**DIVISION 226**

**GENERAL EMISSION STANDARDS**

[**NOTE**: Administrative Order DEQ 16 repealed previous rules OAR 340-021-0005 through 340-021-0031 (consisting of AP 1, filed 1-14-57; and SA 16, filed 2-13-62).]

**340-226-0010**

**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 OAR 340-200-0020 or 340-204-0010, the definition in this rule applies to this division.

 (1) "Refuse" means unwanted matter.

(2) "Refuse burning equipment" means a device designed to reduce the volume of solid, liquid, or gaseous refuse by combustion.

[**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: The publication(s) referenced in this rule is available from the agency.]

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468.020 & ORS 468A.025
Hist.: DEQ 16, f. 6-12-70, ef. 7-11-70; DEQ 1-1984, f. & ef. 1-16-84; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 3-1996, f. & cert. ef. 1-29-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-021-0005; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

**Highest and Best Practicable Treatment and Control**

**340-226-0100**

**Policy and Application**

(1) As specified in OAR 340-226-0110 through 340-226-0140 and sections (2) through (5) of this rule, the highest and best practicable treatment and control of air contaminant emissions must in every case be provided so as to maintain overall air quality at the highest possible levels, and to maintain contaminant concentrations, visibility reduction, odors, soiling and other deleterious factors at the lowest possible levels. In the case of new sources of air contamination, particularly those located in areas with existing high air quality, the degree of treatment and control provided must be such that degradation of existing air quality is minimized to the greatest extent possible.

(2) A source is in compliance with section (1) of this rule if the source is in compliance with all other applicable emission standards and requirements contained in divisions 200 through 268 of this chapter.

(3) The EQC may adopt additional rules as necessary to ensure that the highest and best practicable treatment and control is provided as specified in section (1) of this rule. Such rules may include, but are not limited to, requirements:

(a) Applicable to a source category, pollutant or geographic area of the state;

(b) Necessary to protect public health and welfare for air contaminants that are not otherwise regulated by the EQC; or

(c) Necessary to address the cumulative impact of sources on air quality.

(4) The EQC encourages the owner or operator of a source to further reduce emissions from the source beyond applicable control requirements where feasible.

(5) Nothing in OAR 340-226-0100 through 340-226-0140 revokes or modifies any existing permit term or condition unless or until DEQ revokes or modifies the term or condition by a permit revision.

[**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 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0001; DEQ 19-1993, f. 11-4-93 & cert. ef. 1-1-94; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0600; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

**340-226-0110**

**Pollution Prevention**

The owner and operator of a source are encouraged to take into account the overall impact of the control methods selected, considering risks to all environmental media and risks from all affected products and processes. The owner or operator of a source is encouraged, but not required, to use the following hierarchy in controlling air contaminant emissions:

(1) Modify the process, raw materials or product to reduce the toxicity and quantity of air contaminants generated;

(2) Capture and reuse air contaminants;

(3) Treat to reduce the toxicity and quantity of air contaminants released; or

(4) Otherwise control emissions.

[**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 19-1993, f. 11-4-93 & cert. ef. 1-1-94; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0610; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

**340-226-0120**

**Operating and Maintenance Requirements**

(1) Operational, Maintenance and Work Practice Requirements:

(a) Where DEQ has determined that specific operational, maintenance, or work practice requirements are appropriate to ensure that the owner or operator of a source is operating and maintaining air pollution control equipment and emission reduction processes at the highest reasonable efficiency and effectiveness to minimize emissions, DEQ will establish such requirements by permit condition or notice of construction approval;

(b) Operational, maintenance, and work practice requirements include:

(A) Flow rates, temperatures, and other physical or chemical parameters related to the operation of air pollution control equipment and emission reduction processes;

(B) Monitoring, record-keeping, testing, and sampling requirements and schedules;

(C) Maintenance requirements and schedules; and

(D) Requirements that components of air pollution control equipment be functioning properly.

(2) Emission Action Levels:

(a) Where DEQ has determined that specific operational, maintenance, or work practice requirements considered or required under section (1) of this rule are insufficient to ensure that the owner or operator is operating and maintaining air pollution control equipment and emission reduction processes at the highest reasonable efficiency and effectiveness, DEQ may establish, by permit or Notice of Construction approval, specific emission action levels in addition to applicable emission standards. An emission action level will be established that ensures an air pollution control equipment or emission reduction process is operated at the highest reasonable efficiency and effectiveness to minimize emissions;

(b) If emissions from a source equal or exceed the applicable emission action level, the owner or operator of the source must:

(A) Take corrective action as expeditiously as practical to reduce emissions to below the emission action level;

(B) Maintain records at the plant site for two years which document the exceedance, the cause of the exceedance, and the corrective action taken;

(C) Make such records available for inspection by DEQ during normal business hours; and

(D) Submit such records to DEQ upon request.

(c) DEQ will revise an emission action level if it finds that such level does not reflect the highest reasonable efficiency and effectiveness of air pollution control equipment and emission reduction processes;

(d) An exceedance of an emission action level that is more stringent than an applicable emission standard is not a violation of such emission standard.

(3) In determining the highest reasonable efficiency and effectiveness for purposes of this rule, DEQ considers operational variability and the capability of air pollution control equipment and emission reduction processes. If the performance of air pollution control equipment and emission reduction processes during start-up or shut-down differs from the performance under normal operating conditions, DEQ determines the highest reasonable efficiency and effectiveness separately for these operating modes.

[**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 19-1993, f. 11-4-93 & cert. ef. 1-1-94; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0620; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

**340-226-0130**

**Typically Achievable Control Technology (TACT)**

(1) Existing Sources. An existing emissions unit must meet TACT for existing sources if:

(a) The emissions unit is not already subject to emission standards under OAR 340-232-0010 through 340-232-0240, OAR 340 Divisions 230, 234, 236, or 238, OAR 340-240-0110 through 340-240-0180, 340-240-0310(1), OAR 340-240-0320 through 340-240-0430, or OAR 340 Division 224 for the pollutant emitted;

(b) The source is required to have a permit;

(c) The emissions unit has emissions of criteria pollutants equal to or greater than 5 tons per year of particulate or 10 tons per year of any gaseous pollutant; and

(d) DEQ determines that air pollution control equipment and emission reduction processes in use for the emissions unit do not represent TACT, and that further emission control is necessary to address documented nuisance conditions, address an increase in emissions, ensure that the source is in compliance with other applicable requirements, or protect public health or welfare or the environment.

(2) New and Modified Sources. A new or modified emissions unit must meet TACT for new or modified sources if:

(a) The new or modified emissions unit is not subject to New Source Review requirements in OAR 340 division 224, an applicable Standard of Performance for New Stationary Sources in OAR 340 division 238, OAR 340-240-0110 through 340-240-0180, 340-240-0310(1), OAR 340-240-320 through 340-240-0430, or any other standard applicable only to new or modified sources in OAR 340 divisions 230, 234, 236, or 238 for the pollutant emitted;

(b) The source is required to have a permit;

(c) The emissions unit:

(A) If new, would have emissions of any criteria pollutant equal to or greater than 1 ton per year in any area, or of PM10 equal to or greater than 500 pounds per year in a PM10 nonattainment area; or

(B) If modified, would have an increase in emissions from the permitted level for the emissions unit of any criteria pollutant equal to or greater than 1 ton per year in any area, or of PM10 equal to or greater than 500 pounds per year in a PM10 nonattainment area; and

(d) DEQ determines that the proposed air pollution control equipment and emission reduction processes do not represent TACT.

(3) Before making a TACT determination, DEQ will notify the owner or operator of a source that it intends to make such a determination using information known to DEQ. The owner or operator of the source may supply DEQ with additional information by a reasonable date set by DEQ.

(4) The owner or operator of a source subject to TACT must submit, by a reasonable date established by DEQ, compliance plans and specifications for DEQ's approval. The owner or operator of the source must demonstrate compliance in accordance with a method and compliance schedule approved by DEQ.

[**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 468.020 & ORS 468A.025
Hist.: DEQ 19-1993, f. 11-4-93 & cert. ef. 1-1-94; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0630; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

**340-226-0140**

**Additional Control Requirements for Stationary Sources of Air Contaminants**

In addition to other applicable requirements, DEQ may establish control requirements by permit if necessary as specified in sections (1) through (5) of this rule:

(1) Requirements will be established to prevent violation of an Ambient Air Quality Standard caused or projected to be caused substantially by emissions from the source as determined by modeling, monitoring, or a combination thereof. For existing sources, DEQ will conduct monitoring to confirm a violation of an Ambient Air Quality Standard .

(2) Requirements will be established to prevent significant impairment of visibility in Class I areas caused or projected to be caused substantially by a source as determined by modeling, monitoring, or a combination thereof. For existing sources, DEQ will conduct monitoring to confirm visibility impairment.

(3) A requirement applicable to a major source will be established if it has been adopted by EPA but has not otherwise been adopted by the EQC.

(4) An additional control requirement will be established if requested by the owner or operator of a source.

(5) Requirements will be established if necessary to protect public health or welfare for the following air contaminants and sources not otherwise regulated under chapter 340, divisions 200 through 268:

(a) Chemical weapons; and

(b) Combustion and degradation by-products of chemical weapons.

[**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 19-1993, f. 11-4-93 & cert. ef. 1-1-94; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0640; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 15-2001, f. & cert. ef. 12-26-01

**Grain Loading Standards**

**340-226-0200**

**Applicability**

OAR 340-226-0200 through 340-226-0210 apply in all areas of the state.

[**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 & ORS 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-021-0012

**340-226-0210**

**Particulate Emission Limitations for Sources Other Than External Combustion Devices and Refuse Burning Equipment**

(1) No person may cause, suffer, allow, or permit particulate matter emission from any air contaminant source in excess of:

(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 340-226-0210(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.

(3) 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.

 (4) This rule does not apply to external combustion devices, refuse burning equipment, or to fugitive emissions.

[**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 & ORS 468A
Stats. Implemented: ORS 468.020 & ORS 468A.025.
Hist.: DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 3-1996, f. & cert. ef. 1-29-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-021-0030; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

**Particulate Emissions from Process Equipment**

**340-226-0300**

**Applicability**

 Repealed

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468.020 & ORS 468A.025
Hist.: DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 3-1996, f. & cert. ef. 1-29-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-021-0035; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

**340-226-0310**

RepealedStat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-021-0040; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

**340-226-0320**

RepealedStat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468.020 & ORS 468A.025.
Hist.: DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 3-1996, f. & cert. ef. 1-29-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-021-0045; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

**Alternative Emission Controls**

**340-226-0400**

**Alternative Emission Controls (Bubble)**

(1) Alternative emission controls for VOC and NOx emissions may be approved in a Standard ACDP or Oregon Title V Operating Permit for use within a single source such that a specific emission limit is exceeded, provided that:

(a) Such alternatives are not specifically prohibited by a rule or permit condition.

(b) Net emissions for each pollutant are not increased above the PSEL.

(c) The net air quality impact is not increased as demonstrated by procedures required by OAR 340-224-0090, Requirements for Net Air Quality Benefit.

(d) No other pollutants including malodorous, toxic or hazardous pollutants are substituted.

(e) BACT and LAER, where required by a previously issued permit pursuant to OAR 340 division 224, NSPS (OAR 340 division 238), and NESHAP (OAR 340 division 244), where required, are not relaxed.

(f) Specific emission limits are established for each emission unit involved such that compliance with the PSEL can be readily determined.

(g) Application is made for a permit modification and such modification is approved by DEQ.

(h) The reducing emission source reduces its allowable emission rate. Merely reducing production, throughput, or hours of operation is insufficient.

(2) Total emissions from the emission sources under the bubble will be established in the permit.

(3) Alternative emission controls, in addition to those allowed in (1) above, may be approved by DEQ and EPA as a source specific SIP amendment.

[**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 340-020-0315; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1030; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01