition same as division 234 | done |
| 240 | 0030(41) | 200 | 0020(177) | Move definition of “wood fuel-fired device” to division 200 | Move to division 200 | done |
| 240 | 0030(42) | 200 | 0020(156) | Delete definition of “source” and use definition in division 200 | Definition different than definition in division 200 | done |
| 240 | 0030(43) | 200 | 0020(159) | Move definition of “standard conditions” to division 200 | See discussion above in division 200. Definition different from division 240 but same as division 226 and 228. Use division 240 definition and move to division 200 | done |
| 240 | 0030(44) | 200 | 0020(42) | Delete definition of “standard cubic foot” and use definition of “dry standard cubic foot” from division 240 and move to division 200 | See discussion above in division 200. Definition different from division 236 and 240 but same as 228. Each standard will have the applicable test method long with the correct adjustment. | done |
| 240 | 0030(45) | 200 | 0020(172) | Move definition of “veneer” same to division 200 | See discussion above in division 200. Definition same as division 234 | done |
| 240 | 0030(46) | 200 | 0020(173) | Move definition of “veneer dryer” to division 200 | See discussion above in division 200. Definition used in division 234 but not defined there | done |
| 240 | 0030(47) | 200 | 0020(176) | Move definition of “wood fired veneer dryer” to division 200 | See discussion above in division 200. Definition same as division 234 | done |
| 240 | 0030(48) | 240 | 0030(12) | Change term to of “wigwam waste burner” instead of “wigwam fired burner” and leave definition as is | “Wigwam fired burner” not used but the same as definition of “wigwam waste burner” in division 234. | done |
| NA | NA | 240 | 0050 | Add a rule on “Compliance Testing Requirements” | Clarification. This rule specifies what test methods to use in this division | done |
| 240 | 0110(1)(b) | NA | NA | Change the 3 minute aggregate in one hour to a six minute average | DEQ is changing all opacity limits to 6 minute averages. See reason above for changing opacity to 6-minute average | done |
| 240 | 0110(1)(b) | NA | NA | Add reference to OAR 340-240-0210 | OAR 340-240-0210 contains continuous monitoring requirements for opacity | done |
| 240 | 0110(2) | NA | NA | Do not capitalize “Baseline Period” | Correction | done |
| 240 | 0120(1)(a) | NA | NA | Add “as defined in division 200” | The definition of average operating opacity was moved to division 200 | done |
| 240 | 0120(1)(a) | NA | NA | Add “a violation of the average operating opacity limitation is judged to have occurred if the opacity of emissions on each of the three days is greater than the specified average operating opacity limitation” | This sentence was deleted from the definition of “average operating opacity” but should be included with the standard. | done |
| 240 | 0120(1)(b) | NA | NA | Add “as a six minute average as measured by EPA Method 9” | DEQ is changing all opacity limits to 6 minute averages. See reason above for changing opacity to 6-minute average | done |
| 240 | 0120(1)(b) | NA | NA | Do not capitalize “Permit” | Correction | done |
| 240 | 0120(1)(e) and (f) | NA | NA | Incorporate fuel moisture content into rule and add test method ASTM D4442-84 | This clarifies the requirement | done |
| 240 | 0120(2) | NA | NA | Replace fuel burning equipment with external combustion device | Avoids confusion about indirect heat transfer (e.g., boilers), direct heat transfer (e.g., dryers), and internal combustion devices (e.g., gas turbines). | done |
| 240 | 0130 | NA | NA | Change to “All air conveying systems emitting greater than ten tons per year of particulate matter to the atmosphere must, with the prior written approval of DEQ, be equipped with a particulate emissions control device or devices with a design removal efficiency of at least 98.5 percent.” | Clarification. To demonstrate compliance with a removal efficiency requirement, testing the inlet/outlet of a control device on an air conveying system would be very difficult.  Usually, there is not enough room (straight duct) to measure the inlet and the flow is cyclonic.  Therefore, DEQ is changing the requirement to a “design removal efficiency” which should be available from the manufacturer of the equipment. Required operation and maintenance plans will ensure proper operation of any air pollution control devices. | done |
| 240 | 0140(2) | NA | NA | Add “as a six minute average as measured by EPA Method 9” | DEQ is changing all opacity limits to 6 minute averages. See reason above for changing opacity to 6-minute average | done |
| 240 | 0160 | NA | NA | Change “wigwam burner” to “wigwam waste burner” | Correction. The defined term is “wigwam waste burner” | done |
| 240 | 0170 | NA | NA | Delete Charcoal Producing Plant rules | These sources no longer exist in the state outside of Lane County. If a source did build a new facility, New Source Review/Prevention of Significant Deterioration (requiring a demonstration that emissions would not cause or contribute to a NAAQS or increment violation), New Source Performance Standards and MACT would apply. These rules would be more stringent than the existing rules. | done |
| 240 | 0180(1) | NA | NA | Remove “all” before plywood because it’s already in the beginning of the sentence. | Clarification | done |
| 240 | 0180(1) | NA | NA | Delete “charcoal manufacturing plants” | The rules for charcoal manufacturing plants are being repealed | done |
| 240 | 0180(2)(b) | NA | NA | Delete “asphalt, oil,” from the reasonable precautions to prevent particulate matter from becoming airborne | DEQ discourages the use of asphalt emulsions and oil as dust suppressants because of the negative environmental impact on other media. | done |
| 240 | 0210(1) | NA | NA | Change “continuous emission monitoring systems guidance” to “DEQ’s Continuous Monitoring Manual (March 2014) and delete reference to 40 CFR 60 | The Continuous Monitoring Manual should be referenced which includes a reference to 40 CFR 60. | done |
| 240 | 0220(1) | NA | NA | Change “person responsible for” to “owner or operator of” | Correction | done |
| 240 | 0220(1) | NA | NA | Add reference to DEQ’s Source Sampling Manual | Correction | done |
| 240 | 0220(1)(b) and (e) | NA | NA | Delete dates in the past | The required testing dates are already past | done |
| 240 | 0220(1)(d) | NA | NA | Delete requirement for source testing of charcoal producing plant | These sources no longer exist in the state outside of Lane County. See reason above. | done |
| 240 | 0220(6) | NA | NA | Add (6) to include the source test methods for particulate matter | The definition of particulate matter has been moved to Division 200. The test methods are being separated from the definition and included with the standard. | done |
| 240 | 0230 | NA | NA | Repeal OAR 340-240-0230 as it is no longer necessary | Requirements for “old” wood waste boilers were repealed in 12/2004 because the compliance date (12/31/94) had past. All sources must meet the requirements for “new” sources. New sources and existing sources must comply with 340-240-0110(1), 340-240-120 through 250. | done |
| 240 | 0310 | NA | NA | Repeal OAR 340-240-0310 as it is no longer necessary | Compliance schedule dates for existing sources are all past | done |
| 240 | 0320(1) | NA | NA | Add “as a six minute average as measured by EPA Method 9” | DEQ is changing all opacity limits to 6 minute averages. See reason above for changing opacity to 6-minute average | done |
| 240 | 0330(2) | NA | NA | Add “as a six minute average as measured by EPA Method 9” | DEQ is changing all opacity limits to 6 minute averages. See reason above for changing opacity to 6-minute average | done |
| 240 | 0350(1) | NA | NA | Change grain loading from “0.1” to “0.10” | La Grande is in a maintenance area so this limit has to change upon rule adoption, like 226-0210 | done |
| 240 | 0350(1) | NA | NA | Add “except as allowed by section (2) | Allow for extension | done |
| NA | NA | 240 | 0350(2) | Add “The owner or operator of an existing source who is unable to comply with OAR 340-226-0210(1)(a), (c) or (d) may request that DEQ grant an extension allowing the source up to one year to comply with the standard, if such period is necessary for the installation of controls.” | Allows extra time for installation of control equipment if necessary |  |
| 240 | 0350(2) | 240 | 0350(3) | Change to “All air conveying systems emitting greater than ten tons per year of particulate matter to the atmosphere must, with the prior written approval of DEQ, be equipped with a particulate emissions control device or devices with a rated removal efficiency of at least 98.5 percent.” | Clarification. Testing the inlet/outlet of a control device on an air conveying system would be very difficult.  Usually, there is not enough room (straight duct) to measure the inlet and the flow is cyclonic. Rated removal efficiency – can get this number from the manufacturer. Source test not required. O&M plan requirements will ensure correct O&M to maintain control efficiency. | done |
| 240 | 0350(3) | NA | NA | Add “as a six minute average as measured by EPA Method 9” | DEQ is changing all opacity limits to 6 minute averages. See reason above for changing opacity to 6-minute average | done |
| 240 | 0360 | NA | NA | Move the “any” from in front of plywood mills to in front of all the sources listed. | Correction. “Any” applies to all the sources listed, not just plywood mills and veneer manufacturing plants. | done |
| 240 | 0360 | NA | NA | Delete “or charcoal manufacturing plants” | The rules for charcoal manufacturing plants are being repealed | done |
| 240 | 0410(1) | NA | NA | Move the “all” from in front of plywood mills to in front of all the sources listed. | Correction. “All” applies to all the sources listed, not just plywood mills and veneer manufacturing plants. | done |
| 240 | 0410(2)(a) | NA | NA | Delete “asphalt, oil,” from the reasonable precautions to prevent particulate matter from becoming airborne | DEQ discourages the use of asphalt emulsions and oil as dust suppressants because of the negative environmental impact on other media. | done |
| 240 | 0420(1) | NA | NA | Change “Operation and Maintenance Plans must be prepared by all holders of Permits other than a Regulated Source ACDP. All sources subject to regular permit requirements are subject to operation and maintenance requirements.” to “With the exception of basic and general permit holders, a permit holder must prepare and implement operation and maintenance plans for non-fugitive sources of particulate matter.” | Clarification. DEQ no longer has “regulated source ACDPs. | done |
| 240 | 0430 | NA | NA | Change “person responsible for” to “owner or operator of” | Correction | done |
| 240 | 0430 | NA | NA | Change “conformance” to “accordance” | Correction | done |
| 240 | 0430 | NA | NA | Reference the DEQ’s Source Sampling Manual rather than test methods on file with the Department | Add reference to Source Sampling Manual | done |
| 240 | 0430(2) & (3) | NA | NA | Add source test requirement for wood waste boilers with total heat input less than 35 MMBtu/hr and wood particle dryers | This rule clarifies when source tests are required and what methods should be used | done |
| 240 | 0510(1) | NA | NA | Add “as a six minute average” | DEQ is changing all opacity limits to 6 minute averages. See reason above for changing opacity to 6-minute average | done |
| 240 | 0510(2)(b) | NA | NA | Delete “(b) This rule does not apply where the presence of uncombined water is the only reason for failure of any source to meet the requirements of this rule.” | Not necessary with addition of “Compliance Testing Requirements” in OAR 340-240-0050 | done |
| 240 | 0510(2)(c) | 240 | 0510(2)(b) | Add “as a six minute average” | DEQ is changing all opacity limits to 6 minute averages. See reason above for changing opacity to 6-minute average | done |
| 240 | 0510(3) | NA | NA | Delete “Opacity is determined in accordance with EPA Method 9 of Appendix A to 40 CFR Part 60 or a continuous opacity monitoring system (COMS) installed and operated in accordance with Performance Specification 1 of Appendix B to 40 CFR Part 60.” | Not necessary with addition of “Compliance Testing Requirements” in OAR 340-240-0050 | done |
| 240 | 0550(1) | NA | NA | Change “224-0050 or 340-224-0060” to “division 224” and “340-225-0090(2)” to “340-224-0050 or OAR 340-224-0250” | Division 224 for New Source Review has been changed | done |
| 240 | 0550(1) | NA | NA | Change “340-224-0050 or 340-224-0060” to “division 224” | Division 224 for New Source Review has been changed | done |
| 240 | 0550(2) | NA | NA | Change “340-225-0090(2)(a)(E)” to “340-224-0540(4) | Division 224 for New Source Review has been changed | done |
| 240 | 0560(4) | NA | NA | Change “340-224-0050 or 340-224-0060” to “division 224” | Division 224 for New Source Review has been changed | done |
| 242 |  |  |  | Rules Applicable to the Portland Area |  |  |
| 242 | 0610(1) | 200 | 0020(38) | Delete definition of “Department” | The definition in division 200 is the same | done |
| 242 | 0610(9) | 200 | 0020(112) | Move definition of “person” to division 200 | See discussion above in division 200. Definition different from division 200. Delete and use division 200 definition | done |
| 242 | 0610(10) | 204 | 0010(19) | Delete definition of “Portland Air Quality Maintenance Area” | The definition in division 204 and is more comprehensive | done |
| 242 | 0610(13) | 200 | 0020(180) | Delete definition of “Volatile Organic Compound” | The definition is in division 200 | done |
| 242 | 0400(1) | NA | NA | Change OAR 340-225-0090 to division 224 | The net air quality benefit requirements have been moved to division 224. | done |
| 242 | 0420(3) | NA | NA | Change the cross reference to OAR 340-200-0020 to OAR 340-224-0025 | The definition of major modification as moved to division 224 | done |
| 242 | 0420(3) | NA | NA | Change the cross reference to OAR 340-222-0040 to OAR 340-222-0035 | correction | done |
| 242 | 0610(1) | NA | NA | Delete definition of “Department” and use the definition in division 200 | The definition in division 200 is the same | done |
| 242 | 0610 | NA | NA | Delete definition of “person” and use the definition in division 200 | The definition in division 200 is more comprehensive. | done |
| 242 | 0700-0750 | NA | NA | Repeal Spray Paint rules | Repeal spray paint rules since there are now more stringent federal rules. Oregon’s rules reduce spray paint VOCs by 15 percent.  EPA’s rules reduce spray paint VOCs by 19 percent. There is no air quality impact because there are now more protective federal rules. There would be a slight positive fiscal impact because the paint manufacturers would no longer need to certify to two different but environmentally equivalent standards and Title V sources would no longer need to certify compliance with the Oregon rule. While these rules were adopted as part of the Portland ozone plan, the immediate issue is really Title V permit streamlining. | done |
| 242 | 0760-0790 | NA | NA | Repeal Area Source Common Provisions rules | These rules are no longer needed.  Applicability, 242-0760, for the Motor Refinishing Rules, 0600 through 0630, only require cleaning equipment and use of certain equipment for spraying. The rules do not require submittal of any information so Exemption from Disclosure to the Public, 242-0780, isn’t relevant. The Public Records Law to the extent provided in 192.410 to 192.505 specifies requirements for information exempt from disclosure.  Compliance Extensions, 242-0770, are for manufacturers defined in 242-0710, which is being repealed.  Future Review, 242-0790, is no longer needed since it applies to 242-0700 through 0750, which are being repealed. | done |
| 259 |  |  |  | Clean Diesel Grant and Loan Rules |  |  |
|  |  |  |  |  |  |  |
| 262 |  |  |  | Heat Smart Program for Residential Woodstoves and Other Solid Fuel Heating Devices |  |  |
| 262 | 0450(24)(g) | NA | NA | Change to “(g) Boilers providing heat to a commercial, industrial, or institutional establishment that obtain construction approval under OAR 340-210-0205 through 340-210-0250.” | When EPA adopted 40 CFR part 63, subpart DDDDD and subpart JJJJJJ, as in effect on February 16, 2012, they exempted small boilers from the NESHAP requirements. The proposed rule language would continue to exempt these boilers. | done |
| 264 |  |  |  | Rules for Open Burning |  |  |
| 264 | 0010(2)(l) | NA | NA | Delete “(l) OAR 340-264-0190 establishes criteria for use of forced-air pit incineration.” | EPA’s rules for Commercial/Industrial Solid Waste Incineration require forced-air pit or air curtain incinerators to have Title V permits. These emissions units are no longer allowed under the open burning rules. | done |
| 264 | 0010(3)(f) | NA | NA | Delete “or 340-363-0190 (Forced-Air Pit Incinerators)” | The cross reference to OAR 340-363-0190 is incorrect and should be 340-264-0190. Regardless, forced- air pit or air curtain incinerators to have Title V permits. These emissions units are no longer allowed under the open burning rules. | done |
| 264 | 0030(6) | NA | NA | Delete “or air curtain incinerators” | EPA’s rules for Commercial/Industrial Solid Waste Incineration require forced-air pit or air curtain incinerators to have Title V permits. These emissions units are no longer allowed under the open burning rules. | done |
| 264 | 0030(21) | NA | NA | Delete the definition of “Forced-Air Pit Incineration” | EPA’s rules for Commercial/Industrial Solid Waste Incineration require forced-air pit or air curtain incinerators to have Title V permits. These emissions units are no longer allowed under the open burning rules. | done |
| 264 | 0030(29) | 264 | 0030(28) | Delete “(c) Burning in incinerators that do not meet the emission limitations specified for solid and infectious waste incinerators in OAR 340-230-0100 through 340-230-0150; and” | Correction. Burning in incinerators that do not meet the solid and infection waste incineration requirements in division 230 has not been allowed since XXXX. | done |
| 264 | 0078 | NA | NA | Add figure names | Clarification | done |
| 264 | 0190 | NA | NA | Repeal Forced Air Pit Incinerators rules | EPA’s rules for Commercial/Industrial Solid Waste Incineration require forced-air pit or air curtain incinerators to have Title V permits. These emissions units are no longer allowed under the open burning rules. |  |
| 268 |  |  |  | Emission Reduction Credits |  |  |
| NA | NA | 268 | 0030(1)(f) | Add provision for ERCs from woodstoves in Klamath Falls | The Klamath Falls attainment plan allows sources to use wood fuel-fired device emission reductions | done |
| NA | NA | 268 | 0030(1)(g) | Add the following language: “Hazardous emissions reductions required to meet the MACT standards at 40 CFR part 60 and part 61, including emissions reductions to meet the early reduction requirements of section 112(i)(5), are not creditable as offsets.However, any emissions reductions that are in excess of or incidental to the MACT standards are not precluded from being creditable as offsets as long as all conditions of a creditable offset are met.” | From 11/12/97 EPA Memo: Crediting of MACT emissions reductions for NSR netting and offsets. Required HAP emission reductions are not creditable as offsets but can be used if in excess of MACT standards. | done |
| 268 | 0030(3)(b) | NA | NA | Delete “and the Net Air Quality Benefit requirements of OAR 340-225-0090” | Net Air Quality Benefit was moved to division 224 | done |
| NA | NA | 268 | 0030(4) | Add “Emission reduction credits are considered used when a complete NSR permit application is received by DEQ to apply the emission reduction credits to netting actions within the source that generated the credit, or to meet the offset and Net Air Quality Benefit requirements of the New Source Review program in accordance with OAR 340-224-0500.” | Clarification. The existing rules do not specify when ERC are considered “used” and what happens if the proposed project changes. | done |
| 268 | 0030(4)(a) | 268 | 0030(5)(a) | Clarify that emission reduction credits not used or banked and become unassigned PSELS are no longer available for use as external offsets | clarification | done |
| 268 | 0030(4)(b) | 268 | 0030(5)(b) | Clarify that emission reduction credits not used prior to the expiration date and revert back to the source that generated the credit will become unassigned PSELS are no longer available for use as external offsets | clarification | done |