**9)DIVISION 242**

**RULES APPLICABLE TO THE PORTLAND AREA**

**Industrial Emission Management Program**

**340-242-0400**

**Applicability**

(1) OAR 340-242-0430 through 340-242-0440 apply to all sources of VOC or NOx that are required to provide a net air quality benefit under the provisions of division 224 for the Portland Air Quality Maintenance Area (AQMA).

(2) OAR 340-242-0430 and 340-242-0440 apply to new major sources and major modifications that emit CO within the Portland Metro Area, including new major sources and major modifications outside the Portland Metro Area that have a significant air quality impact within this area.

**NOTE:** These rules are 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 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0700; DEQ 3-2007, f. & cert. ef. 4-12-07

**340-242-0410**

**Definition of Terms**

The definitions in OAR 340-200-0020, 340-204-0010 and this rule apply in 340-242-0400 through 340-242-0440. If the same term is defined in this rule and 340-200-0020 or 340-204-0010, the definition in this rule applies in 340-242-0400 through 340-242-0440.

(1) "PSEL" means the Plant Site Emission Limit of an individual air pollutant specified in an Air Contaminant Discharge Permit or Title V permit issued to a source by DEQ, pursuant to OAR 340 division 216 or 218.

(2) "Unused PSEL" means the difference between a source's actual emissions and its permitted level or PSEL in 1990 or 1992, whichever is lower, as determined through DEQ's emission inventory data.

(3) "Unused PSEL Donation Source" means any source that voluntarily returned to DEQ unused PSEL, as part of the Unused PSEL Donation Program in OAR 340-242-0420.

**NOTE:** These rules are 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 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0710; DEQ 3-2007, f. & cert. ef. 4-12-07

**340-242-0420**

**Unused PSEL Donation Program**

(1) This program encourages owners or operators of VOC and NOx sources identified in OAR 340-242-0400(1) to donate unused PSEL to DEQ. Under this program, donations can be either permanent or temporary. For a source to participate in this program it must have entered into an agreement with DEQ prior to January 1, 2006.

(2) VOC sources donating at least 35 percent of their unused PSEL and NOx sources donating at least 50 percent of their unused PSEL will receive the following incentives and considerations from DEQ for participating in this program:

(a) Exemption from the Employee Commute Options (ECO) Program in OAR 340-242-0010 through 340-242-0290 for the duration of the Portland Ozone Maintenance plan;

(b) Priority permit processing for any required air quality permit;

(c) In accordance with OAR 340-242-0430 and 340-242-0440(1), priority use of up to 50 percent of any remaining growth allowance. This applies only to sources making permanent donations, pursuant to section (3) of this rule; and

(d) Other considerations may be added to the donation agreement on a case-by-case basis, consistent with DEQ's rules and statutes.

(3) DEQ will adjust the PSEL of sources providing permanent donations to reflect the emissions donated. Permanent donations will result in adjustment to the source's baseline emission rate and PSEL, consistent with the definition of "major modification" under OAR 340-224-0025 and changes to PSELs required by rule under 340-222-0035.

(4) Sources participating in this program must enter into a donation agreement with DEQ that identifies the commitments of both parties. Any such agreement is legally binding and enforceable.

**NOTE:** These rules are 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 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0720; DEQ 3-2007, f. & cert. ef. 4-12-07

**340-242-0430**

**Industrial Growth Allowances**

(1) This rule establishes industrial growth allowances for sources identified in OAR 340-242-0400. The amount of each growth allowance is defined in the State Implementation Plan and is on file with DEQ.

(2) The owner or operator of a proposed new major source or major modification emitting VOCs, NOx, or CO may obtain a portion of the respective growth allowance pursuant to OAR 340-242-0440.

(3) If no emissions remain in the respective growth allowance, the owner or operator of the proposed major source or major modification shall provide offsets for CO emissions at a 1 to 1 ratio, and for VOC and NOx emissions at a 1.1 to 1 ratio (i.e., demonstrate a 10% new reduction).

**NOTE:** These rules are included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A.025
Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0730; DEQ 3-2007, f. & cert. ef. 4-12-07

**340-242-0440**

**Industrial Growth Allowance Allocation**

(1) The owner or operator of a proposed new major source or major modification emitting VOCs, NOx, or CO, as identified in OAR 340-242-0400, may obtain a portion of any remaining emissions in the respective growth allowance in accordance with procedures described in the State Implementation Plan that is on file with DEQ, and based on the following conditions:

(a) Access is on a first-come-first-served basis, based on the submittal date of a complete permit application;

(b) Unused PSEL donation sources that meet the donation criteria specified in OAR 340-242-0420(2) have priority access to their respective growth allowance as a "tie-breaker" over non-donation sources;

(c) Except as provided below, no single source may receive an emissions allocation of more than 1,000 tons of either VOC or NOx or more than 50% of any remaining growth allowance; and

(d) A single source must apply to the Environmental Quality Commission to receive more than 1,000 tons of VOC or NOx, but in no case more than 50% of the remaining growth allowance. To apply, sources must submit air quality and other information as required by DEQ justifying its request and must include information on significant economic, employment, or other benefits to the Portland area that will result from the proposed new major source or major modification, and the availability of emissions offsets. DEQ will evaluate ozone levels and expected trends to determine whether the proposed facility poses any risk to maintaining compliance with the ozone air quality standard prior to making a recommendation to the EQC regarding the source application.

(2) The amount of the CO growth allowance that can be allocated is identified in the Portland Area Carbon Monoxide Maintenance Plan, Section 4.58 of Volume 2 of the State Implementation Plan on file with DEQ.

**NOTE:** These rules are included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A.025
Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0740; DEQ 10-2004, f. & cert. ef. 12-15-04; DEQ 3-2007, f. & cert. ef. 4-12-07

**Gasoline Vapors from Gasoline Transfer and Dispensing Operations**

**340-242-0500**

**Purpose and Applicability**

(1) Gasoline vapors contribute to the formation of ozone. OAR 340-242-0500 through 340-242-0520 require the control of gasoline vapors from gasoline dispensing operations.

(2) OAR 340-242-0500 through 340-242-0520 apply to gasoline dispensing facilities located within Clackamas, Multnomah and Washington Counties.

**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 & 468A.025
Stats. Implemented: ORS 468A.040
Hist.: DEQ 7-1991, f. & cert. ef. 5-7-91 (and corrected 6-7-91); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 16-1996, f. & cert. ef. 8-14-96; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0400; DEQ 1-2011, f. & cert. ef. 2-24-11

**340-242-0510**

**Definitions**

The definitions in OAR 340-200-0020, 340-204-0010 and this rule apply in OAR 340-242-0500 through 340-242-0520. If the same term is defined in this rule and OAR 340-200-0020 or 340-204-0010, the definition in this rule applies in OAR 340-242-0500 through 340-242-0520.

(1) "Equivalent control" means the use of alternate operational and/or equipment controls for the reduction of gasoline vapor emissions, that have been approved by DEQ, such that the aggregate emissions of gasoline vapor from the facility do not exceed those from the application of defined reasonably available control technology.

(2) "Gasoline" means any petroleum distillate having a Reid vapor pressure of four pounds per square inch (28 kilopascals) or higher, used as a motor fuel.

(3) "Gasoline dispensing facility" means any site where gasoline is dispensed to motor vehicle, boat, or airplane gasoline tanks from stationary storage tanks.

(4) "Annual throughput" means the amount of gasoline transferred into or dispensed from a gasoline dispensing facility during 12 consecutive months.

(5) "Stage I vapor collection system" means a system where gasoline vapors are forced from a tank into a vapor-tight holding system or vapor control system through direct displacement by the gasoline being loaded.

(6) "Stage II vapor collection system" means a system where at least 90 percent, by weight, of the gasoline vapors that are displaced or drawn from a vehicle fuel tank during refueling are transferred to a vapor-tight holding system or vapor control system.

(7) "Substantially modified" means a modification of an existing gasoline-dispensing facility which involves the addition of one or more new stationary gasoline storage tanks or the repair, replacement or reconditioning of an existing tank.

(8) "Vapor control systems" means a system that prevents emissions to the outdoor atmosphere from exceeding 4.7 grains per gallon (80 grams per 1,000 liters) of petroleum liquid loaded.

[**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 & ORS 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 7-1991, f. & cert. ef. 5-7-91 (and corrected 6-7-91); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 16-1996, f. & cert. ef. 8-14-96; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0401

**340-242-0520**

**General Provisions**

(1) No owner and/or operator of a gasoline-dispensing facility shall transfer or allow the transfer of gasoline into a motor vehicle fuel tank at gasoline-dispensing facilities located in Clackamas, Multnomah or Washington Counties whose annual throughput exceeds 600,000 gallons, unless the gasoline-dispensing facility is equipped with a stage II vapor collection system which must be approved by DEQ before it is installed.

[NOTES: -1- Underground piping requirements are described in OAR 340-150-0001 through 340-150-0003 and 40 CFR 280.20(d). Systems installed according to American Petroleum Institute Publication 1615, "Installation of Underground Petroleum Storage System" or Petroleum Equipment Institute Publication RP100, "Recommended Practices for Installation of Underground Liquid Storage Systems" or American National Standards Institute Standard B31.4 "Liquid Petroleum Transportation Piping System" are considered approved systems.

-2- Above-ground stage II equipment requirements are based on systems recently approved in other states with established stage II program. See the Oregon Department of Environmental Quality, Air Quality Division, for the list of approved equipment. Any other proposed equivalent systems must be submitted to DEQ of Environmental Quality, Air Quality Division, for approval before installation.]

(2) Owners and/or operators of gasoline-dispensing facilities subject to stage II vapor collection requirements must:

(a) Install all necessary stage II vapor collection and control systems, and make any modifications necessary to comply with the requirements;

(b) Provide adequate training and written instructions to the operator of the affected gasoline-dispensing facility and the gasoline transport vehicle;

(c) Replace, repair or modify any worn or ineffective component or design element to ensure the vapor-tight integrity and efficiency of the stage II vapor collection systems; and

(d) Connect and ensure proper operation of the stage II vapor collection systems whenever gasoline is being loaded, unloaded or dispensed.

(3) Approval of a stage II vapor collection system by DEQ does not relieve the owner and/or operator of the responsibility to comply with other applicable codes and regulations pertaining to fire prevention, weights and measures and safety matters.

(4) Regarding installation and testing of piping for stage II vapor collection systems:

(a) Piping shall be installed in accordance with standards in OAR 340 division 150;

(b) Piping shall be installed by a licensed installation service provider pursuant to OAR 340 division 160; and

(c) Piping shall be tested prior to being placed into operation by an installation or tank tightness testing service provider licensed pursuant to OAR 340 division 160.

**NOTE:** Test methods are based on methods used in other states with established stage II programs. See the Oregon Department of Environmental Quality, Air Quality Division, for copies of the approved test methods.

**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.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 7-1991, f. & cert. ef. 5-7-91 (and corrected 6-7-91); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 25-1994, f. & cert. ef. 11-22-94; DEQ 16-1996, f. & cert. ef. 8-14-96; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0402; DEQ 15-2008, f. & cert. ef 12-31-08

**Motor Vehicle Refinishing**

**340-242-0600**

**Applicability**

OAR 340-242-0600 through 340-242-0630 apply to any person who owns, leases, operates or controls a motor vehicle refinishing facility in the Portland AQMA.

[**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 & 468A.035
Stats. Implemented: ORS 468A.035
Hist.: DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 7-1999, f. 5-21-99, cert. ef. 7-12-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0700

**340-242-0610**

**Definitions**

The definitions in OAR 340-200-0020, 340-204-0010 and this rule apply in 340-242-0600 through 340-242-0630. If the same term is defined in this rule and 340-200-0020 or 340-204-0010, the definition in this rule applies in 340-242-0600 through 340-242-0630.

 (1) "High Volume, Low Pressure Spray", or "HVLP" means equipment used to apply coatings with a spray device which operates at a nozzle air pressure between 0.1 and 10 pounds per square inch gravity (psig).

(2) "Motor Vehicle" means a vehicle that is self-propelled or designed for self-propulsion as defined in ORS 801.360.

(3) "Motor Vehicle Refinishing" means the application of surface coating to on-road motor vehicles or non-road motor vehicles, or their existing parts and components, except Original Equipment Manufacturer (OEM) coatings applied at manufacturing plants.

(4) "Motor Vehicle Refinishing Coating" means any coating designed for, or represented by the manufacturer as being suitable for motor vehicle refinishing.

(5) "Motor Vehicle Refinishing Facility" means a location at which motor vehicle refinishing is performed.

(6) "Non-Road Motor Vehicle" means any motor vehicle other than an on-road motor vehicle. "Non-Road Motor Vehicle" includes, but is not limited to, fixed load vehicles, farm tractors, farm trailers, all-terrain vehicles, and golf carts as these vehicles are defined in ORS Chapter 801.

(7) "On-Road Motor Vehicle" means any motor vehicle which is required to be registered under ORS 803.300 or exempt from registration under 803.305(5), 803.305(6), or 803.305(15) through 803.305(19). "On-Road Motor Vehicle" includes, but is not limited to: passenger cars, trucks, vans, motorcycles, mopeds, motor homes, truck tractors, buses, tow vehicles, trailers other than farm trailers, and camper shells.

 (8) "Public Highway" means every public way, road, street, thoroughfare and place, including bridges, viaducts and other structures open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right.

(9) "Vehicle" means any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means.

[**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 13-1995, f. & cert. ef. 5-25-95; DEQ 16-1996, f. & cert. ef. 8-14-96; DEQ 7-1999, f. 5-21-99, cert. ef. 7-12-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0710

**340-242-0620**

**Requirements for Motor Vehicle Refinishing in Portland AQMA**

Except as provided in section (3) of this rule, persons performing motor vehicle refinishing of on-road motor vehicles within the Portland AQMA shall:

(1) Clean any spray equipment, including paint lines, in a device which:

(a) Minimizes solvent evaporation during the cleaning, rinsing, and draining operations;

(b) Recirculates solvent during the cleaning operation so the solvent is reused; and

(c) Collects spent solvent to be available for proper disposal or recycling; and

(2) Apply motor vehicle refinishing coatings by one of the following methods:

(a) High Volume Low Pressure spray equipment, operated and maintained in accordance with the manufacturer's recommendations;

(b) Electrostatic application equipment, operated and maintained in accordance with the manufacturer's recommendations;

(c) Dip coat application;

(d) Flow coat application;

(e) Brush coat application;

(f) Roll coat application;

(g) Hand-held aerosol cans; or

(h) Any other coating application method which can be demonstrated to effectively control VOC emissions, and which has been approved in writing by DEQ.

(3) This rule shall not apply to any person who performs motor vehicle refinishing without compensation, and who performs refinishing on two or fewer on-road motor vehicles, or portions thereof, in any calendar year.

[**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 & ORS 468A.035
Stats. Implemented: ORS 468A.035
Hist.: DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 7-1999, f. 5-21-99, cert. ef. 7-12-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0740

**340-242-0630**

**Inspecting and Testing Requirements**

The owner or operator of any facility subject to OAR 340-242-0600 through 340-242-0630 shall, at any reasonable time, make the facility available for inspection by DEQ.

[**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 & ORS 468A.035
Stats. Implemented: ORS 468A.035
Hist.: DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 7-1999, f. 5-21-99, cert. ef. 7-12-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0760

**Spray Paint**

**340-242-0700**

**Applicability**

 RepealedStat. Auth.: ORS 468.020 & ORS 468A.035
Stats. Implemented: ORS 468A.035
Hist.: DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0900

**340-242-0710**

RepealedStat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A.025
Hist.: DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 16-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0910

**340-242-0720**

RepealedStat. Auth.: ORS 468.020 & ORS 468A.035
Stats. Implemented: ORS 468A.035
Hist.: DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0920

**340-242-0730**

RepealedStat. Auth.: ORS 468A
Stats. Implemented: ORS 468.020 & ORS 468A.025
Hist.: DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0930

**340-242-0740**

RepealedStat. Auth.: ORS 468.020 & ORS 468A.035
Stats. Implemented: ORS 468A.035
Hist.: DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0940

**340-242-0750**

RepealedStat. Auth.: ORS 468.020 & ORS 468A.035
Stats. Implemented: ORS 468A.035
Hist.: DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0950

**Area Source Common Provisions**

**340-242-0760**

**Applicability**

Repealed

Stat. Auth.: ORS 468.020 & ORS 468A.035
Stats. Implemented: ORS 468A.035
Hist.: DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-1100

**340-242-0770**

**Compliance Extensions**

 RepealedStat. Auth.: ORS 468.020 & ORS 468A.035
Stats. Implemented: ORS 468A.035
Hist.: DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-1110

**340-242-0780**

**Exemption from Disclosure to the Public**

Repealed

Stat. Auth.: ORS 468.020 & ORS 468A.035
Stats. Implemented: ORS 468A.035
Hist.: DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-1120

**340-242-0790**

RepealedStat. Auth.: ORS 468.020 & ORS 468A.035
Stats. Implemented: ORS 468A.035
Hist.: DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-1130