**Division 200**

**GENERAL AIR POLLUTION PROCEDURES AND DEFINITIONS**

**340-200-0040**

**State of Oregon Clean Air Act Implementation Plan**

(1) This implementation plan, consisting of Volumes 2 and 3 of the State of Oregon Air Quality Control Program, contains control strategies, rules and standards prepared by DEQ and is adopted as the state implementation plan (SIP) of the State of Oregon pursuant to the federal Clean Air Act, 42 U.S.C.A 7401 to 7671q.

(2) Except as provided in section (3), the Commission will revise the SIP pursuant to the rulemaking procedures in division 11 of this chapter and any other requirements contained in the SIP and will direct DEQ to submit such revisions to the United States Environmental Protection Agency for approval. The Commission last adopted revisions to the State Implementation Plan on Oct. 15, 2015.

(3) Notwithstanding any other requirement contained in the SIP, DEQ may:

(a) Submit to the Environmental Protection Agency any permit condition implementing a rule that is part of the federally-approved SIP as a source-specific SIP revision after DEQ has complied with the public hearings provisions of 40 CFR 51.102 (July 1, 2002); and

(b) Approve the standards submitted by a regional authority if the regional authority adopts verbatim any standard that the Commission has adopted, and submit the standards to EPA for approval as a SIP revision.

**NOTE**: Revisions to the State of Oregon Clean Air Act Implementation Plan become federally enforceable upon approval by the United States Environmental Protection Agency. If any provision of the federally approved Implementation Plan conflicts with any provision adopted by the Commission, DEQ shall enforce the more stringent provision.

Stat. Auth.: ORS 468.020 & 468A   
Stats. Implemented: ORS 468A

**DIVISION 202**

**AMBIENT AIR QUALITY STANDARDS AND PSD INCREMENTS**

**340-202-0060**

**Suspended Particulate Matter**

Concentrations of the fraction of suspended particulate that is equal to or less than ten microns in aerodynamic diameter in ambient air as measured by an approved method must not exceed:

(1) 150 micrograms of PM10 per cubic meter of air as a 24-hour average concentration for any calendar day. This standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 micrograms per cubic meter as determined in accordance with **Appendix K of 40 CFR 50** is equal to or less than one at any site.

Concentrations of the fraction of suspended particulate that is equal to or less than 2.5 microns in aerodynamic diameter in ambient air as measured by an approved method must not exceed:

(2) 35 micrograms of PM2.5 per cubic meter of air as a 3-year average of annual 98th percentile 24-hour average values recorded at each monitoring site. This standard is attained when the 3-year average of annual 98th percentile 24-hour average concentrations is equal to or less than 35 micrograms per cubic meter as determined in accordance with **Appendix N of 40 CFR 50**.

(3) 12 micrograms of PM2.5 per cubic meter of air as a 3-year average of the annual arithmetic mean. This standard is attained when the annual arithmetic mean concentration is equal to or less than 12 micrograms per cubic meter as determined in accordance with **Appendix N of 40 CFR 50.**

**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 & 468A  
Stats. Implemented: ORS 468A.025

**DIVISION 250**

**GENERAL CONFORMITY**

340-250-0030

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

(1) "Affected federal land manager" means the federal agency or the federal official charged with direct responsibility for management of an area designated as Class I under the Act that is located within 100 km of the proposed federal action.

(2) "Applicable implementation plan" or "applicable SIP" means the portion (or portions) of the applicable SIP or most recent revision thereof, which has been approved under Section 110 of the Act, or promulgated under Section 110(c) of the Act (Federal implementation plan), or promulgated under Section 301(d) of the Act which implements the relevant requirements of the Act.

(3) "Areawide air quality modeling analysis" means an assessment on a scale that includes the entire nonattainment area or maintenance area which uses an air quality dispersion model to determine the effects of emissions on air quality.

(4) "Cause or contribute to any new violation of any standard in any area" means a federal action that:

(a) Causes a new violation of a NAAQS at a location in a nonattainment area or maintenance area which would otherwise not be in violation of the standard during the future period in question if the federal action were not taken; or

(b) Contributes, in conjunction with other reasonably foreseeable actions, to a new violation of a NAAQS at a location in a nonattainment area or maintenance area in a manner that would increase the frequency or severity of the new violation.

(5) "Caused by", as used in the terms "direct emissions" and "indirect emissions," means emissions that would not otherwise occur in the absence of the federal action.

(6) "Criteria pollutant" means any pollutant for which there is established a NAAQS at 40 CFR part 50 (July 1, 1994).

(7) "Direct emissions" means those emissions of a criteria pollutant or precursors of a criteria pollutant that are caused or initiated by the federal action and occur at the same time and place as the action.

(8) "Emergency" means a situation where extremely quick action on the part of the Federal agencies involved is needed and where the timing of such federal activities makes it impractical to meet the requirements of this division, such as natural disasters like hurricanes or earthquakes, civil disturbances such as terrorist acts, and military mobilizations.

(9) "Emissions budgets" means those portions of the applicable SIP's projected emissions inventories that describe levels of emissions (mobile, stationary, area, etc.) that provide for meeting reasonable further progress milestones, attainment, or maintenance for any criteria pollutant or precursors of a criteria pollutant.

(10) "Emissions offsets", for purposes of OAR 340-250-0080, means emissions reductions which are quantifiable, consistent with OAR 340 division 268 and 340-224-0090, and the applicable SIP attainment and reasonable further progress demonstrations, surplus to reductions required by, and credited to, other SIP provisions, enforceable at both the state and federal levels, and permanent within the timeframe specified by the program.

(11) "Emissions that a federal agency has a continuing program responsibility for" means emissions that are specifically caused by an agency carrying out its authorities, and does not include emissions that occur due to subsequent activities, unless such activities are required by the federal agency. Where an agency, in performing its normal program responsibilities, takes actions itself or imposes conditions that result in air pollutant emissions by a nonfederal entity taking subsequent actions, such emissions are covered by the meaning of a continuing program responsibility.

(12) "EPA" means the United States Environmental Protection Agency.

(13) "Federal action" means any activity engaged in by a department, agency, or instrumentality of the federal government, or any activity that a department, agency or instrumentality of the federal government supports in any way, provides financial assistance for licenses, permits, or approves under title 23 U.S.C. or the Federal Transit Laws (49 U.S.C. Chapter 53). Where the federal action is a permit, license, or other approval for some aspect of a nonfederal undertaking, the relevant activity is the part, portion, or phase of the nonfederal undertaking that requires the federal permit, license, or approval.

(14) "Federal agency" means a federal department, agency, or instrumentality of the federal government.

(15) "Increase the frequency or severity of any existing violation of any standard in any area" means to cause a nonattainment area to exceed a standard more often or to cause a violation at a greater concentration than previously existed or would otherwise exist during the future period in question, if the project were not implemented.

(16) "Indirect emissions" means those emissions of a criteria pollutant or precursors of a criteria pollutant that:

(a) Are caused by the federal action, but may occur later in time or may be farther removed in distance from the action itself but are still reasonably foreseeable; and

(b) The federal agency can practicably control and will maintain control over due to a continuing program responsibility of the federal agency.

(17) "Local air quality modeling analysis" means an assessment of localized impacts on a scale smaller than the entire nonattainment area or maintenance area, including, for example, congested roadway intersections and highways or transit terminals, which uses an air quality dispersion model to determine the effects of emissions on air quality.

(18) "Maintenance area" means an area with a maintenance plan approved under Section 175A of the Act.

(19) "Maintenance plan" means a revision to the applicable SIP, meeting the requirements of Section 175A of the Act.

(20) "Metropolitan Planning Organization" or "MPO" means that organization designated as being responsible, together with the state, for conducting the continuing, cooperative, and comprehensive planning process under 23 U.S.C. 134 and 49 U.S.C. 1607.

(21) "Milestone" has the meaning given in Sections 182(g)(1) and 189(c)(1) of the Act.

(22) "National ambient air quality standards" or "NAAQS" means those standards established pursuant to Section 109 of the Act and include standards for carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO2), ozone, particulate matter (PM10, PM 2.5), and sulfur dioxide (SO2).

(23) "NEPA" means the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.).

(24) "Nonattainment area" means an area designated as nonattainment under Section 107 of the Act and described in 40 CFR part 81 (July 1, 1994).

(25) "Precursors of a criteria pollutant" means:

(a) For ozone, nitrogen oxides (NOx), unless an area is exempted from NOx requirements under Section 182(f) of the Act, and volatile organic compounds (VOC); and

(b) For PM10, those pollutants described in the PM10 nonattainment area applicable SIP as significant contributors to the PM10 levels.

(26) "Reasonably foreseeable emissions" means projected future indirect emissions that are identified at the time the conformity determination is made; the location of such emissions is known and the emissions are quantifiable, as described and documented by the federal agency based on its own information and after reviewing any information presented to the federal agency.

(27) "Regional water or wastewater projects" include construction, operation, and maintenance of water or wastewater treatment facilities, and water storage reservoirs which affect a large portion of a nonattainment area or maintenance area.

(28) "Regionally significant action" means a federal action for which the direct emissions and indirect emissions of any pollutant represent 10 percent or more of a nonattainment area's or maintenance area's emissions inventory for that pollutant.

(29) "Total of direct and indirect emissions" means the sum of direct emissions and indirect emissions increases and decreases caused by the federal action; i.e., the "net" emissions considering all direct emissions and indirect emissions. The portion of emissions which are exempt or presumed to conform under OAR 340-250-0020(4), (5), (6) or (7) are not included in the "total of direct and indirect 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 468.020 & ORS468A.035  
Stats. Implemented: ORS 468A.035  
Hist.: DEQ 9-1995, f. & cert. ef. 5-1-95; DEQ 17-1998, f. & cert. ef. 9-23-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-1510