**Additional Comments on Division 224 and 225**

**340-224-0030(3)(a)**: Generally, a simple permit extension should only be done when there is no change to the permitted project. If, however, ODEQ wishes to allow for non-substantive changes, the language needs to say more than just no negative effect on air quality. If changes to the project would require a re-evaluation of BACT or LAER, or trigger any new requirements which would need to be addressed (e.g., another pollutant would exceed the SER), then a revised permit, rather than an extension, would be needed.

**340-224-0045 Requirements for Sources in Sustainment Areas and 340-224-0055 Requirements for Sources in Reattainment Areas:** As discussed on the call, the requirements for federal major sources in these new Oregon transitional areas need to reflect the federal requirements for attainment areas (for sustainment areas) and nonattainment areas (for reattainment areas) until they are formally redesignated by EPA. The language in 340-224-0055(1) ensures that this is the case for reattainment areas. Similar language needs to be added to 340-224-0045 to ensure that all of the requirements of 340-224-0070 apply to the sustainment pollutant as well as any additional requirements that ODEQ wants to impose for the sustainment area.

**340-224-0050(4)(a) and (b)**: Note that the phrase “source that emits or has the potential to emit 100 tons per year or more…” should really be replaced with the term “federal major source” in order to ensure that all required federal major sources (e.g., 70 tpy sources in serious PM2.5 nonattainment areas) are covered for these two provisions.

**340-224-0070 Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas**: The phrase “for the pollutant(s) for which the area is designated attainment or unclassified” needs to be deleted since PSD applies to non-criteria pollutants (e.g., TRS and GHG’s) for which areas aren’t designated attainment or unclassifiable.

**340-224-0070(1)(a)(A)(iv)**: This needs to refer to both 40 CFR part 50 Appendix J and Appendix L.

**340-224-0070(1)(a)(A)(vi)**: This needs to refer to 40 CFR 58 Appendix A, since EPA revoked Appendix B and merged it into Appendix A.

**340-224-0070 (1)(a)(C)**: Rather than phrasing this new provisions as an exemption from the requirement for preconstruction monitoring which would be difficult for EPA to approve given the recent DC Circuit Court decision on the PM2.5 SMC, this should be redrafted to say that DEQ may consider representative or conservative general background concentration data to fulfill the requirement of paragraph (A) for pre-application monitoring data.

**340-224-0245(1)**: Should this requirement also apply to a change in the method of operation that meets the definition of major modification? Since this provision would be applying BACT to something beyond a major modification to a federal major source, ODEQ can limit it just to physical changes if it so wishes but the intent of the draft language isn’t that clear.

**340-224-0245 Requirements for Sources in Sustainment Areas, 340-224-0250 Requirements for Sources in Nonattainment Areas, 340-224-0260 Requirements for Sources in Maintenance Areas and 340-224-0270 Requirements for Sources in Attainment and Unclassifiable Areas**: It isn’t clear why these sections, which apply to non-federal major sources, include a provision that requires federal major sources to meet AQRV requirements. AQRV requirements are only required for federal major sources locating in attainment or unclassified areas and those requirements are fully addressed in 340-224-0070. Same question for the federal major source provision for net air quality benefit in 0250(2)(b)(B).

**340-224-0510(6)**: It isn’t clear how the provisions for permit extensions are relevant for the situation where a project requiring offsets is being modified before construction is completed. Since construction has begun on the project, a permit extension isn’t needed but a reevaluation of the amount of offsets could be needed if allowable emissions from the project would increase.

**340-224-0540(1)**: Here and several other places the rule now refers to the “Major and State New Source Review rules.” While a portion of OAR 340-224 is now clearly labeled as the State New Source Review Rules, there is no portion that is similarly labeled as the Major New Source Review rules. ODEQ needs to make sure that it decides on, and then uses, consistent terminology. Also, this provision references sections (2) through (6) but there are only four sections in 0540.

 **340-224-0540(2) and (3)**: While paragraph (1) is clear that these provisions apply when directed to this section, the provisions themselves are not clear as to what areas (nonattainment, reattainment, maintenance) each paragraph is applicable to. Specifically, the offset ratios for both nonattainment and reattainment areas cannot be less than 1.0:1 so 0540(3) cannot apply to nonattainment or reattainment areas. This may be clear in the provisions that direct sources to this section, but it would help if (2) and (3) had titles like “Requirements for Nonattainment and Reattainment Areas” and “Requirements for Maintenance Areas.”

**340-225-0020(1)(a)**: 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.

**340-225-0020(10)**: The rules define the term “Source Impact Area” but use the term “Significant Impact Area” in several of the other definitions (e.g., (4) and (9)).

**340-225-0020(3)**: Adding the phrase “and decreased” creates a problem with the last sentence which provides that allowable emissions can be used as a conservative estimate. This was indeed conservative when looking at increased emissions, but isn’t necessarily conservative when looking at decreased emissions. ODEQ should either not add the phrase “and decreased” or revise the provision for use of allowable emissions so that it applies only for determination of increased emissions.

**340-225-0030 Procedural Requirements**: Most of these requirements are necessary for the modeling analysis needed for increases in PSEL’s under 340-222. It is not clear how ODEQ will obtain the information and analysis necessary to approve a PSEL increase for an ACDP action that doesn’t involve a permit under division 224.

**340-225-0030(2)(d):** This provision can link, on a pollutant specific basis, to the baseline years that ODEQ has established in the rules. So it should say “…and other emission growth that has occurred since the baseline concentration year in the area the source…”

**340-225-0060(2)(c)**: This provision also needs the same new language that is being added to 0050(1).