**DIVISION 222**

**STATIONARY SOURCE PLANT SITE EMISSION LIMITS**

**340-222-0010**

**Policy**

The Commission recognizes the need to establish a more definitive method for regulating increases and decreases in air emissions of permit holders. However, except as needed to protect ambient air quality standards, prevention of significant deterioration increments and visibility, the Commission does not intend to: limit the use of existing production capacity of any air quality permittee; cause any undue hardship or expense to any permittee who wishes to use existing unused productive capacity; or create inequity within any class of permittees subject to specific industrial standards that are based on emissions related to production.

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

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468 & ORS 468A
Hist.: DEQ 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 340-020-0300; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1000; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

**340-222-0020**

**Applicability**

(1) Plant Site Emission Limits (PSELs) will be included in all Air Contaminant Discharge Permits (ACDP) and Oregon Title V Operating Permits, except as provided in section (3), as a means of managing airshed capacity by regulating increases and decreases in air emissions. Except as provided in OAR 340-222-0035(5) and 340-222-0060, all ACDP and Title V sources are subject to PSELs for all regulated pollutants listed in the definition of significant emission rate in OAR 340-200-0020. DEQ will incorporate PSELs into permits when issuing a new permit or renewing or modifying an existing permit.

(2) The emissions limits established by PSELs provide the basis for:

(a) Assuring reasonable further progress toward attaining compliance with ambient air standards;

(b) Assuring compliance with ambient air standards and Prevention of Significant Deterioration increments;

(c) Administering offset and banking programs; and

(d) Establishing the baseline for tracking the consumption of Prevention of Significant Deterioration Increments.

(3) PSELs are not required for:

(a) Pollutants that will be emitted at less than the de minimis emission level listed in OAR 340-200-0020 from the entire source,

(b) Short Term Activity and Basic ACDPs;

(c) Hazardous air pollutants as listed in OAR 340-244-0040 Table 1; Early Reduction High Risk Pollutants listed in 40 CFR 63.74; or Accidental Release Substances listed in 40 CFR 68.130 unless listed in the definition of significant emission rate; or

(d) Air toxics as listed in Division 246, unless listed in the definition of significant emission rate.

(4) PSELs may be generic PSELs, 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.

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

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

Stat. Auth.: ORS 468.020 & 468A.040
Stats. Implemented: ORS 468.020, 468.065 & 468A.025
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 340-020-0301; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 14-1998, f. & cert. ef. 9-14-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1010; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 4-2008(Temp). f. 3-4-08, cert. ef. 3-6-08 thru 9-1-08; DEQ 11-2008, f. & cert. ef. 8-29-08

**340-222-0030**

**Definitions**

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

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

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A.025
Hist.: DEQ 14-1999, f. & cert. ef. 10-14-99

**Criteria for Establishing Plant Site Emission Limits**

**340-222-0035**

**General Requirements for All PSELs**

(1) No PSEL may allow emissions in excess of those allowed by any applicable federal or state regulation or by any specific permit conditions unless the source meets the specific provisions of OAR 340-226-0400 (Alternative Emission Controls).

 (2) Source specific PSELs will be changed pursuant to DEQ's rules when:

(a) DEQ determines errors are found or better data is available for calculating PSELs;

(b) More stringent control is required by a rule adopted by the Commission; or

(c) DEQ modifies a permit pursuant to OAR 340-216-0084, Department Initiated Modifications, or 340-218-0200, Reopenings.

(3) PSEL reductions required by rule, order or permit condition will be effective on the compliance date of the rule, order, or permit condition.

(4) Annual PSELs are established on a rolling 12 consecutive month basis and will limit the source's potential to emit.

(5) For purposes of establishing PSELs, emissions from categorically insignificant activities listed in OAR 340-200-0020 are not considered under 340-222-0020, except as provided in section (7) of this rule.

(6) For purposes of establishing PSELs, emissions from aggregate insignificant emissions listed in OAR 340-200-0020 are considered under 340-222-0020.

(7) For purposes of determining New Source Review or Prevention of Significant Deterioration applicability under OAR 340 division 224, emissions from insignificant activities are considered.

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

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468 & ORS 468A
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

**340-222-0040**

**Generic Annual PSEL**

(1) Sources with capacity less than the Significant Emission Rate (SER) will receive a generic PSEL unless they have a netting basis and request a source specific PSEL under 340-222-0041.

(2) A generic PSEL may be used for any pollutant that will be emitted at less than the SER.

(3) The netting basis for a source with a generic PSEL is zero for that pollutant.

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

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A
Hist.: DEQ 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 340-020-0310; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1020; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

**340-222-0041**

**Source Specific Annual PSEL**

(1) For sources with potential to emit less than the SER that request a source specific PSEL, the source specific PSEL will be set equal to the generic PSEL level.

(2) For sources with potential to emit greater than or equal to the SER, the source specific PSEL will be set equal to the source's potential to emit or netting basis or a level requested by the applicant, whichever is less, except as provided in section (3) or (4).

(3)The initial source specific PSEL for PM2.5 for a source that was permitted on or before May 1, 2011 with potential to emit greater than or equal to the SER will be set equal to the PM2.5 fraction of the PM10 PSEL in effect on May 1, 2011.

(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).

(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.

(i) Correction of a PM10 PSEL will not by itself trigger OAR 340-222-0041(4) for PM2.5.

(ii) Correction of a PM10 PSEL could result in further requirements for PM10 in accordance with all applicable regulations.

(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).

(4) For an increase in a PSEL or an initial PSEL, the applicant must satisfy subsection (a) or (b), as applicable:

(a) Demonstrate that the requested PSEL is not equal to or greater than an SER above the netting basis; or

(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).

(5) The source specific PSEL is not required to be adjusted if the netting basis is adjusted in accordance with OAR 340-222-0051(3).

(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).

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

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 11-2002, f. & cert. ef. 10-8-02

**340-222-0042**

**Short Term PSEL**

(1) For sources located in areas with an established short term SER (OAR 340-200-0020), PSELs are required on a short term basis for those pollutants that have a short term SER. The short term averaging period is daily, unless emissions cannot be monitored on a daily basis. The averaging period for short term PSELs can never be greater than monthly.

(a) For new and existing sources 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.

(b) 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. (c) For new sources with potential to emit greater than or equal to the short term SER, the initial short term PSEL will be set at the level requested by the applicant provided the applicant meets the requirements of (2)(b).

(2) If an applicant requests an increase in a short term PSEL, the applicant must satisfy subsection (a) or (b) as applicable :

(a) Demonstrate that the requested short term PSEL is not equal to or greater than the significant emission rate; or

(b) Meet the requirements of subsections (A) through (D) as applicable for a PSEL increase that is equal to or greater than the SER:

(A) Obtain offsets in accordance with the offset provisions for the designated area as specified in division 224;

(B) Obtain an allocation from an available growth allowance in accordance with the applicable maintenance plan; or

 (C) 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. (

(3) 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.

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

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

**340-222-0046**

**Netting Basis**

 (1) A netting basis will only be established for those regulated pollutants subject to OAR 340 division 224.

(a) The initial PM2.5 netting basis for a source that was permitted prior to May 1, 2011 will be established with the first permitting action issued after July 1, 2011, provided the permitting action involved a public notice period that began after July 1, 2011.

(b~~c~~) The initial greenhouse gas netting basis ~~and PSEL~~ for a source will be established with the first permitting action issued after July 1, 2011, provided the permitting action involved a public notice period that began after July 1, 2011.

(2) The netting basis is determined as specified in subsection (a), (b), or (c) and will be adjusted according to section (3):

(a) For all pollutants except for PM2.5, a source’s netting basis is equal to the baseline emission rate.

(b) 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.

(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).

(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.

(i) Correction of a PM10 netting basis will not by itself trigger OAR 340-222-0041(4) for PM2.5.

(ii) Correction of a PM10 netting basis could result in further requirements for PM10 in accordance with all applicable regulations.

(c) Netting basis is zero for:

(A) Any regulated pollutant emitted from a source that first obtained permits to construct and operate after the applicable baseline period for that regulated pollutant, and has not undergone Major New Source Review for that pollutant, except as provided in subsection (2)(b) for PM2.5;

(B) Any pollutant that has a generic PSEL in a permit;

(C) Any source permitted as portable; or

(D) Any source with a netting basis calculation resulting in a negative number.

(3) The netting basis will be adjusted as follows:

(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;

(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.

(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.

(C~~h~~) Emission reductions required by rule do not include emissions reductions achieved under OAR 340-226-0110 and 0120.

(D) Emission reductions required by rule do not include emission reductions as a result of the requirements in OAR 340, division 244.

(b) The netting basis will be reduced by any unassigned emissions that are reduced under OAR 340-222-0055(3)(a);

(c) The netting basis will be reduced by the amount of emission reduction credits transferred off site in accordance with OAR 340 division 268;

(d) The netting basis will be reduced when actual emissions are reduced according to OAR 340-222-0051, and

(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 224-0025 to 0070 provided the increases were subject to both an air quality analysis and a control technology analysis.

(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.

(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.

(4) In order to maintain the netting basis, permittees must maintain either a Standard ACDP or an Oregon Title V Operating Permit. A request by a permittee to be assigned any other type of ACDP sets the netting basis at zero upon issuance of the other type of permit and remains at zero unless an increase is approved in accordance with OAR 230-222-0046(3)(e).

(5) If a source relocates to an adjacent site, and the time between operation at the old and new sites is less than six months, the source may retain the netting basis from the old site.

(6) Netting basis for a pollutant with a revised definition will be adjusted if the source is emitting the pollutant at the time of redefining and the pollutant is included in the permit's netting basis.

(7) Where EPA requires an attainment demonstration based on dispersion modeling, the netting basis will be established at no more than the level used in the dispersion modeling to demonstrate attainment with the ambient air quality standard (i.e., the attainment demonstration is an emission reduction required by rule).

 [ED. NOTE: This rule was moved verbatim from OAR 340-200-0020(76) and amended in redline/strikeout.]

[**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.]

**340-222-0048**

**Baseline Emission Rate and Baseline Period**

(1) The baseline emission rate is equal to the actual emission rate during a baseline period.

(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.

(b) The baseline period for greenhouse gases is any consecutive 12 calendar month period during the calendar years 2000 through 2010.

(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.

(2) A baseline emission rate will be established only for those regulated pollutants subject to OAR 340 division 224.

(3) A baseline emission rate will not be established for PM2.5.

(4) The baseline emission rate for greenhouse gases, on a CO2e basis, will be established with the first permitting action issued after July 1, 2011, provided the permitting action involved a public notice period that began after July 1, 2011.

(5) 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) .

(6) The baseline emission rate will be recalculated only under the following circumstances:

(a) For greenhouse gases, if actual emissions are reset in accordance with OAR 340-222-0051;(b) If a material mistake or an inaccurate statement was made in establishing the production basis for baseline emission rate; or

(c) A better emission factor is available.

(7) The baseline emission rate is not affected if emission reductions are required by rule, order, or permit condition.

[ED. NOTE: This rule was moved verbatim from OAR 340-200-0020(13) and (14) and amended in redline/strikeout.]

[**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.]

**340-222-0051**

**Actual Emissions**Actual emissions are equal to the mass emissions of a pollutant from an emissions source during a specified time period.

(1) For determining actual emissions as of the baseline period:

(a) Except as provided in subsections (b) and (c) and section (2), actual emissions equal the average rate at which the source actually emitted the pollutant during an applicable baseline period and that represents normal source operation;

(b) DEQ presumes that the source-specific mass emissions limit included in a source's permit that was effective on September 8, 1981 is equivalent to the source's actual emissions during the applicable baseline period if it is within 10% of the actual emissions calculated under paragraph (a); or

(c) Actual emissions equal the potential to emit of the source for the sources listed in paragraphs (A) through (C). The actual emissions will be reset if required in accordance with section (3) below.

(A) Any source or part of a source that had not begun normal operations during the applicable baseline period but was approved to construct and operate before or during the baseline period in accordance with OAR 340 division 210 or 216; or

(B) Any source or part of a source of greenhouse gases that had not begun normal operations prior to January 1, 2010, but was approved to construct and operate prior to January 1, 2011 in accordance with OAR 340 division 210, or

(C) Any source or part of a source that had not begun normal operations during the applicable baseline period and was not required to obtain approval to construct and operate before or during the applicable baseline period.

(2) For any source or part of a source that had not begun normal operations during the applicable baseline period, but was approved to construct and operate in accordance with the Major New Source Review rules in OAR 340 division 224, actual emissions on the date the permit is issued equal the potential to emit of the source or part of the source.

(3) 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:

 (a) Except as provided in subsection (b), 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:

(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;

(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;

(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.

(b) DEQ may extend the date of resetting by five additional years upon satisfactory demonstration by the source that construction is ongoing or normal operation has not yet been achieved.

(c) Any emission reductions achieved due to enforceable permit conditions based on OAR 340-226-0110 and 0120 are not included in the reset calculation required in subsection (a).

 [ED. NOTE: This rule was moved verbatim from OAR 340-200-0020(3) and amended in redline/strikeout.]

[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.]

**340-222-0055**

**Unassigned Emissions**

(1) Purpose. The purpose of unassigned emissions is to track and manage the difference in the quantity of emissions between the netting basis and what the source could emit based on the facility's current physical and operational design.

(2) Establishing unassigned emissions.

(a) Unassigned emissions equal the netting basis minus the source's current PTE, minus any banked emission reduction credits. Unassigned emissions are zero if this result is negative.

(b) Unused capacity created after the effective date of this rule due to reduced potential to emit that is not banked or expired emission reduction credits (OAR 340-268-0030), increase unassigned emissions on a ton for ton basis.

(3) Maximum unassigned emissions.

(a) Except as provided in paragraph (c) of this section, unassigned emissions will be reduced to not more than the SER (OAR 340-200-0020 ) on July 1, 2007 and at each permit renewal following this date.

(b) The netting basis is reduced by the amount that unassigned emissions are reduced.

(c) In an AQMA where the EPA requires an attainment demonstration based on dispersion modeling, unassigned emissions are not subject to reduction under this rule.

(4) Using unassigned emissions.

(a) Unassigned emissions may be used for internal netting to allow an emission increase at the existing source in accordance with the permit.

(b) Unassigned emissions may not be banked or transferred to another source.

(c) Emissions that are removed from the netting basis are unavailable for netting in any future permit actions.

(5) Upon renewal, modification or other reopening of a permit after July 1, 2002 the unassigned emissions will be established with an expiration date of July 1, 2007 for all unassigned emissions in excess of the SER. Each time the permit is renewed after July 1, 2007 the unassigned emissions will be established again and reduced upon the following permit renewal to no more than the SER for each pollutant in OAR 340-200-0020.

**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.310
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

**340-222-0060**

**Plant Site Emission Limits for Sources of Hazardous Air Pollutants**

(1) DEQ may establish PSELs for hazardous air pollutants (HAPs) if an owner or operator:

(a) Elects to establish a PSEL for combined HAPs emitted for purposes of determining emission fees as prescribed in OAR 340 division 220; or

(b) Asks DEQ to create an enforceable PTE limit.

(2) PSELs will be set only for individual or combined HAPs and will not list HAPs by name. The PSEL will be set on a rolling 12 month basis and will be either:

(a) The generic PSEL if the permittee proposes a limit less than that level; or

(b) The level the permittee establishes necessary for the source if greater than the generic PSEL.

(3) The Alternative Emissions Controls (Bubble) provisions of OAR 340-226-0400 do not apply to emissions of HAPs.

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A.025
Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1050; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

**340-222-0070**

**Plant Site Emission Limits for Insignificant Activities**

Renumbered to OAR 340-222-0035(5), (6), and (7)

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468.020, ORS 468A.025, ORS 468A.040, & ORS 468A.045.
Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 2-1996, f. & cert. ef. 1-29-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1060; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

**340-222-0080**

**Plant Site Emission Limit Compliance**

(1) The permittee must monitor pollutant emissions or other parameters that are sufficient to produce the records necessary for demonstrating compliance with the PSEL.

(2) The frequency of the monitoring and associated averaging periods must be as short as possible and consistent with that used in the compliance method.

(3)(a) For annual PSELs, the permittee must monitor appropriate parameters and maintain all records necessary for demonstrating compliance with the annual PSEL at least monthly and be able to determine emissions on a rolling 12 consecutive month basis.

(b) For short term PSELs, the permittee must monitor appropriate parameters and maintain all records necessary for demonstrating compliance with any short term PSEL at least as frequently as the short term PSEL averaging period.

(4) The applicant must specify in the permit application the method(s) for determining compliance with the PSEL. DEQ will review the method(s) and approve or modify, as necessary, to assure compliance with the PSEL. DEQ will include PSEL compliance monitoring methods in all permits that contain PSELs.

(5) Depending on source operations, one or more of the following methods may be acceptable:

(a) Continuous emissions monitors;

(b) Material balance calculations;

(c) Emissions calculations using approved emission factors and process information;

(d) Alternative production or process limits; and

(e) Other methods approved by DEQ.

(6) When annual reports are required, the permittee must include the emissions total for each consecutive 12 month period during the calendar year, unless otherwise specified by a permit condition.

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

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468 & ORS 468A
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

**340-222-0090**

**Combining and Splitting Sources**

(1) When two or more sources combine into one source:

(a) The sum of the netting basis for all the sources is the combined source netting basis.

(b) The combined source is regulated as one source, except:

(A) the simple act of combining sources, without an increase over the combined PSEL, does not subject the combined source to Major New Source Review.

(B) if the combined source PSEL, without a requested increase over the existing combined PSEL, exceeds the combined netting basis plus the SER, the source may continue operating at the existing combined source PSEL without becoming subject to Major New Source Review until an increase in the PSEL is requested or the source is modified. If an increase in the PSEL is requested or the source is modified, DEQ will evaluate whether Major New Source Review applies.

(2) When one source is split into two or more separate sources, the netting basis and SER can only be transferred to the new source or sources with the same primary 2-digit SIC as the original source or to a combined heat and power facility that had been supporting the primary SIC.

(a) The netting basis and the SER for the original source is split amongst the new sources as requested by the original permittee.

(b) The split of netting basis and SER must either:

(A) be sufficient to avoid Major New Source Review for each of the newly created sources or

(B) the newly created source(s) that become subject to Major New Source Review must comply with the requirements of OAR 340 division 224 before beginning operation under the new arrangement.

(c) The amount of the netting basis that is transferred to the combined heat and power facility may not exceed its potential to emit.

(3) The owner or operator of the device or emissions unit must maintain records of physical changes and changes in operation occurring since the baseline period or most recent Major New Source Review action.

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

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468 & ORS 468A
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