**340-216-0040**

**Application Requirements**

(5) Timely applications:

(a) Applications for new permits and modifications to existing permits must be submitted at least 60 days prior to when a permit or permit modification is needed. When preparing an application, the applicant should also consider the timelines provided in (b) and (c), 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.

(b) For renewal of an existing permit and for purposes of OAR 340-216-0082 [permit termination], applications are timely if submitted by the later of the date specified in a permit or the timeframe specified below for the permit type.

(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.

(c)For assignment to General Permits or General Permit Attachments, applications must be submitted at least 30 days before the permit is needed.

(d)For reassignment to a General Permit or General Permit Attachment, applications are considered timely if submitted within 30 days after the General Permit or General Permit Attachment is re-issued, unless another time period is specified by DEQ in writing.

**340-216-0082**

**Termination or Revocation of an ACDP**

(1) Expiration.

(a) A source may not be operated after the expiration date of a permit, unless any of the following occur:

(A) A timely and complete application for renewal or for an Oregon Title V Operating Permit has been submitted; or

(B) another type of permit (ACDP or Oregon Title V Operating Permit) has been issued authorizing operation of the source before the expiration date of the permit.

(b) For a source operating under an ACDP or Oregon Title V Operating Permit, a requirement established in an earlier ACDP remains in effect notwithstanding expiration of the ACDP, unless the provision expires by its terms or unless the provision is modified or terminated according to the procedures used to establish the requirement initially.

(2) Automatic Termination. A permit is automatically terminated upon:

(a) Issuance of a renewal or new ACDP for the same activity or operation;

(b) Written request of the permittee, if the Department determines that a permit is no longer required;

(c) Failure to submit a timely application for permit renewal. Termination is effective on the permit expiration date; or

(d) Failure to pay annual fees within 90 days of invoice by the Department, unless prior arrangements for payment have been approved in writing by the Department.

(3) Reinstatement of Terminated Permit:

(a) A permit automatically terminated under 340-216-0082(2)(b) and (2)(d) may only be reinstated by the permittee by applying for a new permit, including the applicable new source permit application fees as set forth in this Division.

(b) A permit automatically terminated under 340-216-0082(2)(c) may be reinstated if the permittee:

(A) submits a complete application to renew the permit before the current permit expires; and

(B) the permittee pays a reinstatement fee, as specified in Table 2, Part 5.

(4) Revocation:

(a) If the Department determines that a permittee is in noncompliance with the terms of the permit, submitted false information in the application or other required documentation, or is in violation of any applicable rule or statute, the Department may revoke the permit. Notice of the intent to revoke the permit will be provided to the permittee in accordance with OAR 340-011-0525. The notice will include the reasons why the permit will be revoked, and include an opportunity for hearing prior to the revocation. A written request for hearing must be received within 60 days from service of the notice, and must state the grounds of the request. The hearing will be conducted as a contested case hearing in accordance with ORS 183.413 through 183.470 and OAR 340 division 011. The permit will continue in effect until the 60 days expires, or until a final order is issued if an appeal is filed, whichever is later.

(b) If the Department finds there is a serious danger to the public health, safety or the environment caused by a permittee's activities, the Department may immediately revoke or refuse to renew the permit without prior notice or opportunity for a hearing. If no advance notice is provided, notification will be provided to the permittee as soon as possible as provided in OAR 340-011-0525. The notification will set forth the specific reasons for the revocation or refusal to renew. For the permittee to contest the Department's revocation or refusal to renew the Department must receive a written request for a hearing within 90 days of service of the notice and the request must state the grounds for the request. The hearing will be conducted as a contested case hearing in accordance with ORS 183.413 through 183.470 and OAR 340, division 011. The revocation or refusal to renew becomes final without further action by the Department if a request for a hearing is not received within the 90 days.

Stat. Auth.: ORS 468.020   
Stats. Implemented: ORS 468A   
Hist.: DEQ 42, f. 4-5-72, ef. 4-15-72; DEQ 125, f. & ef. 12-16-76; DEQ 21-1990, f. & cert. ef. 7-6-90; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-014-0015 & 340-014-0045; DEQ 8-2007, f. & cert. ef. 11-8-07

**OAR 340-216-0020**

**AIR CONTAMINANT DISCHARGE PERMITS**

**Table 2**

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

|  |  |
| --- | --- |
| a. Short Term Activity ACDP | $3,000.00 |
| b. Basic ACDP | $120.00 |
| c. Assignment to General ACDP | $1,200.00\* |
| d. Simple ACDP | $6,000.00 |
| e. Construction ACDP | $9,600.00 |
| f. Standard ACDP | $12,000.00 |
| g. Standard ACDP (PSD for GHG only) | $23,600.00 |
| h. Standard ACDP (PSD/NSR) | $42,000.00 |

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

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

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

**Part 3. Specific Activity Fees:**

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

**Part 4. Late (Annual) Fees:**

a. 8-30 days late: 5% of applicable fee

b. 31-60 days late: 10% of applicable fee

c. 61 or more days late: 20% of applicable fee

**Part 5. Permit Reinstatement Fee:**

10% of initial application fee

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

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

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

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

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

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