

# DEPARTMENT OF ENVIRONMENTAL QUALITY

## DIVISION 230

### INCINERATOR REGULATIONS

#### 340-230-0010

##### Purpose

The purpose of this division is to establish state of the art emission standards, design requirements, and performance standards for ~~all~~ solid and infectious waste incinerators, hospital/medical/infectious waste incinerators, crematory incinerators, ~~and~~ municipal waste combustors, and commercial and industrial solid waste incineration units in order to minimize air contaminant emissions and provide adequate protection of public health.

Stat. Auth.: ORS 468.020 ~~183, ORS 468~~ & ~~ORS~~ 468A

Stats. Implemented: ORS 468A.025

Hist.: DEQ 9-1990, f. & cert. ef. 3-13-90; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0850; DEQ 4-2003, f. & cert. ef. 2-06-03

#### 340-230-0020

##### Applicability and Jurisdiction

(1) OAR 340-230-0100 through 340-230-0150 apply to all solid and infectious waste incinerators other than:

(a) Municipal waste combustors, including those municipal waste combustors that burn some medical waste, that are subject to either OAR 340-238-0060, or 340-230-0300 through 340-230-0395; and

(b) Hospital/medical/infectious waste incinerators that are subject to OAR 340-230-041500 ~~through 340-230-0410~~.

(c) Commercial and industrial solid waste incinerators that are subject to OAR 340-230-0500.

(2) OAR 340-230-0200 through 340-230-0230 apply to all new and existing crematory incinerators;

(3) OAR 340-230-0300 through 340-230-0395 apply to municipal waste combustors as specified in 340-230-0300.

(4) OAR 340-230-041500 ~~through 340-230-0410~~ applies to hospital/medical/infectious waste incinerators as specified in 40 CFR Part 62 Subpart HHH ~~as specified in 340-230-0400~~.

(5) OAR 340-230-0500 applies to commercial and industrial solid waste incineration units as specified in OAR 340-230-0500(3) and (4).

(6) Subject to the requirements in this division and OAR 340-200-0010(3), LRAPA is designated by the EQC to implement the rules in this division within its area of jurisdiction.

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 27-1996, f. & cert. ef. 12-11-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0852; DEQ 4-2003, f. & cert. ef. 2-06-03; DEQ 8-2007, f. & cert. ef. 11-8-07

### 340-230-0030

#### Definitions

The definitions in OAR 340-200-0020, 340-238-0040 and this rule apply to this division, except for : OAR 340-230-0415 and 340-230-0500. If the same term is defined in this rule and OAR 340-200-0020 or 340-238-0040, the definition in this rule applies to this division. ~~Applicable definitions have the same meaning as those provided in 40 CFR 60.51e including, but not limited to:~~

(1) "Acid Gases" means any exhaust gas that includes hydrogen chloride and sulfur dioxide.

(2) "Administrator" means the Administrator of the U.S. Environmental Protection Agency or his/her authorized representative or Administrator of a State Air Pollution Control Agency.

~~(2) "Air curtain incinerator" means an incinerator that operates by forcefully projecting a curtain of air across an open chamber or pit in which combustion occurs. Incinerators of that type can be constructed above or below ground and with or without refractory walls and floor.~~

(3) "CFR" means Code of Federal Regulations and, unless otherwise expressly identified, refers to the July 1, 20130 edition.

~~(4) "Commercial and industrial solid waste incineration unit (CISWI) means any combustion device that combusts commercial and industrial waste, as defined in this subpart. The boundaries of a CISWI unit are defined as, but not limited to the commercial or industrial solid waste fuel feed system, grate system, flue gas system, and bottom ash. The CISWI unit does not include air pollution control equipment or the stack. The CISWI unit boundary starts at the commercial and industrial solid waste hopper (if applicable) and extends through two areas:~~

~~(a) The combustion unit flue gas system, which ends immediately after the last combustion chamber.~~

~~(b) The combustion unit bottom ash system, which ends at the truck loading station or similar equipment that transfers the ash to final disposal. It includes all ash handling systems connected to the bottom ash handling system.~~

~~(5) "Commercial and industrial waste" means solid waste combusted in an enclosed device using controlled flame combustion without energy recovery that is a distinct operating unit of any commercial or industrial facility (including field-erected, modular, and custom built incineration units operating with starved or excess air), or solid waste combusted in an air curtain incinerator without energy recovery that is a distinct operating unit of any commercial or industrial facility.~~

(46) "Continuous Emission Monitoring (CEM)" means a monitoring system for continuously measuring the emissions of a pollutant from an affected incinerator. Continuous emission monitoring system (CEMS) also means the total equipment that may be required to meet the data acquisition and availability requirements, used to sample, condition (if applicable), analyze, and provide a record of emissions. Continuous monitoring equipment and operation must be certified in accordance with EPA performance specifications and quality assurance procedures outlined in **40 CFR Part 60, Appendices B and F**, and ~~the Department~~DEQ's CEM Manual.

(57) "Crematory Incinerator" means an incinerator used solely for the cremation of human and animal bodies.

(68) "Dry Standard Cubic Foot" means the amount of gas that would occupy a volume of one cubic foot, if the gas were free of uncombined water at standard conditions. When applied to combustion flue gases from waste or refuse burning, "Standard Cubic Foot (SCF)" implies adjustment of gas volume to that which would result at a concentration of seven percent oxygen or 50 percent excess air.

(79) "Fluidized bed combustion unit" means a unit where municipal waste is combusted in a fluidized bed of material. The fluidized bed material may remain in the primary combustion zone or may be carried out of the primary combustion zone and returned through a recirculation loop.

(840) "Incinerator" means any structure or furnace in which combustion takes place, the primary purpose of which is the reduction in volume and weight of unwanted material.

(944) "Infectious Waste" means waste as defined in ORS Chapter 763, Oregon Laws 1989, that contains or may contain any disease producing microorganism or material, and includes, but is not limited to the following:

(a) "Biological waste", which includes blood and blood products, and body fluids that cannot be directly discarded into a municipal sewer system, and waste materials saturated with blood or body fluids, but does not include soiled diapers;

(b) "Cultures and stocks", which includes etiologic agents and associated biologicals; including specimen cultures and dishes, devices used to transfer, inoculate and mix cultures, wastes from production of biologicals, and serums and discarded live and attenuated vaccines. "Cultures" does not include throat and urine cultures;

(c) "Pathological waste", which includes biopsy materials and all human tissues, anatomical parts that emanate from surgery, obstetrical procedures, autopsy and laboratory procedures and animal carcasses exposed to pathogens in research and the bedding and other waste from such animals. "Pathological wastes" does not include teeth or formaldehyde or other preservative agents;

(d) "Sharps", which includes needles, IV tubing with needles attached, scalpel blades, lancets, glass tubes that could be broken during handling and syringes that have been removed from their original sterile containers.

(1042) "Infectious Waste Facility" or "Infectious Waste Incinerator" means an incinerator that is operated or utilized for the disposal or treatment of infectious waste, including combustion for the recovery of heat, and which utilizes high temperature thermal destruction technologies.

(113) "Mass burn refractory municipal waste combustion unit" means a field-erected municipal waste combustion unit that combusts municipal solid waste in a refractory wall furnace. Unless otherwise specified, that includes municipal waste combustion units with a cylindrical rotary refractory wall furnace.

(124) "Mass burn rotary waterwall municipal waste combustion unit" means a field-erected municipal waste combustion unit that combusts municipal solid waste in a cylindrical rotary waterwall furnace.

(135) "Mass burn waterwall municipal waste combustion unit" means a field-erected municipal waste combustion unit that combusts municipal solid waste in a waterwall furnace.

(146) "Modular excess-air municipal waste combustion unit" means a municipal waste combustion unit that combusts municipal solid waste, is not field-erected, and has multiple combustion chambers, all of which are designed to operate at conditions with combustion air amounts in excess of theoretical air requirements.

(157) "Modular starved-air municipal waste combustion unit" means a municipal waste combustion unit that combusts municipal solid waste, is not field-erected, and has multiple combustion chambers in which the primary combustion chamber is designed to operate at substoichiometric conditions.

(168) "Municipal waste combustor plant" means one or more municipal waste combustor units at the same location.

(179) "Municipal waste combustor plant capacity" means the aggregate municipal waste combustor unit capacity of all municipal waste combustor units at a municipal waste combustor plant for which construction was commenced on or before September 20, 1994.

(1820) "Primary Combustion Chamber" means the discrete equipment, chamber or space in which drying of the waste, pyrolysis, and essentially the burning of the fixed carbon in the waste occurs.

(1924) "Pyrolysis" means the endothermic gasification of waste material using external energy.

(2022) "Refuse-derived fuel" means a type of municipal solid waste produced by processing municipal solid waste through shredding and size classification. That includes all classes of refuse-derived fuel including two fuels:

(a) Low-density fluff refuse-derived fuel through densified refuse-derived fuel.

(b) Pelletized refuse-derived fuel.

(213) "Secondary" or "Final Combustion Chamber" means the discrete equipment, chamber, or space in which the products of pyrolysis are combusted in the presence of excess air such that essentially all carbon is burned to carbon dioxide.

(224) "Solid ~~W~~aste" means refuse, more than 50 percent of which is waste consisting of a mixture of paper, wood, yard wastes, food wastes, plastics, leather, rubber, and other combustible materials, and noncombustible materials such as metal, glass, and rock.

(235) "Solid ~~W~~aste ~~F~~acility" or "~~S~~olid ~~W~~aste ~~I~~ncinerator" means an incinerator that is operated or utilized for the disposal or treatment of solid waste including combustion for the recovery of heat, and that utilizes high temperature thermal destruction technologies.

(246) "Spreader stoker, mixed fuel-fired (coal/refuse-derived fuel) combustion unit" means a municipal waste combustion unit that combusts coal and refuse-derived fuel simultaneously, in which coal is introduced to the combustion zone by a mechanism that throws the fuel onto a grate from above. Combustion takes place both in suspension and on the grate.

(257) "Transmissometer" means a device that measures opacity and conforms to EPA Specification Number 1 in 40 CFR [Part 60](#), **Appendix B**.

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

Stat. Auth.: ORS 183, 468 & 468A

Stats. Implemented: ORS 468A.025

Hist.: DEQ 22-1998, f. & cert. ef. 10-21-98; DEQ 9-1990, f. & cert. ef. 3-13-90; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 27-1996, f. & cert. ef. 12-11-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0750, 340-025-0855, 340-025-0950; DEQ 4-2003, f. & cert. ef. 2-06-03; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 1-2011, f. & cert. ef. 2-24-11

## Hospital, Medical, and Infectious Waste Incineration Units

### 340-230-0415

#### Adoption of Federal Plan by Reference

The federal plan for hospital, medical, and infectious waste incineration units constructed on or before December 1, 2008, in 40 CFR Part 62 Subpart HHH, is by this reference adopted and incorporated herein.

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

## Commercial and Industrial Solid Waste Incineration Units

### 340-230-0500

#### Emission Standards for Commercial and Industrial Solid Waste Incineration Units

(1) Purpose. This rule implements the emission guidelines and compliance schedules for the control of emissions from commercial and industrial solid waste incineration (CISWI) units.

(2) Definitions. Terms used in this rule are as defined in 40 CFR 60.2875. In 40 CFR 60.2875, substitute “is defined by the EPA administrator” for “is defined by the Administrator” and substitute “established by the EPA Administrator by rule” for “established by the Administrator by rule”.

(3) Compliance schedule.

(a) CISWI units in the incinerator subcategory that commenced construction on or before November 30, 1999, must achieve final compliance as expeditiously as practicable after approval of the State plan but not later than the earlier of the following two dates:

(A) December 1, 2005.

(B) Three years after the effective date of State plan approval.

(b) CISWI units in the incinerator subcategory and air curtain incinerators, that commenced construction after November 30, 1999, but on or before June 4, 2010, and for CISWI units in the small remote incinerator, energy recovery unit, and waste-burning kiln subcategories, that commenced construction before June 4, 2010, must achieve final compliance as expeditiously as practicable after approval of the state plan but not later than three years after the effective date of State plan approval or February 7, 2018, whichever is earlier.

(4) Affected CISWI units.

(a) Incineration units that meet all of the following three criteria are affected CISWI units:

(A) CISWI units that commenced construction on or before June 4, 2010, or commenced modification or reconstruction after June 4, 2010 but no later than August 7, 2013.

(B) Incineration units that meet the definition of a CISWI unit in **40 CFR 60.2875**.

(C) Incineration units not exempt under section (5) of this rule.

(b) If the owner or operator of a CISWI unit makes changes that meets the definition of modification or reconstruction on or after June 1, 2001, the CISWI unit becomes subject to **40 CFR Part 60 Subpart CCCC** and this rule no longer applies to that unit.

(c) If the owner or operator of a CISWI unit makes physical or operational changes to an existing CISWI unit primarily to comply with this rule, then **40 CFR Part 60 Subpart CCCC** does not apply to that unit. Such changes do not qualify as modifications or reconstructions under **40 CFR Part 60 Subpart CCCC**.

(5) Exempt units. The types of units in subsections (5)(a) through (k) of this rule are exempt from this rule, but some units are required to provide notifications. Air curtain incinerators are exempt from the requirements of this rule except for the requirements in sections (7) and (8) of this rule.

(a) Pathological waste incineration units burning 90 percent or more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of pathological waste, low level radioactive waste, and/or chemotherapeutic waste as defined in **40 CFR 60.2875** if the owner or operator meets the following two requirements:

(A) Notify DEQ and EPA Administrator that the unit meets these criteria.

(B) Keep records on a calendar quarter basis of the weight of pathological waste, low-level radioactive waste, and/or chemotherapeutic waste burned, and the weight of all other fuels and wastes burned in the unit.

(b) Municipal waste combustion units that meet the applicability criteria in **40 CFR Part 60 Subpart Cb** (Emission Guidelines and Compliance Times for Large Municipal Combustors); **Ea** (Standards of Performance for Municipal Waste Combustors); **Eb** (Standards of Performance for Large Municipal Waste Combustors); **AAAA** (Standards of Performance for Small Municipal Waste Combustion Units); or **BBBB** (Emission Guidelines for Small Municipal Waste Combustion Units).

(c) Medical waste incineration units that meet the applicability criteria in **40 CFR Part 60 Subpart Ca** (Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators) or **Ec** (Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996).

(d) Small power production facilities that meet the following four requirements:

(A) The unit qualifies as a small power-production facility under section 3(17)(C) of the Federal Power Act (16 U.S.C. § 796(17)(C)).

(B) The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity.

(C) The owner or operator submits documentation to DEQ that the EPA Administrator has determined that the qualifying small power production facility is combusting homogenous waste.

(D) The owner or operator maintains the records specified in **40 CFR 60.2740(v)**.

(e) Cogeneration facilities. Units that meet the following three requirements:

(A) The unit qualifies as a cogeneration facility under section 3(18)(B) of the Federal Power Act (16 U.S.C. § 796(18)(B)).

(B) The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity and steam or other forms of energy used for industrial, commercial, heating, or cooling purposes.

(C) The owner or operator submits documentation to DEQ that the EPA Administrator has determined that the qualifying cogeneration facility is combusting homogenous waste.

(D) The owner or operator maintains the records specified in **40 CFR 60.2740(w)**.

(f) Hazardous waste combustion units for which the owner or operator is required to get a permit under section 3005 of the Solid Waste Disposal Act (42 U.S.C. § 6925).

(g) Materials recovery units that combust waste for the primary purpose of recovering metals, such as primary and secondary smelters.

(h) Air curtain incinerators that burn only the following materials are only required to meet the requirements under “Air Curtain Incinerators” (section (7) of this rule):

(A) 100 percent wood waste.

(B) 100 percent clean lumber.

(C) 100 percent mixture of only wood waste, clean lumber, and/or yard waste.

(i) Sewage treatment plants regulated under **40 CFR Part 60 Subpart O** (Standards of Performance for Sewage Treatment Plants).

(j) Sewage sludge incineration units combusting sewage sludge for the purpose of reducing the volume of the sewage sludge by removing combustible matter that meet the applicability criteria in **40 CFR Part 60 Subpart LLLL** (Standards of Performance for Sewage Sludge Incineration Units) or **40 CFR Part 60 Subpart MMMM** (Emission Guidelines for Sewage Sludge Incineration Units).

(k) Other solid waste incineration units that meet the applicability criteria in **40 CFR Part 60 Subpart EEEE** (Standards of Performance for Other Solid Waste Incineration Units) or **40 CFR Part 60 Subpart FFFF** (Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units).

(6) Requirements for CISWI units.

(a) Increments of Progress and Achieving Final Compliance. If planning to achieve compliance more than 1 year following the effective date of State plan approval, an owner or operator of an affected CISWI unit must meet the following increments of progress:

(A) Submit a final control plan by two years after the effective date of State plan approval or February 7, 2017, whichever is earlier, and

(B) Achieve final compliance by three years after the effective date of State plan approval or February 7, 2018, whichever is earlier.

(b) Notifications of achievement of increments of progress. Notifications for achieving increments of progress must be postmarked no later than 10 business days after the compliance date for the increment. The notification of achievement of increments of progress must include the following three items:

(A) Notification that the increment of progress has been achieved.

(B) Any items required to be submitted with each increment of progress.

(C) Signature of the owner or operator of the CISWI unit or air curtain incinerator.

(c) Failure to meet an increment of progress. If failing to meet an increment of progress, the owner or operator must submit a notification to DEQ and the EPA Administrator postmarked within 10 business days after the date for that increment of progress. The owner or operator must inform DEQ and the EPA Administrator of the failure to meet the increment, and must continue to submit reports each subsequent calendar month until the increment of progress is met.

(d) Complying with the increment of progress for submittal of a control plan. For the control plan increment of progress, the owner or operator must satisfy the following two requirements:

(A) Submit the final control plan that includes the following five items:

(i) A description of the devices for air pollution control and process changes that will be used to comply with the emission limitations and other requirements of this rule.

(ii) The type(s) of waste to be burned.

(iii) The maximum design waste burning capacity.

(iv) The anticipated maximum charge rate.

(v) If applicable, the petition for site-specific operating limits under subsection (6)(k) of this rule.

(B) Maintain an onsite copy of the final control plan.

(e) Complying with the increment of progress for achieving final compliance. For the final compliance increment of progress, the owner or operator must complete all process changes and retrofit construction of control devices, as specified in the final control plan, so that, if the affected CISWI unit is brought online, all necessary process changes and air pollution control devices would operate as designed.

(f) Closing a CISWI unit.

(A) If closing a CISWI unit but restarting it prior to the final compliance date, the owner or operator must meet the increments of progress.

(B) If closing a CISWI unit but restarting it after the final compliance date, the owner or operator must complete emission control retrofits and meet the emission limitations and operating limits on the date the unit restarts operation.

(C) If planning to close a CISWI unit rather than comply with this rule, the owner or operator must submit a closure notification, including the date of closure, to DEQ and the EPA Administrator by the date the final control plan is due.

(g) Waste management plan. Owners and operators of affected CISWI units must comply with **40 CFR 60.2620 through 60.2630**. In **40 CFR 60.2625**, substitute “OAR 340-230-0500(6)(a)(A)” for “table 1 of this subpart”.

(h) Operator training and qualification. Owners or operators of affected CISWI units must comply with **40 CFR 60.2635 through 60.2665**. In **40 CFR 60.2665(b)(1)**, substitute “DEQ” for “the Administrator”. In **40 CFR 60.2665(b)(2) and (b)(2)(ii)**, substitute “EPA Administrator” for “Administrator”.

(i) Emission limitations. Owners and operators of affected CISWI units must comply with **40 CFR 60.2670** with the following changes:

(A) In **40 CFR 60.2670(a)**, substitute “in OAR 340-230-0500(3)” for “under the approved state plan, federal plan, or delegation, as applicable”.

(B) **Table 2 to 40 CFR Part 60 Subpart DDDD** applies only to CISWI units constructed after November 30, 1999 but prior to June 4, 2010, and that were subject to **40 CFR Part 60 Subpart CCCC** (Standards of Performance for Commercial and Industrial Solid Waste Incineration Units) prior to June 4, 2010.

(C) In **Tables 2 and 6 through 9 to 40 CFR Part 60 Subpart DDDD**, substitute “three years after the effective date of State plan approval or February 7, 2018, whichever is earlier” for “[DATE TO BE SPECIFIED IN STATE PLAN]”.

(j) Operating limits. Owners and operators of affected CISWI units must comply with **40 CFR 60.2675**.

(k) Site-specific operating limit. Owners and operators of affected CISWI units may request a site-specific operating limit in accordance with **40 CFR 60.2680**.

(l) Compliance demonstration. Owners and operators of affected CISWI units must demonstrate compliance with this rule in accordance with **40 CFR 60.2690 through 60.2800**.

(A) In **40 CFR 60.2720(a)(1)**, substitute “DEQ or the EPA Administrator may request” for “The Administrator may request”.

(B) In **40 CFR 60.2720(a)(3)**, substitute “request by DEQ or the EPA Administrator” for “request by the Administrator”.

(C) In **40 CFR 60.2725(a)**, substitute “DEQ or the EPA Administrator may request” for “The Administrator may request”.

(D) In 40 CFR 60.2730(n)(1) and (n)(2), substitute “Notify DEQ” for “Notify the Administrator”.

(E) In 40 CFR 60.2730(n)(4), substitute “notification to DEQ” for “notification to the Administrator”.

(F) In 40 CFR 60.2745, substitute “DEQ” for “the Administrator”.

(G) In 40 CFR 60.2785(a)(2), (a)(2)(iii), and (b), substitute “DEQ” for “the Administrator”.

(H) In 40 CFR 60.2795(b)(1) and (b)(2), substitute “DEQ and the EPA Administrator” for “the Administrator”.

(I) In 40 CFR 60.2800, substitute “DEQ” for “the Administrator”.

(7) Requirements for air curtain incinerators.

(a) An air curtain incinerator operates by forcefully projecting a curtain of air across an open chamber or open pit in which combustion occurs. Incinerators of this type can be constructed above or below ground and with or without refractory walls and floor. (Air curtain incinerators are not to be confused with conventional combustion devices with enclosed fireboxes and controlled air technology such as mass burn, modular, and fluidized bed combustors.)

(b) Increments of Progress. If planning to achieve compliance more than 1 year following the effective date of State plan approval, an owner or operator must meet the following increments of progress:

(A) Submit a final control plan by two years after the effective date of State plan approval or February 7, 2017, whichever is earlier, and

(B) Achieve final compliance by three years after the effective date of State plan approval or February 7, 2018, whichever is earlier.

(c) Notifications of achievement of increments of progress. Notifications for achieving increments of progress must be postmarked no later than 10 business days after the compliance date for the increment. The notification of achievement of increments of progress must include the following three items:

(A) Notification that the increment of progress has been achieved.

(B) Any items required to be submitted with each increment of progress (see subsection (7)(d) of this rule).

(C) Signature of the owner or operator of the incinerator.

(c) Failure to meet an increment of progress. If failing to meet an increment of progress, the owner or operator must submit a notification to DEQ and the EPA Administrator postmarked within 10 business days after the date for that increment of progress. The owner or operator must inform DEQ and the EPA Administrator of the failure to meet the increment, and must continue to submit reports each subsequent calendar month until the increment of progress is met.

(d) Complying with the increment of progress for submittal of a control plan. For the control plan increment of progress, the owner or operator must satisfy the following two requirements:

(A) Submit the final control plan that including a description of any devices for air pollution control and any process changes that will be used to comply with the emission limitations and other requirements of this rule.

(B) Maintain an onsite copy of the final control plan.

(e) Complying with the increment of progress for achieving final compliance. For the final compliance increment of progress, the owner or operator must complete all process changes and retrofit construction of control devices, as specified in the final control plan, so that, if the affected incinerator is brought online, all necessary process changes and air pollution control devices would operate as designed.

(f) Closing an air curtain incinerator.

(A) If closing an air curtain incinerator but reopening it prior to the final compliance date, the owner or operator must meet the increments of progress in subsection (8)(b).

(B) If closing an air curtain incinerator but restarting it after the final compliance date, the owner or operator must complete emission control retrofits and meet the emission limitations on the date the incinerator restarts operation.

(g) If planning to close an air curtain incinerator rather than comply with this rule, the owner or operator must submit a closure notification, including the date of closure, to DEQ and the EPA Administrator by the date the final control plan is due.

(h) Emission limitations. After the date the initial stack test is required or completed (whichever is earlier, the owner or operator of the affected air curtain incinerator must comply with **40 CFR 60.2860**.

(i) Compliance demonstration. The owners or operator of the affected air curtain incinerator must demonstrate compliance with this rule in accordance with **40 CFR 60.2865 and 60.2870**. In **40 CFR 60.2870(a) and (b)**, substitute “DEQ” for “the Administrator”.

(9) Permitting requirements. CISWI units and air curtain incinerators subject to this rule must comply with Oregon Title V Operating Permit program requirements as specified in OAR 340 divisions 218 and 220.

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

## DIVISION 238

### NEW SOURCE PERFORMANCE STANDARDS

#### 340-238-0040

##### Definitions

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

(1) "Administrator" means the Administrator of the EPA or authorized representative.

(2) "~~CC~~"Affected facility"~~122~~ means, with reference to a stationary source, any apparatus to which a standard is applicable.

(3) "Capital expenditures" means an expenditure for a physical or operational change to an existing facility that exceeds the product of the applicable "annual asset guideline repair allowance percentage" specified in Internal Revenue Service (IRS) Publication 534 and the existing facility's basis, as defined by section 1012 of the Internal Revenue Code. However, the total expenditure for a physical or operational change to an existing facility must not be reduced by any "excluded additions" as defined in IRS Publication 534, as would be done for tax purposes.

(4) "CFR" means Code of Federal Regulations and, unless otherwise expressly identified, refers to the July 1, 201~~3~~<sup>2</sup> edition.

(5) "Closed municipal solid waste landfill" (closed landfill) means a landfill in which solid waste is no longer being placed, and in which no additional solid wastes will be placed without first filing a notification of modification as prescribed under 40 CFR 60.7(a)(4). Once a notification of modification has been filed, and additional solid waste is placed in the landfill, the landfill is no longer closed. A landfill is considered closed after meeting the criteria of 40 CFR 258.60.

(6) "Commenced", with respect to the definition of "new source" in section 111(a)(2) of the federal Clean Air Act, means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(7) "Existing municipal solid waste landfill" (existing landfill) means a municipal solid waste landfill that began construction, reconstruction or modification before 5/30/91 and has accepted waste at any time since 11/08/87 or has additional design capacity available for future waste deposition.

(8) "Existing facility", with reference to a stationary source, means any apparatus of the type for which a standard is promulgated in 40 CFR Part 60, and the construction or modification of which commenced before the date of proposal by EPA of that standard; or any apparatus that could be altered in such a way as to be of that type.

(9) "Fixed capital cost" means the capital needed to provide all the depreciable components.

(10) "Large municipal solid waste landfill" (large landfill) means a municipal solid waste landfill with a design capacity greater than or equal to 2.5 million megagrams or 2.5 million cubic meters.

(11) "Modification:"

(a) except as provided in subsection (b) of this section, means any physical change in, or change in the method of operation of, an existing facility that increases the amount of any air pollutant (to which a standard applies) emitted into the atmosphere by that facility or that results in the emission of any air pollutant (to which a standard applies) into the atmosphere not previously emitted;

(b) As used in OAR 340-238-0100 means an action that results in an increase in the design capacity of a landfill.

(12) "Municipal solid waste landfill" (landfill) means an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. A municipal solid waste landfill may also receive other types of RCRA Subtitle D wastes such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of a municipal solid waste landfill may be separated by access roads and may be publicly or privately owned. A municipal solid waste landfill may be a new municipal solid waste landfill, an existing municipal solid waste landfill, or a lateral expansion (modification).

(13) "New municipal solid waste landfill" (new landfill) means a municipal solid waste landfill that began construction, reconstruction or modification or began accepting waste on or after 5/30/91.

(14) "Reconstruction" means the replacement of components of an existing facility to such an extent that:

(a) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility; and

(b) It is technologically and economically feasible to meet the applicable standards set forth in 40 CFR Part 60.

(15) "Reference method" means any method of sampling and analyzing for an air pollutant as specified in 40 CFR Part 60.

(16) "Small municipal solid waste landfill" (small landfill) means a municipal solid waste landfill with a design capacity less than 2.5 million megagrams or 2.5 million cubic meters.

(17) "Standard" means a standard of performance proposed or promulgated under 40 CFR Part 60.

(18) "State Plan" means a plan developed for the control of a designated pollutant provided under 40 CFR Part 60.

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 97, f. 9-2-75, ef. 9-25-75; DEQ 22-1982, f. & ef. 10-21-82; DEQ 17-1983, f. & ef. 10-19-83; DEQ 16-1984, f. & ef. 8-21-84; DEQ 15-1985, f. & ef. 10-21-85; DEQ 19-1986, f. & ef. 11-7-86; DEQ 17-1987, f. & ef. 8-24-87; DEQ 24-1989, f. & cert. ef. 10-26-89; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 17-1993, f. & cert. ef. 11-4-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 27-1996, f. & cert. ef. 12-11-96; DEQ 8-1997, f. & cert. ef. 5-6-97; DEQ 22-1998, f. & cert. ef. 10-21-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0510; DEQ 22-2000, f. & cert. ef. 12-18-00; DEQ 4-2003, f. & cert. ef. 2-06-03; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 2-2006, f. & cert. ef. 3-14-06;

DEQ 13-2006, f. & cert. ef. 12-22-06; DEQ 15-2008, f. & cert. ef. 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 4-2013, f. & cert. ef. 3-27-13

### **340-238-0060**

#### **Federal Regulations Adopted by Reference**

(1) Except as provided in section (2) of this rule, **40 CFR Part 60 Subparts A, D through EE, GG, HH, KK through NN, PP through XX, BBB, DDD, FFF through LLL, NNN, PPP through WWW, AAAA, CCCC, EEEE, KKKK, LLLL, and OOOO**~~KKKK~~ are by this reference adopted and incorporated herein, ~~and~~ **40 CFR Part 60 Subpart OOO** is by this reference adopted and incorporated herein for major sources only, 40 CFR Part 60 Subpart IIII is by this reference adopted and incorporated herein only for sources required to have a Title V or ACDP permit and excluding the requirements for engine manufacturers, and 40 CFR Part 60 Subpart JJJJ is by this reference adopted and incorporated herein only for sources required to have a Title V or ACDP permit and excluding the requirements for engine manufacturers.

(2) Where "Administrator" or "EPA" appears in 40 CFR Part 60, "DEQ" is substituted, except in any section of 40 CFR Part 60 for which a federal rule or delegation specifically indicates that authority must not be delegated to the state.

(3) 40 CFR Part 60 Subparts adopted by this rule are titled as follows:

(a) Subpart A — General Provisions;

(b) Subpart D — Fossil-fuel-fired steam generators for which construction is commenced after August 17, 1971;

(c) Subpart Da — Electric utility steam generating units for which construction is commenced after September 18, 1978;

(d) Subpart Db — Industrial-commercial-institutional steam generating units;

(e) Subpart Dc — Small industrial-commercial-institutional steam generating units;

(f) Subpart E — Incinerators;

(g) Subpart Ea — Municipal waste combustors for which construction is commenced after December 20, 1989 and on or before September 20, 1994;

(h) Subpart Eb — Municipal waste combustors for which construction is commenced after September 20, 1994;

(i) Subpart Ec — Hospital/Medical/Infectious waste incinerators that commenced construction after June 20, 1996, or for which modification is commenced after March 16, 1998;

(j) Subpart F — Portland cement plants;

(k) Subpart G — Nitric acid plants;

(l) Subpart Ga — Nitric acid plants for which construction, reconstruction, or modification commenced after October 14, 2011;

(~~m~~l) Subpart H — Sulfuric acid plants;

(~~n~~m) Subpart I — Hot mix asphalt facilities;

(~~o~~n) Subpart J — Petroleum refineries;

(~~p~~o) Subpart K — Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after June 11, 1973, and before May 19, 1978;

(~~q~~p) Subpart Ka — Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after May 18, 1978, and before July 23, 1984;

(~~r~~q) Subpart Kb — Volatile organic liquid storage vessels (including petroleum liquid storage vessels) for which construction, reconstruction, or modification commenced after July 23, 1984;

(~~s~~r) Subpart L — Secondary lead smelters;

(~~t~~s) Subpart M — Secondary brass and bronze production plants;

(~~u~~t) Subpart N — Primary emissions from basic oxygen process furnaces for which construction is commenced after June 11, 1973;

(~~v~~u) Subpart Na — Secondary emissions from basic oxygen process steelmaking facilities for which construction is commenced after January 20, 1983;

(~~w~~v) Subpart O — Sewage treatment plants;

(~~x~~w) Subpart P — Primary copper smelters;

(~~y~~x) Subpart Q — Primary Zinc smelters;

(~~z~~y) Subpart R — Primary lead smelters;

(~~aa~~z) Subpart S — Primary aluminum reduction plants;

(~~bb~~aa) Subpart T — Phosphate fertilizer industry: wet-process phosphoric acid plants;

(~~cc~~bb) Subpart U — Phosphate fertilizer industry: superphosphoric acid plants;

(~~dd~~ee) Subpart V — Phosphate fertilizer industry: diammonium phosphate plants;

(~~ee~~dd) Subpart W — Phosphate fertilizer industry: triple superphosphate plants;

(~~ff~~ee) Subpart X — Phosphate fertilizer industry: granular triple superphosphate storage facilities;

(~~gg~~ff) Subpart Y — Coal preparation plants;

(~~hh~~gg) Subpart Z — Ferroalloy production facilities;

(~~ii~~~~hh~~) Subpart AA — Steel plants: electric arc furnaces constructed after October 21, 1974 and on or before August 17, 1983;

(~~jj~~~~ii~~) Subpart AAa — Steel plants: electric arc furnaces and argon-oxygen decarburization vessels constructed after august 7, 1983;

(~~kk~~~~jj~~) Subpart BB — Kraft pulp mills;

(~~ll~~~~kk~~) Subpart CC — Glass manufacturing plants;

(~~mm~~~~ll~~) Subpart DD — Grain elevators.

(~~nn~~~~mm~~) Subpart EE — Surface coating of metal furniture;

(~~oo~~~~nn~~) Subpart GG — Stationary gas turbines;

(~~pp~~~~oo~~) Subpart HH — Lime manufacturing plants;

(~~qq~~~~pp~~) Subpart KK — Lead-acid battery manufacturing plants;

(~~rr~~~~qq~~) Subpart LL — Metallic mineral processing plants;

(~~ss~~~~rr~~) Subpart MM — Automobile and light-duty truck surface coating operations;

(~~tt~~~~ss~~) Subpart NN — Phosphate rock plants;

(~~uu~~~~tt~~) Subpart PP — Ammonium sulfate manufacture;

(~~vv~~~~uu~~) Subpart QQ — Graphic arts industry: publication rotogravure printing;

(~~ww~~~~vv~~) Subpart RR — pressure sensitive tape and label surface coating operations;

(~~xx~~~~ww~~) Subpart SS — Industrial surface coating: large appliances;

(~~yy~~~~xx~~) Subpart TT — Metal coil surface coating;

(~~zz~~~~yy~~) Subpart UU — Asphalt processing and asphalt roofing manufacture;

(~~aaa~~~~zz~~) Subpart VV — Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry;

(~~bbb~~~~aaa~~) Subpart VVa — Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry;

(~~ccc~~~~bbb~~) Subpart WW — Beverage can surface coating industry;

(~~ddd~~~~ccc~~) Subpart XX — Bulk gasoline terminals;

(~~eee~~~~ddd~~) Subpart BBB — Rubber tire manufacturing industry;

(~~fff~~~~eee~~) Subpart DDD — Volatile organic compound (VOC) emissions for the polymer manufacture industry;

(~~ggg~~fff) Subpart FFF — Flexible vinyl and urethane coating and printing;

(~~hhh~~ggg) Subpart GGG — Equipment leaks of VOC in petroleum refineries;

(~~iii~~hhh) Subpart GGGa — Equipment leaks of VOC in petroleum refineries;

(~~jjj~~iii) Subpart HHH — Synthetic fiber production facilities;

(~~kkk~~jjj) Subpart III — Volatile organic compound (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) air oxidation unit processes;

(~~lll~~kkk) Subpart JJJ — Petroleum dry cleaners;

(~~mmm~~lll) Subpart KKK — Equipment leaks of VOC from onshore natural gas processing plants;

(~~nnn~~mmm) Subpart LLL — Onshore natural gas processing; SO<sub>2</sub> emissions;

(~~ooo~~nnn) Subpart NNN — Volatile organic compound (VOC) emissions from synthetic organic chemical manufacturing industry (SOCMI) distillation operations;

(~~ppp~~ooo) Subpart OOO — Nonmetallic mineral processing plants (adopted by reference for major sources only);

(~~qqq~~ppp) Subpart PPP — Wool fiberglass insulation manufacturing plants;

(~~rrr~~qqq) Subpart QQQ — VOC emissions from petroleum refinery wastewater systems;

(~~sss~~rrr) Subpart RRR — Volatile organic compound emissions from synthetic organic chemical manufacturing industry (SOCMI) reactor processes;

(~~ttt~~sss) Subpart SSS — Magnetic tape coating facilities;

(~~uuu~~ttt) Subpart TTT — Industrial surface coating: surface coating of plastic parts for business machines;

(~~vvv~~uuu) Subpart UUU — Calciners and dryers in mineral industries;

(~~www~~vvv) Subpart VVV — Polymeric coating of supporting substrates facilities;

(~~xxx~~www) Subpart WWW — Municipal solid waste landfills, as clarified by OAR 340-238-0100;

(~~yyy~~xxx) Subpart AAAA — Small municipal waste combustion units;

(~~zzz~~yyy) Subpart CCCC — Commercial and industrial solid waste incineration units;

(~~aaaa~~zzz) Subpart EEEE — Other solid waste incineration units;

(~~aaaa~~) Subpart LLLL — Sewage sludge incineration units;

(bbbb) Subpart IIII — Stationary compression ignition internal combustion engines (adopted only for sources required to have a Title V or ACDP permit), excluding the requirements for engine manufacturers (40 CFR 60.4201 through 60.4203, 60.4210, 60.4215, and 60.4216);

(cccc) Subpart JJJJ — Stationary spark ignition internal combustion engines (adopted only for sources required to have a Title V or ACDP permit), excluding the requirements for engine manufacturers (40 CFR 60.4231 through 60.4232, 60.4238 through 60.4242, and 60.4247);

(ddd**bb**) Subpart KKKK — Stationary combustion turbines;

(eeee) Subpart LLLL — Sewage sludge incineration units;

(ffff) Subpart OOOO — Crude oil and natural gas production, transmission and distribution.

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 97, f. 9-2-75, ef. 9-25-75; DEQ 16-1981, f. & ef. 5-6-81; sections (1) thru (12) of this rule renumbered to 340-025-0550 thru 340-025-0605; DEQ 22-1982, f. & ef. 10-21-82; DEQ 17-1983, f. & ef. 10-19-83; DEQ 16-1984, f. & ef. 8-21-84; DEQ 15-1985, f. & ef. 10-21-85; DEQ 19-1986, f. & ef. 11-7-86; DEQ 17-1987, f. & ef. 8-24-87; DEQ 24-1989, f. & cert. ef. 10-26-89; DEQ 17-1993, f. & cert. ef. 11-4-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 27-1996, f. & cert. ef. 12-11-96; DEQ 8-1997, f. & cert. ef. 5-6-97; DEQ 22-1998, f. & cert. ef. 10-21-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0535; DEQ 22-2000, f. & cert. ef. 12-18-00; DEQ 4-2003, f. & cert. ef. 2-06-03; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 13-2006, f. & cert. ef. 12-22-06; DEQ 15-2008, f. & cert. ef. 12-31-08; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 4-2013, f. & cert. ef. 3-27-13

## **340-238-0090**

### **Delegation**

(1) The Lane Regional Air Protection Agency (LRAPA) is authorized to implement and enforce, within its boundaries, the provisions of this division.

(2) The Commission may authorize LRAPA to implement and enforce its own provisions upon a finding that such provisions are at least as ~~strict~~**stringent** as a corresponding provision in this division. LRAPA may implement and enforce provisions authorized by the Commission in place of any or all of this division upon receipt of delegation from EPA. Delegation may be withdrawn for cause by the Commission.

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 97, f. 9-2-75, ef. 9-25-75; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 17-1993, f. & cert. ef. 11-4-93; DEQ 8-1997, f. & cert. ef. 5-6-97; DEQ 22-1998, f. & cert. ef. 10-21-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0520; DEQ 15-2008, f. & cert. ef. 12-31-08

## DIVISION 244

### OREGON FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM

#### General Provisions for Stationary Sources

##### 340-244-0020

##### Delegation of Authority

~~(1) Subject to the requirements in this division, LRAPA is designated by the EQC The Lane Regional Air Protection Agency (LRAPA) is authorized to implement and enforce, within its area of jurisdiction boundaries, this Division. The requirements and procedures contained in this division must be used by LRAPA unless LRAPA has adopted or adopts rules which are at least as strict as this division.~~

~~(2) The Commission may authorize LRAPA to implement and enforce its own provisions upon a finding that such provisions are at least as stringent as a corresponding provision in this Division. LRAPA may implement and enforce provisions authorized by the Commission in place of any or all of this Division upon receipt of delegation from EPA or approval of such provisions under Section 112(1) of the Federal Clean Air Act. Authorization provided under this section may be withdrawn for cause by the Commission.~~

Stat. Auth.: ORS 468 & 468A

Stats. Implemented: ORS 468A.025

Hist.: DEQ 13-1993, f. & cert. ef. 9-24-93; DEQ 18-1993, f. & cert. ef. 11-4-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-0110; DEQ 15-2008, f. & cert. ef. 12-31-08

##### 340-244-0030

##### Definitions

The definitions in OAR 340-200-0020, 340-218-0030 and this rule apply to this division. If the same term is defined in this rule and OAR 340-200-0020 or 340-218-0030, the definition in this rule applies to this division.

(1) "Affected source" is as defined in 40 CFR 63.2.

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

(3) "Area Source" means any stationary source which has the potential to emit hazardous air pollutants but is not a major source of hazardous air pollutants.

(4) "CFR" means Code of Federal Regulations and, unless otherwise expressly identified, refers to the July 1, 2013<sup>2</sup> edition.

(5) "Construct a major source" means to fabricate, erect, or install at any greenfield site a stationary source or group of stationary sources which is located within a contiguous area and under common

control and which emits or has the potential to emit 10 tons per year of any HAPs or 25 tons per year of any combination of HAP, or to fabricate, erect, or install at any developed site a new process or production unit which in and of itself emits or has the potential to emit 10 tons per year of any HAP or 25 tons per year of any combination of HAP, unless the process or production unit satisfies criteria in paragraphs (a) through (f) of this definition:

(a) All HAP emitted by the process or production unit that would otherwise be controlled under the requirements of 40 CFR Part 63, Subpart B will be controlled by emission control equipment which was previously installed at the same site as the process or production unit;

(b) DEQ has determined within a period of 5 years prior to the fabrication, erection, or installation of the process or production unit that the existing emission control equipment represented the best available control technology (BACT), lowest achievable emission rate (LAER) under 40 CFR Part 51 or 52, toxics-best available control technology (T-BACT), or MACT based on State air toxic rules for the category of pollutants which includes those HAP to be emitted by the process or production unit; or DEQ determines that the control of HAP emissions provided by the existing equipment will be equivalent to that level of control currently achieved by other well-controlled similar sources (i.e., equivalent to the level of control that would be provided by a current BACT, LAER, T-BACT, or State air toxic rule MACT determination).

(c) DEQ determines that the percent control efficiency for emission of HAP from all sources to be controlled by the existing control equipment will be equivalent to the percent control efficiency provided by the control equipment prior to the inclusion of the new process or production unit;

(d) DEQ has provided notice and an opportunity for public comment concerning its determination that criteria in paragraphs (a), (b), and (c) of this definition apply and concerning the continued adequacy of any prior LAER, BACT, T-BACT, or State air toxic rule MACT determination;

(e) If any commenter has asserted that a prior LAER, BACT, T-BACT, or State air toxic rule MACT determination is no longer adequate, DEQ has determined that the level of control required by that prior determination remains adequate; and

(f) Any emission limitations, work practice requirements, or other terms and conditions upon which the above determinations by DEQ are predicated will be construed by DEQ as applicable requirements under section 504(a) and either have been incorporated into any existing Title V permit for the affected facility or will be incorporated into such permit upon issuance.

(6) "Dual-point vapor balance system" means a type of vapor balance system in which the storage tank is equipped with an entry port for a gasoline fill pipe and a separate exit port for a vapor connection.

(7) "Emissions Limitation" and "Emissions Standard" mean a requirement adopted by DEQ or Regional Agency, or proposed or promulgated by the Administrator of the EPA, which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

(8) "Equipment leaks" means leaks from pumps, compressors, pressure relief devices, sampling connection systems, open ended valves or lines, valves, connectors, agitators, accumulator vessels, and instrumentation systems in hazardous air pollutant service.

- (9) "Existing Source" means any source, the construction of which commenced prior to proposal of an applicable standard under sections 112 or 129 of the FCAA.
- (10) "Facility" means all or part of any public or private building, structure, installation, equipment, or vehicle or vessel, including but not limited to ships.
- (11) "Gasoline" means any petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 27.6 kilopascals (4.0 psi) or greater, which is used as a fuel for internal combustion engines.
- (12) "Gasoline cargo tank" means a delivery tank truck or railcar which is loading or unloading gasoline, or which has loaded or unloaded gasoline on the immediately previous load.
- (13) "Gasoline dispensing facility (GDF) " means any stationary facility which dispenses gasoline into the fuel tank of a motor vehicle, motor vehicle engine, nonroad vehicle, or nonroad engine, including a nonroad vehicle or nonroad engine used solely for competition. These facilities include, but are not limited to, facilities that dispense gasoline into on- and off-road, street, or highway motor vehicles, lawn equipment, boats, test engines, landscaping equipment, generators, pumps, and other gasoline fueled engines and equipment. In Clackamas, Multnomah and Washington Counties, the Medford-Ashland Air Quality Maintenance Area, and the Salem-Keizer Area Transportation Study area, "gasoline dispensing facility" includes any stationary facility which dispenses gasoline into the fuel tank of an airplane.
- (14) "Hazardous Air Pollutant" (HAP) means an air pollutant listed by the EPA pursuant to section 112(b) of the FCAA or determined by the Commission to cause, or reasonably be anticipated to cause, adverse effects to human health or the environment.
- (15) "Major Source" means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants. The EPA may establish a lesser quantity, or in the case of radionuclides different criteria, for a major source on the basis of the potency of the air pollutant, persistence, potential for bioaccumulation, other characteristics of the air pollutant, or other relevant factors.
- (16) "Maximum Achievable Control Technology (MACT)" means an emission standard applicable to major sources of hazardous air pollutants that requires the maximum degree of reduction in emissions deemed achievable for either new or existing sources.
- (17) "Monthly throughput" means the total volume of gasoline that is loaded into, or dispensed from, all gasoline storage tanks at each GDF during a month. Monthly throughput is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the current day, plus the total volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the previous 364 days, and then dividing that sum by 12.
- (18) "Motor vehicle" means any self-propelled vehicle designed for transporting persons or property on a street or highway.
- (19) "Nonroad engine" means an internal combustion engine (including the fuel system) that is not used in a motor vehicle or a vehicle used solely for competition, or that is not subject to standards promulgated under section 7411 of this title or section 7521 of this title.

(20) "Nonroad vehicle" means a vehicle that is powered by a nonroad engine, and that is not a motor vehicle or a vehicle used solely for competition.

(21) "New Source" means a stationary source, the construction of which is commenced after proposal of a federal MACT or January 3, 1993 of this Division, whichever is earlier.

(22) "Potential to Emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the EPA. This section does not alter or affect the use of this section for any other purposes under the Act, or the term "capacity factor" as used in Title IV of the Act or the regulations promulgated thereunder. Secondary emissions shall not be considered in determining the potential to emit of a source.

(23) "Reconstruct a Major Source" means the replacement of components at an existing process or production unit that in and of itself emits or has the potential to emit 10 tons per year of any HAP or 25 tons per year of any combination of HAP, whenever: the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable process or production unit; and; it is technically and economically feasible for the reconstructed major source to meet the applicable maximum achievable control technology emission limitation for new sources established under 40 CFR Part 63 Subpart B.

(24) "Regulated Air Pollutant" as used in this Division means:

(a) Any pollutant listed under OAR 340-244-0040; or

(b) Any pollutant that is subject to a standard promulgated pursuant to Section 129 of the Act.

(25) "Section 112(n)" means that subsection of the FCAA that includes requirements for the EPA to conduct studies on the hazards to public health prior to developing emissions standards for specified categories of hazardous air pollutant emission sources.

(26) "Section 112(r)" means that subsection of the FCAA that includes requirements for the EPA promulgate regulations for the prevention, detection and correction of accidental releases.

(27) "Solid Waste Incineration Unit" as used in this Division shall have the same meaning as given in Section 129(g) of the FCAA.

(28) "Stationary Source", as used in OAR 340 division 244, means any building, structure, facility, or installation which emits or may emit any regulated air pollutant;

(29) "Submerged filling" means the filling of a gasoline storage tank through a submerged fill pipe whose discharge is no more than the applicable distance specified in OAR 340-244-0240(3) from the bottom of the tank. Bottom filling of gasoline storage tanks is included in this definition.

(30) "Topping off" means, in the absence of equipment malfunction, continuing to fill a gasoline tank after the nozzle has clicked off.

(31) "Vapor balance system" means a combination of pipes and hoses that create a closed system between the vapor spaces of an unloading gasoline cargo tank and a receiving storage tank such that vapors displaced from the storage tank are transferred to the gasoline cargo tank being unloaded.

(32) "Vapor-tight" means equipment that allows no loss of vapors. Compliance with vapor-tight requirements can be determined by checking to ensure that the concentration at a potential leak source is not equal to or greater than 100 percent of the Lower Explosive Limit when measured with a combustible gas detector, calibrated with propane, at a distance of 1 inch from the source.

(33) "Vapor-tight gasoline cargo tank" means a gasoline cargo tank which has demonstrated within the 12 preceding months that it meets the annual certification test requirements in 40 CFR 63.11092(f).

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

Stat. Auth.: ORS 468.020 & 468A.025

Stats. Implemented: ORS 468A.040

Hist.: DEQ 13-1993, f. & cert. ef. 9-24-93; DEQ 18-1993, f. & cert. ef. 11-4-93; DEQ 24-1994, f. & cert. ef. 10-28-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 20-1997, f. & cert. ef. 9-25-97; DEQ 18-1998, f. & cert. ef. 10-5-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-0120; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 13-2006, f. & cert. ef. 12-22-06; DEQ 15-2008, f. & cert. ef. 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 4-2013, f. & cert. ef. 3-27-13

### **340-244-0220**

#### **Federal Regulations Adopted by Reference**

(1) Except as provided in sections (2) and (3) of this rule, **40 CFR Part 61, Subparts A, C through F, J, L, N through P, V, ~~and Y, BB, and through~~ FF and 40 CFR Part 63, Subparts A, F through J, L through O, Q through U, W through Y, AA through EE, GG through MM, OO through YY, CCC through EEE, GGG through JJJ, LLL through RRR, TTT through VVV, XXX, AAAA, CCCC through KKKK, MMMM through YYYY, AAAAA through ~~CCCCC, EEEEE through~~ NNNN, PPPP through UUUUU, WWWWW, YYYYY, ZZZZZ, BBBB, DDDDD through HHHHH, LLLLLL through TTTTTT, VVVVVV through EEEEEEE, and HHHHHHH are adopted by reference and incorporated herein, and 40 CFR Part 63, Subparts ZZZZ and JJJJJ are by this reference adopted and incorporated herein only for sources required to have a Title V or ACDP permit.**

(2) Where "Administrator" or "EPA" appears in 40 CFR Part 61 or 63, "DEQ" is substituted, except in any section of 40 CFR Part 61 or 63, for which a federal rule or delegation specifically indicates that authority will not be delegated to the state.

(3) 40 CFR Part 63 Subpart M — Dry Cleaning Facilities using Perchloroethylene: The exemptions in 40 CFR 63.320(d) and (e) do not apply.

(4) 40 CFR Part 61 Subparts adopted by this rule are titled as follows:

(a) Subpart A — General Provisions;

(b) Subpart C — Beryllium;

(c) Subpart D — Beryllium Rocket Motor Firing;

- (d) Subpart E — Mercury;
  - (e) Subpart F — Vinyl Chloride;
  - (f) Subpart J — Equipment Leaks (Fugitive Emission Sources) of Benzene;
  - (g) Subpart L — Benzene Emissions from Coke By-Product Recovery Plants;
  - (h) Subpart N — Inorganic Arsenic Emissions from Glass Manufacturing Plants;
  - (i) Subpart O — Inorganic Arsenic Emissions from Primary Copper Smelters;
  - (j) Subpart P — Inorganic Arsenic Emissions from Arsenic Trioxide and Metal Arsenic Facilities;
  - (k) Subpart V — Equipment Leaks (Fugitive Emission Sources);
  - (l) Subpart Y — Benzene Emissions from Benzene Storage Vessels;
  - (m) Subpart BB — Benzene Emissions from Benzene Transfer Operations; and
  - (n) Subpart FF — Benzene Waste Operations.
- (5) 40 CFR Part 63 Subparts adopted by this rule are titled as follows:
- (a) Subpart A — General Provisions;
  - (b) Subpart F — SOCFI;
  - (c) Subpart G — SOCFI — Process Vents, Storage Vessels, Transfer Operations, and Wastewater;
  - (d) Subpart H — SOCFI — Equipment Leaks;
  - (e) Subpart I — Certain Processes Subject to the Negotiated Regulation for Equipment Leaks;
  - (f) Subpart J — Polyvinyl Chloride and Copolymers Production;
  - (g) Subpart L — Coke Oven Batteries;
  - (h) Subpart M — Perchloroethylene Air Emission Standards for Dry Cleaning Facilities;
  - (i) Subpart N — Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks;
  - (j) Subpart O — Ethylene Oxide Emissions Standards for Sterilization Facilities;
  - (k) Subpart Q — Industrial Process Cooling Towers;
  - (l) Subpart R — Gasoline Distribution (Bulk Gasoline Terminals and Pipeline Breakout Stations);
  - (m) Subpart S — Pulp and Paper Industry;
  - (n) Subpart T — Halogenated Solvent Cleaning;

- (o) Subpart U — Group I Polymers and Resins;
- (p) Subpart W — Epoxy Resins and Non-Nylon Polyamides Production;
- (q) Subpart X — Secondary Lead Smelting;
- (r) Subpart Y — Marine Tank Vessel Loading Operations;
- (s) Subpart AA — Phosphoric Acid Manufacturing Plants;
- (t) Subpart BB — Phosphate Fertilizer Production Plants;
- (u) Subpart CC — Petroleum Refineries;
- (v) Subpart DD — Off-Site Waste and Recovery Operations;
- (w) Subpart EE — Magnetic Tape Manufacturing Operations;
- (x) Subpart GG — Aerospace Manufacturing and Rework Facilities;
- (y) Subpart HH — Oil and Natural Gas Production Facilities;
- (z) Subpart II — Shipbuilding and Ship Repair (Surface Coating);
- (aa) Subpart JJ — Wood Furniture Manufacturing Operations;
- (bb) Subpart KK — Printing and Publishing Industry;
- (cc) Subpart LL — Primary Aluminum Reduction Plants;
- (dd) Subpart MM — Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite and Stand-Alone Semi-Chemical Pulp Mills;
- (ee) Subpart OO — Tanks — Level 1;
- (ff) Subpart PP — Containers;
- (gg) Subpart QQ — Surface Impoundments;
- (hh) Subpart RR — Individual Drain Systems;
- (ii) Subpart SS — Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process;
- (jj) Subpart TT — Equipment Leaks — Control Level 1;
- (kk) Subpart UU — Equipment Leaks — Control Level 2;
- (ll) Subpart VV — Oil-Water Separators and Organic-Water Separators;
- (mm) Subpart WW — Storage Vessels (Tanks) — Control Level 2;

(nn) Subpart XX — Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations;

(oo) Subpart YY — Generic Maximum Achievable Control Technology Standards;

(pp) Subpart CCC — Steel Pickling — HCl Process Facilities and Hydrochloric Acid Regeneration Plants;

(qq) Subpart DDD — Mineral Wool Production;

(rr) Subpart EEE — Hazardous Waste Combustors;

(ss) Subpart GGG — Pharmaceuticals Production;

(tt) Subpart HHH — Natural Gas Transmission and Storage Facilities;

(uu) Subpart III — Flexible Polyurethane Foam Production;

(vv) Subpart JJJ — Group IV Polymers and Resins;

(ww) Subpart LLL — Portland Cement Manufacturing Industry;

(xx) Subpart MMM — Pesticide Active Ingredient Production;

(yy) Subpart NNN — Wool Fiberglass Manufacturing;

(zz) Subpart OOO — Manufacture of Amino/Phenolic Resins;

(aaa) Subpart PPP — Polyether Polyols Production;

(bbb) Subpart QQQ — Primary Copper Smelting;

(ccc) Subpart RRR — Secondary Aluminum Production;

(ddd) Subpart TTT — Primary Lead Smelting;

(eee) Subpart UUU — Petroleum Refineries — Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units;

(fff) Subpart VVV — Publicly Owned Treatment Works;

(ggg) Subpart XXX — Ferroalloys Production: Ferromanganese and Silicomanganese;

(hhh) Subpart AAAA — Municipal Solid Waste Landfills;

(iii) Subpart CCCC — Manufacturing of Nutritional Yeast;

(jjj) Subpart DDDD — Plywood and Composite Wood Products;

(kkk) Subpart EEEE — Organic Liquids Distribution (non-gasoline);

(lll) Subpart FFFF — Miscellaneous Organic Chemical Manufacturing;

(mmm) Subpart GGGG — Solvent Extraction for Vegetable Oil Production;

(nnn) Subpart HHHH — Wet Formed Fiberglass Mat Production;

(ooo) Subpart IIII — Surface Coating of Automobiles and Light-Duty Trucks;

(ppp) Subpart JJJJ — Paper and Other Web Coating;

(qqq) Subpart KKKK — Surface Coating of Metal Cans;

(rrr) Subpart MMMM — Surface Coating of Miscellaneous Metal Parts and Products;

(sss) Subpart NNNN — Surface Coating of Large Appliances;

(ttt) Subpart OOOO — Printing, Coating, and Dyeing of Fabrics and Other Textiles;

(uuu) Subpart PPPP — Surface Coating of Plastic Parts and Products;

(vvv) Subpart QQQQ — Surface Coating of Wood Building Products;

(www) Subpart RRRR — Surface Coating of Metal Furniture;

(xxx) Subpart SSSS — Surface Coating of Metal Coil;

(yyy) Subpart TTTT — Leather Finishing Operations;

(zzz) Subpart UUUU — Cellulose Production Manufacturing;

(aaaa) Subpart VVVV — Boat Manufacturing;

(bbbb) Subpart WWWW — Reinforced Plastics Composites Production;

(cccc) Subpart XXXX — Rubber Tire Manufacturing;

(dddd) Subpart YYYY — Stationary Combustion Turbines;

(eeee) Subpart ZZZZ -- Reciprocating Internal Combustion Engines (adopted only for sources required to have a Title V or ACDP permit);

(ffff~~eeee~~) Subpart AAAAA — Lime Manufacturing;

(~~gggg~~ffff) Subpart BBBB — Semiconductor Manufacturing;

(~~hhhh~~egge) Subpart CCCCC — Coke Ovens: Pushing, Quenching & Battery Stacks;

(iiii) Subpart DDDDD – Industrial, Commercial, and Institutional Boilers and Process Heaters;

(~~jjjj~~hhhh) Subpart EEEEE — Iron and Steel Foundries;

(~~kkkk~~iiii) Subpart FFFFF — Integrated Iron and Steel Manufacturing Facilities;

(~~llll~~jjjj) Subpart GGGGG — Site Remediation;

(~~mmmm~~~~kkkk~~) Subpart HHHHH — Misc. Coating Manufacturing;

(~~nnnn~~~~HH~~) Subpart IIIII — Mercury Cell Chlor-Alkali Plants;

(~~oooo~~~~mmmm~~) Subpart JJJJ — Brick and Structural Clay Products Manufacturing;

(~~pppp~~~~nnnn~~) Subpart KKKKK — Clay Ceramics Manufacturing;

(~~qqqq~~~~oooo~~) Subpart LLLLL — Asphalt Processing & Asphalt Roofing Manufacturing;

(~~rrrr~~~~pppp~~) Subpart MMMMM — Flexible Polyurethane Foam Fabrication Operations;

(~~ssss~~~~qqqq~~) Subpart NNNNN — Hydrochloric Acid Production;

(~~tttt~~~~rrrr~~) Subpart PTTTT — Engine Tests Cells/Stands;

(~~uuuu~~~~ssss~~) Subpart QQQQQ — Friction Materials Manufacturing Facilities;

(~~vvvv~~~~tttt~~) Subpart RRRRR — Taconite Iron Ore Processing;

(~~wwwv~~~~uuuu~~) Subpart SSSSS — Refractory Products Manufacturing;

(~~xxxx~~~~vvvv~~) Subpart TTTTT — Primary Magnesium Refining;

(~~yyyy~~~~wwww~~) Subpart UUUUU — Coal- and Oil-Fired Electric Utility Steam Generating Units;

(~~zzzz~~~~xxxx~~) Subpart WWWW — Area Sources: Hospital Ethylene Oxide Sterilization;

(~~aaaa~~~~yyyy~~) Subpart YYYYY — Area Sources: Electric Arc Furnace Steelmaking Facilities;

(~~bbbb~~~~zzzz~~) Subpart ZZZZ — Area Sources: Iron and Steel Foundries;

(~~cccc~~~~aaaa~~) Subpart BBBBB — Area Sources: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities;

(~~dddd~~~~bbbb~~) Subpart DDDDD — Area Sources: Polyvinyl Chloride and Copolymers Production;

(~~eeee~~~~eeee~~) Subpart EEEEE — Area Sources: Primary Copper Smelting;

(~~ffff~~~~dddd~~) Subpart FFFFF — Area Sources: Secondary Copper Smelting;

(~~gggg~~~~eeee~~) Subpart GGGGG — Area Sources: Primary Nonferrous Metals — Zinc, Cadmium, and Beryllium;

(~~hhhh~~~~ffff~~) Subpart HHHHH — Area Sources: Paint Stripping and Miscellaneous Surface Coating Operations;

(iiii) Subpart JJJJJ -- Area Sources: Industrial, Commercial, and Institutional Boilers (adopted only for sources required to have a Title V or ACDP permit);

(~~iiii~~~~gggg~~) Subpart LLLLL — Area Sources: Acrylic and Modacrylic Fibers Production;

(~~kkkkk~~~~hhhhh~~) Subpart MMMMMM — Area Sources: Carbon Black Production;

(~~lllll~~~~iiii~~) Subpart NNNNNN — Area Sources: Chemical Manufacturing: Chromium Compounds;

(~~mmmmm~~~~jjjj~~) Subpart OOOOOO — Area Sources: Flexible Polyurethane Foam Production;

(~~nnnnn~~~~kkkkk~~) Subpart PPPPPP — Area Sources: Lead Acid Battery Manufacturing;

(~~ooooo~~~~HHH~~) Subpart QQQQQQ — Area Sources: Wood Preserving;

(~~ppppp~~~~mmmmm~~) Subpart RRRRRR — Area Sources: Clay Ceramics Manufacturing;

(~~qqqqq~~~~nnnnn~~) Subpart SSSSSS — Area Sources: Glass Manufacturing;

(~~rrrrr~~~~oooo~~) Subpart TTTTTT — Area Sources: Secondary Nonferrous Metals Processing;

(~~sssss~~~~ppppp~~) Subpart VVVVVV – Area Sources: Chemical Manufacturing;

(~~ttttt~~~~qqqqq~~) Subpart WWWWWW — Area Source: Plating and Polishing Operations;

(~~uuuuu~~~~ffff~~) Subpart XXXXXX — Area Source: Nine Metal Fabrication and Finishing Source Categories;

(~~vvvvv~~~~sssss~~) Subpart YYYYYY — Area Sources: Ferroalloys Production Facilities;

(~~wwwww~~~~ttttt~~) Subpart ZZZZZZ — Area Sources: Aluminum, Copper, and Other Nonferrous Foundries;

(~~xxxxx~~~~hhhhh~~) Subpart AAAAAA – Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing;

(~~yyyyy~~~~vvvvv~~) Subpart BBBBBB — Area Sources: Chemical Preparations Industry;

(~~zzzzz~~~~wwwww~~) Subpart CCCCCC — Area Sources: Paints and Allied Products Manufacturing;

(~~aaaaa~~~~xxxxx~~) Subpart DDDDDD — Area Sources: Prepared Feeds Manufacturing;

(~~bbbbb~~~~yyyyy~~) Subpart EEEEEEE — Area Sources: Gold Mine Ore Processing and Production;

(~~ccccc~~~~zzzzz~~) Subpart HHHHHH — Polyvinyl Chloride and Copolymers Production.

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: [DEQ 16-1995, f. & cert. ef. 6-21-95; DEQ 28-1996, f. & cert. ef. 12-19-96; DEQ 18-1998, f. & cert. ef. 10-5-98]; [DEQ 18-1993, f. & cert. ef. 11-4-93; DEQ 32-1994, f. & cert. ef. 12-22-94]; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-0510, 340-032-5520; DEQ 11-2000, f. & cert. ef. 7-27-00; DEQ 15-2001, f. & cert. ef. 12-26-01; DEQ 4-2003, f. & cert. ef. 2-06-03; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 15-2008, f. & cert. ef. 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 4-2013, f. & cert. ef. 3-27-13