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| **Table TitleAdditional TitleEven More Info, Date** |
| **Subheading 1** | **Subheading 2** |
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1. Microsoft Word
2. Single spaced
3. Left justified
4. 12 point, Times New Roman font
5. One extra (blank) line (carriage return) between each rule segment
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**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**DIVISION 212**

**STATIONARY SOURCE TESTING AND MONITORING**

**340-212-0005**

**Applicability and Jurisdiction**

(1) This division applies in all areas of the state.

(2) 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.

**NOTE**: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.050, 468A.055, 468A.070, 468A.135 & 468A.310
Stats. Implemented: ORS 468A.035, 468A.050, 468A.055, 468A.070, 468A.135 & 468A.310
Hist.; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-212-0010**

**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.

**NOTE**: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025
Hist.: DEQ 14-1999, f. & cert. ef. 10-14-99; DEQ 7-2015, f. & cert. ef. 4-16-15

**Sampling, Testing and Measurement**

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

**340-212-0110**

**Applicability**

OAR 340-212-0110 through 340-212-0150 apply to all stationary sources in the state. Stationary source includes portable sources that are required to have permits under division 216.

**NOTE**: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.050, 468A.055, 468A.070 & 468A.310
Stats. Implemented: ORS 468A.035, 468A.050, 468A.055, 468A.070 & 468A.310
Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0900; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-212-0120**

**Program**

(1) As part of its coordinated program of air quality control and preventing and abating air pollution, DEQ may:

(a) Require the owner or operator of a stationary source to determine the type, quantity, quality, and duration of the emissions from any air contamination source;

(b) Require full reporting in writing of all test procedures and signed by the person or persons responsible for conducting the tests;

(c) Require continuous monitoring of specified air contaminant emissions or parameters and periodic regular reporting of the results of such monitoring.

(2) DEQ may require an owner or operator of a source to provide emission testing facilities as follows:

(a) Sampling ports, safe sampling platforms, and access to sampling platforms adequate for test methods applicable to such source; and

(b) Utilities for sampling and testing equipment.

(3) Testing must be conducted in accordance with the DEQ Source Sampling Manual, the DEQ Continuous Monitoring Manual, or an applicable EPA Reference Method unless DEQ, if allowed under applicable federal requirements:

(a) Specifies or approves minor changes in methodology in specific cases;

(b) Approves the use of an equivalent or alternative method as defined in division 200;

(c) Waives the testing requirement because the owner or operator has satisfied DEQ that the affected facility is in compliance with applicable requirements; or

(d) Approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors.

**NOTE**: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.050, 468A.055, 468A.070 & 468A.310
Stats. Implemented: ORS 468A.035, 468A.050, 468A.055, 468A.070 & 468A.310
Hist.: DEQ 15, f. 6-12-70, ef. 9-1-70; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020 0035; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1100; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-212-0130**

**Stack Heights and Dispersion Techniques**

(1) 40 CFR parts 51.100(ff) through 51.100(kk), and 51.118, 51.160 through 51.166, concerning stack heights and dispersion techniques, are adopted and incorporated herein. The federal rule generally prohibits the use of excessive stack height and certain dispersion techniques when calculating compliance with ambient air quality standards. The rule forbids neither the construction and actual use of excessively tall stacks, nor the use of dispersion techniques. It only forbids their use in noted calculations. The rule generally applies as follows. Stacks 65 meters high or greater that were constructed after December 31, 1970, and major modifications made after December 31, 1970 to existing plants with stacks 65 meters high or greater which were constructed before that date are subject to this rule. Certain stacks at federally owned, coal-fired steam electric generating units constructed under a contract awarded before February 8, 1974 are exempt. Any dispersion technique implemented after December 31, 1970 at any plant is subject to this rule. However, if the plant's total allowable emissions of sulfur dioxide are less than 5,000 tons per year, then certain dispersion techniques to increase final exhaust gas plume rise may be used when calculating compliance with ambient air quality standards for sulfur dioxide.

(2) Where found in the federal rule, the following terms apply:

(a) "Reviewing agency" means DEQ, LRAPA, or the EPA, as applicable;

(b) "Authority administering the State Implementation Plan" means DEQ, LRAPA, or EPA;

(c) The "procedures" referred to in 40 CFR 51.164 are the DEQ Major NSR procedures (OAR 340-224-0010 through 340-224-0070 and OAR 340-224-0500 through 340-224-0540 or Title 38 of LRAPA rules), and the review procedures for new, or modifications to, minor sources, at the DEQ review procedures for new or modified minor sources (OAR 340-210-0205 to 340-210-0250, OAR 340 division 216, OAR 340-224-0010 through 340-224-0038, OAR 340-224-0200 through 340-224-0270 and OAR 340-224-0500 through 340-224-0540, or LRAPA Title 34).

(d) "The state" or "state, or local control agency" as referred to in 40 CFR 51.118, means DEQ or LRAPA;

(e) "Applicable state implementation plan" and "plan" refer to the DEQ or LRAPA programs and rules, as approved by the EPA, or any regulations promulgated by EPA (see 40 CFR part 52, subpart MM).

**NOTE**: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.050, 468A.055, 468A.070, 468A.135 & 468A.310
Stats. Implemented: ORS 468A.035, 468A.050, 468A.055, 468A.070, 468A.135 & 468A.310
Hist.: DEQ 11-1986, f. & ef. 5-12-86; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0037; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1110; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-212-0140**

**Methods**

(1) Any sampling, testing, or measurement performed pursuant to this division must conform to methods contained in the DEQ Source Sampling Manual or to recognized applicable standard methods approved in advance by DEQ.

(2) DEQ may approve an equivalent or alternative method as defined in division 200.

**NOTE**: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020,468A.050, 468A.055, 468A.070 & 468A.310
Stats. Implemented: ORS 468A.035, 468A.050, 468A.055, 468A.070 & 468A.310
Hist.: DEQ 15, f. 6-12-70, ef. 9-11-70; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0040; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1120; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2011(Temp), f. & cert. ef. 6-24-11 thru 12-19-11; Administrative correction, 2-6-12; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-212-0150**

**Department Testing**

Instead of asking for tests and sampling of emissions from the owner or operator of a source, DEQ may conduct such tests alone or in conjunction with the owner or operator. If DEQ conducts the testing or sampling, the agency will provide a copy of the results to the owner or operator.

**NOTE**: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.050, 468A.055, 468A.070 & 468A.310
Stats. Implemented: ORS 468A.035, 468A.050, 468A.055, 468A.070 & 468A.310
Hist.: DEQ 15, f. 6-12-70, ef. 9-1-70; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0045; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1130; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2015, f. & cert. ef. 4-16-15

**Compliance Assurance Monitoring**

**340-212-0200**

**Purpose and Applicability**

(1) The purpose of OAR 340-212-0200 through 340-212-0280 is to require, as part of the issuance of a permit under Title V of the FCAA, improved or new monitoring at those emissions units where monitoring requirements do not exist or are inadequate to meet the requirements of 340-212-0200 through 340-212-0280. Except for backup utility units that are exempt under subsection (2)(b), the requirements of 340-212-0200 through 340-212-0280 apply to a regulated pollutant-specific emissions unit at a major source that is required to obtain an Oregon Title V Operating Permit if the unit meets all of the following criteria:

(a) The unit is subject to an emission limitation or standard for the applicable regulated pollutant (or a surrogate thereof), other than an emission limitation or standard that is exempt under subsection (2)(a);

(b) The unit uses a control device to achieve compliance with any such emission limitation or standard; and

(c) The unit has potential pre-control device emissions of the applicable regulated pollutant that are equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source. For purposes of this subsection, "potential pre-control device emissions" has the same meaning as "potential to emit," as defined in 340-200-0020, except that emission reductions achieved by the applicable control device are not taken into account.

(2) Exemptions:

(a) Exempt emission limitations or standards. The requirements of OAR 340-212-0200 through 340-212-0280 do not apply to any of the following emission limitations or standards:

(A) Emission limitations or standards proposed by the Administrator after November 15, 1990 pursuant to section 111 or 112 of the FCAA;

(B) Stratospheric ozone protection requirements under title VI of the FCAA;

(C) Acid Rain Program requirements pursuant to sections 404, 405, 406, 407(a), 407(b), or 410 of the FCAA;

(D) Emission limitations or standards or other applicable requirements that apply solely under an emissions trading program approved or promulgated by the Administrator under the FCAA that allows for trading emissions within a source or between sources;

(E) An emissions cap that meets the requirements specified in 40 CFR 70.4(b)(12), 71.6(a)(13)(iii), or OAR 340 division 222 (Stationary Source Plant Site Emission Limits);

(F) Emission limitations or standards for which an Oregon Title V Operating Permit specifies a continuous compliance determination method, as defined in OAR 340-200-0020. The exemption does not apply if the applicable compliance method includes an assumed control device emission reduction factor that could be affected by the actual operation and maintenance of the control device. For example a certain surface coating line is controlled by an incinerator whose continuous compliance is determined by calculating emissions on the basis of coating records and an assumed control device efficiency factor based on an initial performance test. In this example, OAR 340-212-0200 through 212-0280 apply to the control device and capture system, but not to the remaining elements of the coating line, such as raw material usage.

(b) Exemption for backup utility power emissions units. The requirements of OAR 340-212-0200 through 212-0280 do not apply to a utility unit, as defined in 40 CFR 72.2, that is municipally owned if the owner or operator provides documentation in an Oregon Title V Operating Permit application that:

(A) The utility unit is exempt from all monitoring requirements in 40 CFR part 75, including the appendices thereto;

(B) The utility unit is operated solely for providing electricity during periods of peak electrical demand or emergency situations and will be operated consistent with that purpose throughout the Oregon Title V Operating Permit term. The owner or operator must provide historical operating data and relevant contractual obligations to document that this criterion is satisfied; and

(C) The actual emissions from the utility unit, based on the average annual emissions over the last three calendar years of operation, or such shorter time period that is available for units with fewer than three years of operation, are less than 50 percent of the amount in tons per year required for a source to be classified as a major source and are expected to remain so.

Stat. Auth.: ORS 468.020 & 468A.310
Stats. Implemented: ORS 468A.310
Hist.: DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1200; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-212-0210**

**Monitoring Design Criteria**

(1) General criteria. To provide a reasonable assurance of compliance with emission limitations or standards for the anticipated range of operations at a regulated pollutant-specific emissions unit, monitoring under OAR 340-212-0200 through 340-212-0280 must meet the following general criteria:

(a) The owner or operator must design the monitoring to obtain data for one or more indicators of emission control performance for the control device, any associated capture system and, if necessary to satisfy subsection (1)(b), processes at a regulated pollutant-specific emissions unit. Indicators of performance may include, but are not limited to, direct or predicted emissions, including visible emissions or opacity, process and control device parameters that affect control device and capture system efficiency or emission rates, or recorded findings of inspection and maintenance activities conducted by the owner or operator;

(b) The owner or operator must establish an appropriate range or designated condition for the selected indicator such that operation within the ranges provides a reasonable assurance of ongoing compliance with emission limitations or standards for the anticipated range of operating conditions. Such range or condition must reflect the proper operation and maintenance of the control device and associated capture system, in accordance with applicable design properties, for minimizing emissions over the anticipated range of operating conditions at least to the level required to achieve compliance with the applicable requirements. The reasonable assurance of compliance will be assessed by maintaining performance within the indicator range or designated condition. The ranges must be established in accordance with the design and performance requirements in this rule and documented in accordance with the requirements in OAR 340-212-0220. If necessary to assure that the control device and associated capture system can satisfy this criterion, the owner or operator must monitor appropriate process operational parameters, such as total throughput where necessary to stay within the rated capacity for a control device. In addition, unless specifically stated otherwise by an applicable requirement, the owner or operator must monitor indicators to detect any bypass of the control device or capture system to the atmosphere, if such bypass can occur based on the design of the regulated pollutant-specific emissions unit;

(c) The design of indicator ranges or designated conditions may be:

(A) Based on a single maximum or minimum value if appropriate, e.g., maintaining condenser temperatures a certain number of degrees below the condensation temperature of the applicable compound being processed, or at multiple levels that are relevant to distinctly different operating conditions, e.g., high versus low load levels;

(B) Expressed as a function of process variables, e.g., an indicator range expressed as minimum to maximum pressure drop across a venturi throat in a particulate control scrubber;

(C) Expressed as maintaining the applicable parameter in a particular operational status or designated condition, e.g., position of a damper controlling gas flow to the atmosphere through a by-pass duct;

(D) Established as interdependent between more than one indicator.

(2) Performance criteria. The owner or operator must design the monitoring to meet the following performance criteria:

(a) Specifications that provide for obtaining data that are representative of the emissions or parameters being monitored, such as detector location and installation specifications, if applicable;

(b) For new or modified monitoring equipment, verification procedures to confirm the operational status of the monitoring prior to the date by which the owner or operator must conduct monitoring under OAR 340-212-0200 through 340-212-0280 as specified in OAR 340-212-0250(1). The owner or operator must consider the monitoring equipment manufacturer's requirements or recommendations for installation, calibration, and start-up operation;

(c) Quality assurance and control practices that are adequate to ensure the continuing validity of the data. The owner or operator must consider manufacturer recommendations or requirements applicable to the monitoring in developing appropriate quality assurance and control practices;

(d) Specifications for the frequency of the monitoring, the data collection procedures that will be used (e.g., computerized data acquisition and handling, alarm sensor, or manual log entries based on gauge readings), and, if applicable, the period over which discrete data points will be averaged for the purpose of determining whether an excursion or exceedance has occurred:

(A) At a minimum, the owner or operator must design the period over which data are obtained and, if applicable, averaged consistent with the characteristics and typical variability of the regulated pollutant-specific emissions unit, including the control device and associated capture system. Such intervals must be commensurate with the time period over which a change in control device performance that would require actions by owner or operator to return operations within normal ranges or designated conditions is likely to be observed;

(B) For all regulated pollutant-specific emissions units with the potential to emit, calculated including the effect of control devices, the applicable regulated pollutant in an amount equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source, for each parameter monitored, the owner or operator must collect four or more data values equally spaced over each hour and average the values, as applicable, over the applicable averaging period as determined in accordance with paragraph (2)(d)(A). DEQ may approve a reduced data collection frequency based on information presented by the owner or operator concerning the data collection mechanisms available for a particular parameter for the particular regulated pollutant-specific emissions unit, e.g., integrated raw material or fuel analysis data, noninstrumental measurement of waste feed rate or visible emissions, use of a portable analyzer or an alarm sensor;

(C) For other regulated pollutant-specific emissions units, the frequency of data collection may be less than the frequency specified in paragraph (2)(d)(B), but the monitoring must include some data collection at least once per 24-hour period, e.g., a daily inspection of a carbon adsorber operation in conjunction with a weekly or monthly check of emissions with a portable analyzer.

(3) Evaluation factors. In designing monitoring to meet the requirements in sections (1) and (2), the owner or operator must take into account site-specific factors including the applicability of existing monitoring equipment and procedures, the ability of the monitoring to account for process and control device operational variability, the reliability and latitude built into the control technology, and the level of actual emissions relative to the compliance limitation.

(4) Special criteria for the use of continuous emission, opacity or predictive monitoring systems:

(a) If a continuous emission monitoring system (CEMS), continuous opacity monitoring system (COMS), or predictive emission monitoring system (PEMS) is required by other authority under the FCAA or state or local law, the owner or operator must use such system to satisfy the requirements of OAR 340-212-0200 through 340-212-0280;

(b) The use of a CEMS, COMS, or PEMS that satisfies any of the following monitoring requirements satisfies the general design criteria in sections (1) and (2). However, a COMS may be subject to the criteria for establishing indicator ranges under section (1):

(A) Section 51.214 and Appendix P of 40 CFR part 51;

(B) Section 60.13 and Appendix B of 40 CFR part 60;

(C) Section 63.8 and any applicable performance specifications required pursuant to the applicable subpart of 40 CFR part 63;

(D) 40 CFR part 75;

(E) Subpart H and Appendix IX of 40 CFR part 266; or

(F) If an applicable requirement does not otherwise require compliance with the requirements listed in paragraphs (4)(b)(A) through (E), comparable requirements and specifications established by DEQ.

(c) The owner or operator must design the monitoring system subject to section (4) to:

(A) Allow for reporting exceedances, or excursions if applicable to a COMS used to assure compliance with a particulate matter standard, consistent with any period for reporting of exceedances in an underlying requirement. If an underlying requirement does not contain a provision for establishing an averaging period for the reporting of exceedances or excursions, the criteria used to develop an averaging period in section (2)(d) applies; and

(B) Provide an indicator range consistent with section (1) for a COMS used to assure compliance with a particulate matter standard. If an opacity standard applies to the regulated pollutant-specific emissions unit, such limit may be used as the appropriate indicator range unless the opacity limit fails to meet the criteria in section (1) after considering the type of control device and other site-specific factors applicable to the regulated pollutant-specific emissions unit.

Stat. Auth.: ORS 468.020 & 468A.310
Stats. Implemented: ORS 468A.310
Hist.: DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1210; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-212-0220**

**Submittal Requirements**

(1) The owner or operator must submit to DEQ monitoring plans that satisfy the design requirements in OAR 340-212-0210. The submission must include the following information:

(a) The indicators to be monitored to satisfy OAR 340-212-0210(1)(a) and (b);

(b) The ranges or designated conditions for such indicators, or the process by which such indicator ranges or designated conditions will be established;

(c) The performance criteria for the monitoring to satisfy OAR 340-212-0210(2); and

(d) If applicable, the indicator ranges and performance criteria for a CEMS, COMS or PEMS pursuant to OAR 340-212-0210(4).

(2) As part of the information submitted, the owner or operator must submit a justification for the proposed elements of the monitoring plans. If the performance specifications proposed to satisfy OAR 340-212-0210(2)(b) or (c) include differences from manufacturer recommendations, the owner or operator must explain the reasons for the differences. The owner or operator also must submit any data supporting the justification and may refer to generally available sources of information used to support the justification, such as generally available air pollution engineering manuals, or EPA or DEQ publications on appropriate monitoring for various types of control devices or capture systems. To justify the appropriateness of the monitoring elements proposed, the owner or operator may rely in part on existing applicable requirements that establish the monitoring for the applicable regulated pollutant-specific emissions unit or a similar unit. If an owner or operator relies on presumptively acceptable monitoring, no further justification for the appropriateness of that monitoring should be necessary other than an explanation of the applicability of such monitoring to the unit in question, unless data or information is brought forward to rebut the assumption. Presumptively acceptable monitoring includes:

(a) Presumptively acceptable or required monitoring approaches, established by DEQ in a rule that constitutes part of the applicable implementation plan required pursuant to title I of the FCAA, that are designed to achieve compliance with OAR 340-212-0200 through 340-212-0280 for particular regulated pollutant-specific emissions units;

(b) Continuous emission, opacity, or predictive emission monitoring systems that satisfy applicable monitoring requirements and performance specifications contained in OAR 340-212-0210(d);

(c) Excepted or alternative monitoring methods allowed or approved pursuant to 40 CFR part 75;

(d) Monitoring included for standards exempt from OAR 340-212-0200 through 340-212-0280 pursuant to OAR 340-212-0200(2)(a)(A) through (F) to the extent such monitoring is applicable to the performance of the control device and associated capture system for the regulated pollutant-specific emissions unit; and

(e) Presumptively acceptable monitoring methods identified in guidance by EPA.

(3)(a) Except as provided in section (4), the owner or operator must submit control device and process and capture system, if applicable, operating parameter data obtained during the conduct of the applicable compliance or performance test conducted under conditions specified by the applicable rule. If the applicable rule does not specify testing conditions or only partially specifies test conditions, the performance test generally must be conducted under conditions representative of maximum emissions potential under anticipated operating conditions at the regulated pollutant-specific emissions unit. Such data may be supplemented by engineering assessments and manufacturer's recommendations to justify the indicator ranges or, if applicable, the procedures for establishing such indicator ranges. Emission testing is not required to be conducted over the entire indicator range or range of potential emissions;

(b) The owner or operator must document that no changes to the regulated pollutant-specific emissions unit, including the control device and capture system, have taken place that could result in a significant change in the control system performance or the selected ranges or designated conditions for the indicators to be monitored since the performance or compliance tests were conducted.

(4) If existing data from unit-specific compliance or performance testing specified in section (3) are unavailable, the owner or operator:

(a) Must submit a test plan and schedule for obtaining such data in accordance with section (5); or

(b) May submit indicator ranges, or procedures for establishing indicator ranges, that rely on engineering assessments and other data, if the owner or operator demonstrates that factors specific to the type of monitoring, control device, or regulated pollutant-specific emissions unit make compliance or performance testing unnecessary to establish indicator ranges at levels that satisfy the criteria in OAR 340-212-0210(1).

(5) If the monitoring plans submitted by the owner or operator require installation, testing, or other necessary activities before conducting the monitoring for purposes of OAR 340-212-0200 through 340-212-0280, the owner or operator must include an implementation plan and schedule for installing, testing and performing any other appropriate activities before conducting the monitoring. The implementation plan and schedule must provide for conducting the monitoring as expeditiously as practicable after DEQ approves the monitoring plans in the Oregon Title V Operating Permit pursuant to OAR 340-212-0240. In no case may the schedule for completing installation and beginning operation of the monitoring exceed 180 days after approval of the permit.

(6) If a control device is common to more than one regulated pollutant-specific emissions unit, the owner or operator may submit monitoring plans for the control device and identify the regulated pollutant-specific emissions units affected and any process or associated capture device conditions that must be maintained or monitored in accordance with OAR 340-212-0210(1) rather than submit separate monitoring plans for each regulated pollutant-specific emissions unit.

(7) If a single regulated pollutant-specific emissions unit is controlled by more than one control device that is similar in design and operation, the owner or operator may submit monitoring plans that apply to all the control devices and identify the control devices affected and any process or associated capture device conditions that must be maintained or monitored in accordance with OAR 340-212-0210(1) rather than submit a separate description for each control device.

Stat. Auth.: ORS 468.020 & 468A.310
Stats. Implemented: ORS 468A.310
Hist.: DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1220; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-212-0230**

**Deadlines for Submittals**

(1) Large regulated pollutant-specific emissions units. For all regulated pollutant-specific emissions units with the potential to emit the applicable regulated pollutant in an amount equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source, the owner or operator must submit the information required under OAR 340-212-0220 at the following times:

(a) The owner or operator must submit information as part of an application for an initial Oregon Title V Operating Permit if, by that date, the application either:

(A) Has not been filed; or

(B) Has not yet been determined to be complete by DEQ.

(b) The owner or operator must submit information as part of an application for a significant permit revision under OAR 340-218-0080, but only with respect to those regulated pollutant-specific emissions units for which the proposed permit revision applies;

(c) The owner or operator must submit any information not submitted under the deadlines set forth in subsections (1)(a) and (b) as part of the application for the renewal of an Oregon Title V Operating Permit.

(2) Other regulated pollutant-specific emissions units. For all other regulated pollutant-specific emissions units subject to OAR 340-212-0220 through 340-212-0280 and not subject to section (1), the owner or operator must submit the information required under 340-212-0220 as part of an application for a renewal of an Oregon Title V Operating Permit.

(3) A permit reopening to require the submittal of information under this rule is not required by OAR 340-218-0200(1)(a)(A). If, however, an Oregon Title V Operating Permit is reopened for cause by EPA or DEQ pursuant to OAR 340-218-0200(1)(a)(C), (D), or (E), the applicable agency may require the submittal of information under this rule for those regulated pollutant-specific emissions units that are subject to OAR 340-212-0200 through 340-212-0280 and that are affected by the permit reopening.

(4) Until DEQ approves monitoring plans that satisfy the requirements of OAR 340-212-0200 through 340-212-0280, the owner or operator is subject to the requirements of OAR 340-218-0050(3)(a)(C).

Stat. Auth.: ORS 468.020 & 468A.310
Stats. Implemented: ORS 468A.310
Hist.: DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1230; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-212-0240**

**Approval of Monitoring Plans**

(1) Based on an application that includes the information submitted in accordance with OAR 340-212-0230, DEQ will approve the monitoring plans submitted by the owner or operator by confirming that the plans satisfy the requirements in OAR 340-212-0210.

(2) DEQ may condition its approval on the owner or operator collecting additional data on the indicators to be monitored for a regulated pollutant-specific emissions unit, including required compliance or performance testing, to confirm that the monitoring will provide data sufficient to satisfy the requirements of OAR 340-212-0200 through 340-212-0280 and to confirm the appropriateness of an indicator range or designated condition proposed to satisfy OAR 340-212-0210(1)(b) and (c) and consistent with the schedule in OAR 340-212-0220(4).

(3) If DEQ approves the proposed monitoring, DEQ will establish one or more permit terms or conditions that specify the required monitoring in accordance with OAR 340-218-0050(3)(a). At a minimum, the permit will specify:

(a) The approved monitoring approach that includes all of the following:

(A) The indicator to be monitored (such as temperature, pressure drop, emissions, or similar parameter);

(B) The means or device to be used to measure the indicator (such as temperature measurement device, visual observation, or CEMS); and

(C) The performance requirements established to satisfy OAR 340-212-0210(2) or (4), as applicable.

(b) The means by which the owner or operator will define an exceedance or excursion for purposes of responding to and reporting exceedances or excursions under OAR 340-212-0250 and 340-212-0260. The permit will specify the level at which an excursion or exceedance will be deemed to occur, including the appropriate averaging period associated with such exceedance or excursion. For defining an excursion from an indicator range or designated condition, the permit may either include the specific value or condition at which an excursion occurs, or the specific procedures that will be used to establish that value or condition. If the latter, the permit will specify appropriate notice procedures for the owner or operator to notify DEQ upon any establishment or reestablishment of the value;

(c) The obligation to conduct the monitoring and fulfill the other obligations specified in OAR 340-212-0250 through 340-212-0270;

(d) If appropriate, a minimum data availability requirement for valid data collection for each averaging period, and, if appropriate, a minimum data availability requirement for the averaging periods in a reporting period.

(4) If the monitoring proposed by the owner or operator requires installation, testing or final verification of operational status, the Oregon Title V Operating Permit will include an enforceable schedule with appropriate milestones for completing such installation, testing, or final verification consistent with the requirements in OAR 340-212-0220(5).

(5) If DEQ disapproves the proposed monitoring, the following applies:

(a) The draft or final permit will include, at a minimum, monitoring that satisfies the requirements of OAR 340-218-0050(3)(a)(C);

(b) The draft or final permit will include a compliance schedule for the owner or operator to submit monitoring plans that satisfy OAR 340-212-0210 and OAR 340-212-0220. In no case may the owner or operator submit revised monitoring more than 180 days from the date of issuance of the draft or final permit; and

(c) If the owner or operator does not submit the monitoring plans in accordance with the compliance schedule contained in the draft or final permit or if DEQ disapproves the proposed monitoring plans, the owner or operator is not in compliance with OAR 340-212-0200 through 340-212-0280, unless the source owner or operator successfully challenges the disapproval.

Stat. Auth.: ORS 468.020 & 468A.310
Stats. Implemented: ORS 468A.310
Hist.: DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1240; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-212-0250**

**Operation of Approved Monitoring**

(1) Commencement of operation. The owner or operator must conduct the monitoring required under OAR 340-212-0200 through 340-212-0280 upon issuance of an Oregon Title V Operating Permit that includes such monitoring, or by any later date specified in the permit pursuant to 340-212-0240(4).

(2) Proper maintenance. The owner or operator must at all times maintain the monitoring equipment, including but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment.

(3) Continued operation. Except for monitoring malfunctions, associated repairs, and required quality assurance or control activities including, as applicable, calibration checks and required zero and span adjustments, the owner or operator must conduct all monitoring in continuous operation, or must collect data at all required intervals, at all times that the regulated pollutant-specific emissions unit is operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities cannot be used for purposes of OAR 340-212-0200 through 340-212-0280, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The owner or operator must use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.

(4) Response to excursions or exceedances:

(a) Upon detecting an excursion or exceedance, the owner or operator must restore operation of the regulated pollutant-specific emissions unit, including the control device and associated capture system, to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response must include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance, other than those caused by excused startup or shutdown conditions. Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action, such as through response by a computerized distribution control system, or any necessary follow-up actions to return operation to within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable;

(b) Determination of whether the owner or operator has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system, and the process;

(c) Documentation of need for improved monitoring. After DEQ approves the monitoring plans under OAR 340-212-0200 through 340-212-0280, if the owner or operator identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not indicate an excursion or exceedance while providing valid data, or if the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the owner or operator must promptly notify DEQ and, if necessary, submit a proposed modification to the Oregon Title V Operating Permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters.

Stat. Auth.: ORS 468.020 & 468A.310
Stats. Implemented: ORS 468A.310
Hist.: DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1250; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-212-0260**

**Quality Improvement Plan (QIP) Requirements**

(1) Based on the results of a determination made under OAR 340-212-0250(4)(b), the Administrator or DEQ may require the owner or operator to develop and implement a QIP. Consistent with 340-212-0240(3)(c), the Oregon Title V Operating Permit may specify an appropriate threshold, such as an accumulation of exceedances or excursions exceeding 5 percent duration of a regulated pollutant-specific emissions unit's operating time for a reporting period, for requiring the implementation of a QIP. The threshold may be set at a higher or lower percent or may rely on other criteria for purposes of indicating whether a regulated pollutant-specific emissions unit is being maintained and operated in a manner consistent with good air pollution control practices.

(2) Elements of a QIP:

(a) The owner or operator must maintain a written QIP, if required, and have it available for inspection;

(b) The plan initially must include procedures for evaluating the control performance problems and, based on the results of the evaluation procedures, the owner or operator must modify the plan to include procedures for conducting one or more of the following actions, as appropriate:

(A) Improved preventive maintenance practices;

(B) Process operation changes;

(C) Appropriate improvements to control methods;

(D) Other steps appropriate to correct control performance;

(E) More frequent or improved monitoring, only in conjunction with one or more steps under paragraphs (A) through (D) above.

(3) If a QIP is required, the owner or operator must develop and implement a QIP as expeditiously as practicable and notify DEQ if the period for completing the improvements contained in the QIP exceeds 180 days from the date on which the need to implement the QIP was determined.

(4) Following implementation of a QIP, upon any subsequent determination pursuant to OAR 340-212-0250(4)(b) the Administrator or DEQ may require that an owner or operator make reasonable changes to the QIP if the QIP is found to have:

(a) Failed to address the cause of the control device performance problems; or

(b) Failed to provide adequate procedures for correcting control device performance problems as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions.

(5) Implementation of a QIP does not excuse the owner or operator of a source from compliance with any existing emission limitation or standard, or any existing monitoring, testing, reporting or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements under the FCAA.

Stat. Auth.: ORS 468.020 & 468A.310
Stats. Implemented: ORS 468A.310
Hist.: DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1260; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-212-0270**

**Reporting and Recordkeeping Requirements**

(1) General reporting requirements:

(a) On and after the date specified in OAR 340-212-0250(1) by which the owner or operator must conduct monitoring that meets the requirements of 340-212-0200 through 340-212-0280, the owner or operator must submit monitoring reports to DEQ in accordance with 340-218-0050(3)(c);

(b) A report for monitoring under OAR 340-212-0200 through 340-218-0280 must include, at a minimum, the information required under 340-218-0050(3)(c) and the following information, as applicable:

(A) Summary information on the number, duration and cause, including unknown cause, of excursions or exceedances, as applicable, and the corrective actions taken;

(B) Summary information on the number, duration and cause, including unknown cause, for monitor downtime incidents, other than downtime associated with zero and span or other daily calibration checks; and

(C) A description of the actions taken to implement a QIP during the reporting period as specified in OAR 340-212-0260. Upon completion of a QIP, the owner or operator must include in the next summary report documentation that the implementation of the plan has been completed and has reduced the likelihood of similar levels of excursions or exceedances occurring.

(2) General recordkeeping requirements:

(a) The owner or operator must comply with the recordkeeping requirements specified in OAR 340-218-0050(3)(b). The owner or operator must maintain records of monitoring data, performance data, corrective actions taken, any written quality improvement plan required pursuant to 340-212-0260 and any activities undertaken to implement a quality improvement plan, and other supporting information required by 340-212-0200 through 340-212-0280, such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions;

(b) Instead of paper records, the owner or operator may maintain records on alternative media, such as microfilm, computer files, magnetic tape disks, or microfiche, if the use of such alternative media allows for expeditious inspection and review and does not conflict with other applicable recordkeeping requirements.

Stat. Auth.: ORS 468.020 & 468A.310
Stats. Implemented: ORS 468A.310
Hist.: DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1270; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-212-0280**

**Savings Provisions**

Nothing in OAR 340-212-0200 through 340-212-0280:

(1) Excuses the owner or operator of a source from complying with any existing emission limitation or standard, or with any existing monitoring, testing, reporting, or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements under the FCAA. The requirements of OAR 340-212-0200 through 340-212-0280 may not be used to justify the approval of monitoring less stringent than the monitoring required under separate legal authority. Nor are they intended to establish minimum requirements for the purpose of determining the monitoring to be imposed under separate authority under the FCAA, including monitoring in permits issued pursuant to title I of the FCAA.

(2) Restricts or abrogates the authority of the Administrator or DEQ to impose additional or more stringent monitoring, recordkeeping, testing, or reporting requirements on any owner or operator of a source under any provision of the FCAA, including but not limited to sections 114(a)(1) and 504(b), or state law, as applicable;

(3) Restricts or abrogates the authority of the Administrator or DEQ to take any enforcement action under the FCAA for any violation of an applicable requirement or of any person to take action under section 304 of the FCAA.

Stat. Auth.: ORS 468.020 & 468A.310
Stats. Implemented: ORS 468A.310
Hist.: DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1280; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2015, f. & cert. ef. 4-16-15

**DIVISION 216**

**AIR CONTAMINANT DISCHARGE PERMITS**

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

**340-216-0010**

**Purpose**

This division prescribes the requirements and procedures for obtaining Air Contaminant Discharge Permits (ACDPs) pursuant to ORS 468A.040 through 468A.060 and related statutes for sources of air contaminants.

**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A.025, 468A.040 & 468A.310
Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-86; Renumbered from 340-020-0033.02, DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0140; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1700; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-216-0020**

**Applicability and Jurisdiction**

(1) This division applies to all sources listed in OAR 340-216-8010. This division also applies to Oregon Title V Operating Permit program sources when an ACDP is required by 340-218-0020 or 340-224-0010. Sources referred to in 340-216-8010 are subject to fees in 340-216-8020.

(2) Sources in any one of the categories in OAR 340-216-8010 must obtain a permit. If a source meets the requirements of more than one of the source categories and the source is not eligible for a Basic ACDP or a General ACDP that has been authorized by DEQ, then the source must obtain a Simple or Standard ACDP. Source categories are not listed in alphabetical order.

(a) The commercial and industrial sources in OAR 340-216-8010 Part A must obtain a Basic ACDP under 340-216-0056 unless the source chooses to obtain a General, Simple or Standard ACDP. For purposes of Part A, production and emission parameters are based on the latest consecutive 12 month period, or future projected operation, whichever is higher. Emission cutoffs are based on actual emissions.

(b) Sources in any one of the categories in OAR 340-216-8010 Part B must obtain one of the following unless otherwise allowed in Part B:

(A) A General ACDP, if one is available for the source classification and the source qualifies for a General ACDP under OAR 340-216-0060;

(B) A Simple ACDP under OAR 340-216-0064; or

(C) A Standard ACDP under OAR 340-216-0066 if the source fits one of the criteria of Part C or does not qualify for a Simple ACDP.

(c) Sources in any one of the categories in OAR 340-216-8010 Part C must obtain a Standard ACDP under the procedures set forth in OAR 340-216-0066.

(3) No person may construct, install, establish, develop or operate any air contaminant source listed in OAR 340-216-8010 without first obtaining an Air Contaminant Discharge Permit (ACDP) from DEQ or LRAPA and keeping a copy onsite at all times, unless otherwise deferred from the requirement to obtain an ACDP in subsection (1)(b) or DEQ has granted an exemption from the requirement to obtain an ACDP under subsection (1)(e ). No person may continue to operate an air contaminant source if the ACDP expires, or is terminated or revoked; except as provided in 340-216-0082.

(a) For portable sources, a single permit may be issued for operating at any area of the state if the permit includes the requirements from both DEQ and LRAPA. DEQ or LRAPA, depending where the portable source's corporate offices are located, will be responsible for issuing the permit. If the corporate office of a portable source is located outside of the state, DEQ will be responsible for issuing the permit.

(b) An air contaminant source required to obtain an ACDP or ACDP Attachment pursuant to a NESHAP under OAR division 244 or NSPS under OAR division 238 is not required to submit an application for an ACDP or ACDP Attachment until four months after the effective date of the EQC’s adoption of the NESHAP or NSPS, and is not required to obtain an ACDP or ACDP Attachment until six months after the EQC’s adoption of the NESHAP or NSPS. In addition, DEQ may defer the requirement to submit an application for, or to obtain an ACDP or ACDP Attachment, or both, for up to an additional twelve months.

(c) Deferrals of Oregon permitting requirements do not relieve an air contaminant source from the responsibility of complying with federal NESHAP or NSPS requirements.

(d) OAR 340-216-0060(1)(b)(A), 340-216-0062(2)(b)(A), 340-216-0064(4)(a), and 340-216-0066(3)(a), do not relieve a permittee from the responsibility of complying with federal NESHAP or NSPS requirements that apply to the source even if DEQ has not incorporated such requirements into the permit.

(e) DEQ may exempt a source from the requirement to obtain an ACDP if it determines that the source is subject to only procedural requirements, such as notification that the source is affected by an NSPS or NESHAP.

(4) No person may construct, install, establish, or develop any source that will be subject to the Oregon Title V Operating Permit program without first obtaining an ACDP from DEQ or LRAPA.

(5) No person may modify any source that has been issued an ACDP without first complying with the requirements of OAR 340-210-0205 through 340-210-0250.

(6) No person may modify any source required to have an ACDP such that the source becomes subject to the Oregon Title V Operating Permit program without complying with the requirements of OAR 340-210-0205 through 340-210-0250.

(7) No person may increase emissions above the PSEL by more than the de minimis emission levels specified in OAR 340-200-0020 without first applying for and obtaining a modified ACDP.

(8) 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.

**NOTE**: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-211-0040.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 468.020, 468A.025, 468A.040, 468A.155 & 468A.310
Stats. Implemented: ORS 468A.025, 468A.040, 468A.135 - 468A.155 & 468A.310
Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033; DEQ 125, f. & ef. 12-16-76; DEQ 20-1979, f. & ef. 6-29-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 13-1981, f. 5-6-81, ef. 7-1-81; DEQ 11-1983, f. & ef. 5-31-83; DEQ 3-1986, f. & ef. 2-12-86; DEQ 12-1987, f. & ef. 6-15-87; DEQ 27-1991, f. & cert. ef. 11-29-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0155; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1994, f. & cert. ef. 10-4-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1720; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 7-2007, f. & cert. ef. 10-18-07; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 15-2008, f. & cert. ef 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 9-2009(Temp), f. 12-24-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11; DEQ 12-2010, f. & cert. ef. 10-27-10; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 11-2011, f. & cert. ef. 7-21-11; DEQ 13-2011, f. & cert. ef. 7-21-11; DEQ 14-2011, f, & cert. ef. 7-21-11; DEQ 4-2013, f. & cert. ef. 3-27-13; DEQ 9-2013(Temp), f. & cert. ef. 10-24-13 thru 4-22-14; Administrative correction, 5-21-14; DEQ 9-2014, f. & cert. ef. 6-26-14; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-216-0025**

**Types of Permits**

(1) Construction ACDP:

(a) A Construction ACDP may be used for approval of Type 3 changes specified in OAR 340-210-0225 at a source subject to the ACDP permit requirements in this division.

(b) A Construction ACDP is required for Type 3 changes specified in OAR 340-210-0225 at sources subject to the Oregon Title V Operating Permit requirements.

(2) General ACDP. A General ACDP is a permit for a category of sources for which individual permits are unnecessary in order to protect the environment, as determined by DEQ. An owner or operator of a source may be assigned to a General ACDP if DEQ has issued a General ACDP for the source category and:

(a) The source meets the qualifications specified in the General ACDP;

(b) DEQ determines that the source has not had ongoing, recurring, or serious compliance problems; and

(c) DEQ determines that a General ACDP would appropriately regulate the source.

(3) Short Term Activity ACDP. A Short Term Activity ACDP is a letter permit that authorizes the activity and includes any conditions placed upon the method or methods of operation of the activity. DEQ may issue a Short Term Activity ACDP for unexpected or emergency activities, operations, or emissions.

(4) Basic ACDP. A Basic ACDP is a permit that authorizes the regulated source to operate in conformance with the rules contained in OAR 340 divisions 200 to 268.

(a) Owners and operators of sources and activities listed in Part A of OAR 340-216-8010 must at a minimum obtain a Basic ACDP.

(b) Any owner or operator of a source required to obtain a Basic ACDP may obtain either a Simple or Standard ACDP.

(5) Simple ACDP.

(a) Owners and operators of sources and activities listed in OAR 340-216-8010 Part B that do not qualify for a General ACDP and are not required to obtain a Standard ACDP must, at a minimum, obtain a Simple ACDP. Any source required to obtain a Simple ACDP may obtain a Standard ACDP. DEQ may determine that a source is ineligible for a Simple ACDP and must obtain a Standard ACDP based upon, but not limited to, the following considerations:

(A) The nature, extent, and toxicity of the source's emissions;

(B) The complexity of the source and the rules applicable to that source;

(C) The complexity of the emission controls and potential threat to human health and the environment if the emission controls fail;

(D) The location of the source; and

(E) The compliance history of the source.

(b) A Simple ACDP is a permit that contains:

(A) All relevant applicable requirements for source operation, including general ACDP conditions for incorporating generally applicable requirements;

(B) Generic PSELs for all regulated pollutants emitted at more than the de minimis emission level according to OAR 340 division 222;

(C) Testing, monitoring, recordkeeping, and reporting requirements sufficient to determine compliance with the PSEL and other emission limits and standards, as necessary; and

(D) A permit duration not to exceed 5 years.

(6) Standard ACDP:

(a) Applicability.

(A) The owner or operator of a source listed in Part C of OAR 340-216-8010 must obtain a Standard ACDP.

(B) The owner or operator of a source listed in Part B of OAR 340-216-8010 that does not qualify for a General ACDP or Simple ACDP must obtain a Standard ACDP.

(C) The owner or operator of a source not required to obtain a Standard ACDP may obtain a Standard ACDP.

(b) A Standard ACDP is a permit that contains:

(A) All applicable requirements, including general ACDP conditions for incorporating generally applicable requirements;

(B) Source specific PSELs or Generic PSEL levels, whichever are applicable, as specified in OAR 340 division 222;

(C) Testing, monitoring, recordkeeping, and reporting requirements sufficient to determine compliance with the PSEL and other emission limits and standards, as necessary; and

(D) A permit duration not to exceed 5 years.

**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-211-0040.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A.025, 468A.040 & 468A.310
Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033; DEQ 125, f. & ef. 12-16-76; DEQ 20-1979, f. & ef. 6-29-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 13-1981, f. 5-6-81, ef. 7-1-81; DEQ 11-1983, f. & ef. 5-31-83; DEQ 3-1986, f. & ef. 2-12-86; DEQ 12-1987, f. & ef. 6-15-87; DEQ 27-1991, f. & cert. ef. 11-29-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0155; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1994, f. & cert. ef. 10-4-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1720; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 9-2014, f. & cert. ef. 6-26-14; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-216-0030**

**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) “Basic technical modification” includes, but is not limited to changing source test dates if the equipment is not being operated, and similar changes.

(2) “Complex technical modification” includes, but is not limited to incorporating a complex new compliance method into a permit, adding a complex compliance method or monitoring for an emission point or control device not previously addressed in a permit, adding a complex new applicable requirement into a permit due to a change in process or change in rules, and similar changes.

(3) “Moderate technical modification” includes, but is not limited to adding a simple compliance method or monitoring for an emission point or control device not previously addressed in a permit, revising monitoring and reporting requirements other than dates and frequency, adding a new applicable requirement into a permit due to a change in process or change in rules , incorporating NSPS and NESHAP requirements, and similar changes.

(4) “Non-technical modification” means name changes, change of ownership, correction of typographical errors and similar administrative changes.

(5) “Simple technical modification” includes, but is not limited to modifying a compliance method to use different emission factors or process parameters, changing reporting dates or frequency, and similar changes.

**NOTE**: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-211-0040.

Stat. Auth.: ORS 468.020 & 468A
Stats. Implemented: ORS 468A.025, 468A.040 & 468A.310
Hist.: DEQ 14-1999, f. & cert. ef. 10-14-99; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-216-0040**

**Application Requirements**

(1) New Permits.

(a) Except for Short Term Activity ACDPs, any person required to obtain a new ACDP must provide the following general information, as applicable, using forms provided by DEQ in addition to any other information required for a specific permit type:

(A) Identifying information, including the name of the company, the mailing address, the facility address, and the nature of business, Standard Industrial Classification (SIC) code;

(B) The name and phone number of a local person responsible for compliance with the permit;

(C) The name of a person authorized to receive requests for data and information;

(D) A description of the production processes and related flow chart;

(E) A plot plan showing the location and height of air contaminant sources. The plot plan must also indicate the nearest residential or commercial property;

(F) The type and quantity of fuels used;

(G) An estimate of the amount and type of each air contaminant emitted by the source in terms of hourly, daily, or monthly and yearly rates, showing calculation procedures;

(H) Any information on pollution prevention measures and cross-media impacts the applicant wants DEQ to consider in determining applicable control requirements and evaluating compliance methods;

(I) Estimated efficiency of air pollution control devices under present or anticipated operating conditions;

(J) Where the operation or maintenance of air pollution control devices and emission reduction processes can be adjusted or varied from the highest reasonable efficiency and effectiveness, information necessary for DEQ to establish operational and maintenance requirements in OAR 340-226-0120(1) and (2);

(K) A Land Use Compatibility Statement signed by a local, city or county, planner either approving or disapproving construction or modification of the source, if required by the local planning agency;

(L) Any information required by OAR 340 divisions 224 and 225, including but not limited to control technology and analysis, air quality impact analysis; and information related to offsets and net air quality benefit, if applicable; and

(M) Any other information requested by DEQ.

(b) Applications for new permits must be submitted at least 60 days prior to when a permit is needed. When preparing an application, the applicant should also consider the timelines provided in paragraph (2)(b), as well as OAR 340-224-0030, permit applications subject to NSR, to allow DEQ adequate time to process the application and issue a permit before it is needed.

(2) Renewal Permits. Except for Short Term Activity ACDPs, any person required to renew an existing permit must submit the information identified in section (1) using forms provided by DEQ, unless there are no significant changes to the permit. If there are significant changes, the applicant must provide the information identified in section (1) only for those changes.

(a) Where there are no significant changes to the permit, the applicant may use a streamlined permit renewal application process by providing the following information:

(A) Identifying information, including the name of the company, the mailing address, the facility address, and the nature of business, Standard Industrial Classification (SIC) code, using a form provided by DEQ; and

(B) A marked up copy of the previous permit indicating minor changes along with an explanation for each requested change.

(b) The owner or operator must submit an application for renewal of the existing permit by no later than:

(A) 30 days prior to the expiration date of a Basic ACDP;

(B) 120 days prior to the expiration date of a Simple ACDP; or

(C) 180 days prior to the expiration date of a Standard ACDP.

(c) DEQ must receive an application for reassignment to General ACDPs and attachments within 30 days prior to expiration of the General ACDPs or attachment.

(3) Permit Modifications. For Simple and Standard ACDP modifications, the applicant must provide the information in section (1) relevant to the requested changes to the permit and a list of any new requirements applicable to those changes. When preparing an application, the applicant should also consider the timelines provided in subsection (2)(b), as well as OAR 340-224-0030, permit applications subject to NSR, to allow DEQ adequate time to process the application and issue a permit before it is needed.

(4) Any owner or operator who fails to submit any relevant facts or who has submitted incorrect information in a permit application must, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information.

(5) The application must be completed in full and signed by the applicant or the applicant's legally authorized representative.

(6) Two copies of the application are required, unless otherwise requested by DEQ. At least one of the copies must be a paper copy, but the others may be in any other format, including electronic copies, upon approval by DEQ.

(7) A copy of permit applications subject to Major NSR under OAR 340 division 224, including all supplemental and supporting information, must also be submitted directly to the EPA.

(8) The name of the applicant must be the legal name of the facility or the owner's agent or the lessee responsible for the operation and maintenance of the facility. The legal name must be registered with the Secretary of State Corporations Division.

(9) All applications must include the appropriate fees as specified in OAR 340-216-8020.

(10) Applications that are obviously incomplete, unsigned, improperly signed, or lacking the required exhibits or fees will be rejected by DEQ and returned to the applicant for completion.

(11) Within 15 days after receiving the application, DEQ will preliminarily review the application to determine the adequacy of the information submitted:

(a) If DEQ determines that additional information is needed, DEQ will promptly ask the applicant for the needed information. The application will not be considered complete for processing until the requested information is received. The application will be considered withdrawn if the applicant fails to submit the requested information within 90 days of the request;

(b) If, in the opinion of DEQ, additional measures are necessary to gather facts regarding the application, DEQ will notify the applicant that such measures will be instituted along with the timetable and procedures to be followed. The application will not be considered complete for processing until the necessary additional fact-finding measures are completed. When the information in the application is deemed adequate for processing, DEQ will so notify the applicant.

(12) If at any time while processing the application, DEQ determines that additional information is needed, DEQ will promptly ask the applicant for the needed information. The application will not be considered complete for processing until the requested information is received. The application will be considered withdrawn if the applicant fails to submit the requested information within 90 days of the request.

(13) If, upon review of an application, DEQ determines that a permit is not required, DEQ will so notify the applicant in writing. Such notification is a final action by DEQ on the application.

**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.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.310 & 468A.315
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 42, f. 4-5-72, ef. 4-15-72; DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033; DEQ 20-1979, f. & ef. 6-29-79; DEQ 13-1988, f. & cert. ef. 6-17-88; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0175; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1770; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-014-0020 & 340-014-0030; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 9-2014, f. & cert. ef. 6-26-14; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-216-0052**

**Construction ACDP**

(1) Purpose. A Construction ACDP is a permit for approval of Type 3 construction or modification changes as specified in OAR 340-210-0225 and 340-210-0240. The Construction ACDP includes requirements for the construction or modification of stationary sources or air pollution control devices and does not by itself provide authorization to operate the new construction or modification. A new or modified Standard ACDP or Oregon Title V Operating Permit is required before operation of the new construction or modification. A Construction ACDP may be used for the following situations:

(a) For complex construction or modification projects that require an extended period of time to construct, the Construction ACDP may provide construction approval faster than issuance of a Standard ACDP or modified Standard ACDP because the operating requirements would not need to be included in the permit.

(b) For Oregon Title V Operating Permit sources, the Construction ACDP may include the requirements of OAR 340-218-0050 and follow the external review procedures in OAR 340-218-0210 and 340-218-0230 so that the requirements may later be incorporated into the Oregon Title V Operating Permit by an administrative amendment. If the applicant elects to incorporate the Construction ACDP by administrative amendment, all of the application submittal, permit content, and permit issuance requirements of OAR 340 division 218 must be met for the Construction ACDP.

(2) Application requirements. Any person requesting a Construction ACDP must:

(a) Submit an application according to OAR 340-216-0040 and provide the information specified in 340-216-0040(1) as it relates to the proposed new construction or modification; and

(b) Provide a list of any applicable requirements related to the new construction or modification.

(3) Fees. Applicants for a Construction ACDP must pay the fees in OAR 340-216-8020.

(4) Permit content. A Construction ACDP must include at least the following:

(a) A requirement that construction must commence within 18 months after the permit is issued if required by OAR 340-224-0030(4);

(b) A requirement to construct according to approved plans;

(c) A requirement to comply with all applicable requirements;

(d) Emission limits for affected stationary sources;

(e) Performance standards for affected stationary sources and air pollution control devices;

(f) Performance test requirements;

(g) Monitoring requirements, if specialized equipment is required (e.g., continuous monitoring systems);

(h) Notification and reporting requirements (construction status reports, startup dates, source test plans, CEMS performance specification testing plans, etc.);

(i) General ACDP conditions for incorporating generally applicable requirements;

(j) A requirement to modify the operating permit before commencing operation of the new construction or modification;

(k) A permit expiration date of no more than 5 years; and

(l) Oregon Title V Permit requirements as specified in OAR 340-218-0050, if the applicant requests the external review procedures in 340-218-0210 and 340-218-0230.

(5) Permit issuance procedures:

(a) A Construction ACDP requires that DEQ provide public notice according to OAR 340 division 209 as a Category III permit action.

(b) For sources subject to the Oregon Title V Operating Permit program, the applicant may ask for the external review procedures in OAR 340-218-0210 and 340-218-0230 in addition to the requirements of OAR 340 division 209 to allow the Construction ACDP to be incorporated into the Oregon Title V Operating Permit at a later date by an administrative amendment provided the requirements of subsection (1)(b) are met.

(c) Issuance of a modified Construction ACDP requires the following public notice, as applicable:

(A) Public notice as a Category I permit action under OAR 340 division 209 for non-technical modifications and basic and simple technical modifications; or

(B) Public notice as a Category II permit action under OAR 340 division 209 for moderate and complex technical modifications.

(6) Construction ACDPs may not be renewed.

**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.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.310 & 468A.315
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 9-2014, f. & cert. ef. 6-26-14; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-216-0054**

**Short Term Activity ACDPs**

(1) Application requirements. Any person requesting a Short Term Activity ACDP must apply in writing, fully describing the unexpected or emergency activity requiring an ACDP and the proposed activities, operations, and emissions. The application must include the fees specified in section (2).

(2) Fees. Applicants for a Short Term Activity ACDP must pay the fees in OAR 340-216-8020.

(3) Permit content:

(a) A Short Term Activity ACDP must include conditions that ensure adequate protection of property and preservation of public health, welfare, and resources.

(b) A Short Term Activity ACDP may not include a PSEL for any air contaminants discharged as a result of the permitted activity.

(c) A Short Term Activity ACDP will automatically terminate 60 days from the date of issuance and may not be renewed.

(4) Permit issuance public notice procedures. A Short Term Activity ACDP requires public notice as a Category I permit action under OAR 340 division 209.

**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.310 & 468A.315
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 42, f. 4-5-72, ef. 4-15-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-014-0050; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 9-2014, f. & cert. ef. 6-26-14; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-216-0056**

**Basic ACDPs**

(1) Application requirements. Any person requesting a Basic ACDP must submit an application according to OAR 340-216-0040 and provide the information specified in OAR 340-216-0040(1).

(2) Fees. Applicants for a new Basic ACDP must pay the fees in OAR 340-216-8020.

(3) Permit content:

(a) A Basic ACDP will contain only the most significant and relevant rules applicable to the source;

(b) A Basic ACDP may not contain a PSEL;

(c) A Basic ACDP will require that a simplified annual report be submitted to DEQ; and

(d) A Basic ACDP may be issued for a period not to exceed ten years.

(4) Permit issuance public notice procedures. A Basic ACDP requires public notice as a Category I permit action according to OAR 340 division 209.

**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 468.020, 468.065, 468A.025, 468A.040, 468A.310 & 468A.315
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 9-2014, f. & cert. ef. 6-26-14; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-216-0060**

**General Air Contaminant Discharge Permits**

(1) Applicability.

(a) DEQ may issue a General ACDP under the following circumstances:

(A) There are multiple sources that involve the same or substantially similar types of operations;

(B) All requirements applicable to the covered operations can be contained in a General ACDP;

(C) The emission limitations, monitoring, recordkeeping, reporting and other enforceable conditions are the same for all operations covered by the General ACDP; and

(D) The regulated pollutants emitted are of the same type for all covered operations.

(b) Permit content. Each General ACDP must include the following:

(A) All relevant requirements for the operations covered by the General ACDP, excluding any federal requirements not adopted by the EQC;

(B) Generic PSELs for all regulated pollutants emitted at more than the de minimis emission level according to OAR 340 division 222;

(C) Testing, monitoring, recordkeeping, and reporting requirements necessary to ensure compliance with the PSEL and other applicable emissions limits and standards; and

(D) A permit expiration date not to exceed 10 years from the date of issuance.

(c) Permit issuance public notice procedures: A new General ACDP requires public notice as a Category III permit action according to OAR 340 division 209. A reissued General ACDP or a modification to a General ACDP requires public notice as a Category II permit action according to OAR 340 division 209.

(d) DEQ will retain all General ACDPs on file and make them available for public review at DEQ's headquarters.

(2) Source assignment:

(a) Application requirements. Any person requesting that a source be assigned to a General ACDP must submit a written application according to OAR 340-216-0040 that includes the information in 340-216-0040(1), specifies the General ACDP source category, and shows that the source qualifies for the General ACDP.

(b) Fees. Applicants must pay the fees in OAR 340-216-8020. The fee class for each General ACDP is Fee Class One unless otherwise specified as follows:

(A) Hard chrome platers — Fee Class Three;

(B) Decorative chrome platers — Fee Class Two;

(C) Halogenated solvent degreasers — batch cold, batch vapor, and in-line — Fee Class Two;

(D) Perchloroethylene dry cleaners — Fee Class Six;

(E) Asphalt plants — Fee Class Three;

(F) Rock crushers — Fee Class Two;

(G) Ready-mix concrete — Fee Class One;

(H) Sawmills, planing mills, millwork, plywood manufacturing and veneer drying — Fee Class Three;

(I) Boilers — Fee Class Two;

(J) Crematories — Fee Class One;

(K) Grain elevators — Fee Class One;

(L) Prepared feeds, flour, and cereal — Fee Class One;

(M) Seed cleaning — Fee Class One;

(N) Coffee roasters — Fee Class One;

(O) Bulk gasoline plants — Fee Class One;

(P) Electric power generators — Fee Class Two;

(Q) Clay ceramics — Fee Class One;

(R) Hospital sterilizers — Fee Class Four;

(S) Secondary nonferrous metals — Fee Class One;

(T) Gasoline dispensing facilities — stage I — Fee Class Five;

(U) Gasoline dispensing facilities — stage II — Fee Class Four;

(V) Wood preserving — Fee Class Four;

(W) Metal fabrication and finishing — with two or more of the following operations — Fee Class Two;

(i) Dry abrasive blasting performed in a vented enclosure or of objects greater than 8 feet (2.4 meters) in any one dimension that uses materials that contain MFHAP or has the potential to emit MFHAP;

(ii) Spray-applied painting operation using MFHAP containing paints;

(iii) Welding operation that uses materials that contain MFHAP or has the potential to emit MFHAP and uses 2,000 pounds or more per year of MFHAP containing welding wire and rod (calculated on a rolling 12-month basis);

(X) Metal fabrication and finishing — with only one of the operations listed in subparagraphs (2)(b)(W)(i) through (iii)— Fee Class One;

(Y) Metal fabrication and finishing — with none of the operations listed in subparagraphs (2)(b)(W)(i) through (iii) — Fee Class Four;

(Z) Plating and polishing — Fee Class One;

(AA) Surface coating operations — Fee Class One;

(BB) Paint stripping — Fee Class One;

(CC) Aluminum, copper, and nonferrous foundries — Fee Class Two;

(DD) Paints and allied products manufacturing — Fee Class Two; and

(EE) Emergency generators and firewater pumps, if a permit is required – Fee Class Two.

(c) Source assignment procedures:

(A) Assignment of a source to a General ACDP is a Category I permit action and is subject to the Category I public notice requirements according to OAR 340 division 209.

(B) A person is not a permittee under the General ACDP until DEQ assigns the General ACDP to the person.

(C) Assignments to General ACDPs and attachments terminate when the General ACDP or attachment expires or is modified, terminated or revoked.

(D) Once a source has been assigned to a General ACDP, if the assigned General ACDP does not cover all requirements applicable to the source, excluding any federal requirements not adopted by the EQC, the other applicable requirements must be covered by assignment to one or more General ACDP Attachments according to OAR 340-216-0062, otherwise the source must obtain a Simple or Standard ACDP.

(E) A source requesting to be assigned to a General ACDP Attachment, according to OAR 340-216-0062, for a source category in a higher annual fee class than the General ACDP to which the source is currently assigned, must be reassigned to the General ACDP for the source category in the higher annual fee class.

(3) DEQ Initiated Modification. If DEQ determines that the conditions have changed such that a General ACDP for a category needs to be modified, DEQ may issue a new General ACDP for that category and assign all existing General ACDP permit holders to the new General ACDP.

(4) Rescission. DEQ may rescind an individual source's assignment to a General ACDP if the source no longer meets the requirements of the permit. In such case, the source must submit an application within 60 days for a Simple or Standard ACDP upon notification by DEQ of DEQ’s intent to rescind the General ACDP. Upon issuance of the Simple or Standard ACDP, or if the source fails to submit an application for a Simple or Standard ACDP, DEQ will rescind the source's assignment to the General ACDP.

**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.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.310 & 468A.315
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 14-1998, f. & cert. ef. 9-14-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1725; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 10-2001, f. & cert. ef. 8-30-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 8-2007, f. & cert. ef. 11-8-07; 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 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 4-2013, f. & cert. ef. 3-27-13; DEQ 9-2014, f. & cert. ef. 6-26-14; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-216-0062**

**General ACDP Attachments**

(1) Purpose. This rule allows a source to be assigned to one General ACDP and one or more General ACDP Attachments, as long as the General ACDP and General ACDP Attachment contain all requirements applicable to the source. This would allow a source to avoid having to obtain a more costly Simple or Standard ACDP if there are no General ACDPs that contain all requirements applicable to the source.

(2) Applicability.

(a) DEQ may issue a General ACDP Attachment under the following circumstances:

(A) There are multiple sources that involve the same or substantially similar types of operations;

(B) All requirements applicable to the covered operations can be contained in a General ACDP Attachment;

(C) The emission limitations, monitoring, recordkeeping, reporting and other enforceable conditions are the same for all operations covered by the General ACDP Attachment;

(D) The regulated pollutants emitted are of the same type for all covered operations. If a General ACDP and a General ACDP Attachment cannot address all activities at a source, the owner or operator of the source must apply for a Simple or Standard ACDP according to this division.

(b) Attachment content. Each General ACDP Attachment must include the following:

(A) All relevant requirements for the operations covered by the General ACDP Attachment, excluding any federal requirements not adopted by the EQC;

(B) Testing, monitoring, recordkeeping, and reporting requirements necessary to ensure compliance with the applicable emissions limits and standards; and

(C) An attachment expiration date not to exceed 10 years from the date of issuance.

(c) Attachment issuance public notice procedures: A General ACDP Attachment requires public notice as a Category II permit action according to OAR 340 division 209.

(d) DEQ will retain all General ACDP Attachments on file and make them available for public review at DEQ's headquarters.

(3) Source assignment:

(a) Application requirements. Any person requesting to be assigned to a General ACDP Attachment must submit a written application for each requested General ACDP Attachment that specifies the requested General ACDP Attachment and shows that the source qualifies for the requested General ACDP Attachment.

(b) Fees. Applicants must pay the fees in OAR 340-216-8020 for each assigned General ACDP Attachment. The fee class for each General ACDP Attachment is Fee Class Five.

(c) Assignment procedures:

(A) Assignment to a General ACDP Attachment is a Category I permit action and is subject to the Category I public notice requirements under OAR 340 division 209.

(B) A person is not a permittee under the General ACDP Attachment until DEQ assigns the General ACDP Attachment to the person.

(C) Assignment to a General ACDP Attachment terminates when the General ACDP Attachment expires or is modified, terminated or revoked.

(D) A source may not be assigned to a General ACDP Attachment for a source category in a higher annual fee class than the General ACDP to which the source is currently assigned. Instead a source must be reassigned to the General ACDP for the source category in the higher annual fee class according to OAR 340-216-0060(2)(c)(E) and may be assigned to one or more General ACDP Attachments associated with source categories in an equal or lower annual fee class.

(d) If all activities at a source cannot be addressed by a General ACDP and General ACDP Attachments, the owner or operator of the source must apply for a Simple or Standard ACDP according to this division.

**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 468.020, 468.065, 468A.025, 468A.040, 468A.310 & 468A.315
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 4-2013, f. & cert. ef. 3-27-13; DEQ 9-2013(Temp), f. & cert. ef. 10-24-13 thru 4-22-14; Administrative correction, 5-21-14; DEQ 9-2014, f. & cert. ef. 6-26-14; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-216-0064**

**Simple ACDP**

(1) Application Requirements. Any person requesting a new, modified, or renewed Simple ACDP must submit an application according to OAR 340-216-0040.

(2) Fees. Applicants for a new or modified Simple ACDP must pay the fees in OAR 340-216-8020. Applicants for a new Simple ACDP must initially pay the High Annual Fee. Once the initial permit is issued, annual fees for Simple ACDPs will be assessed based on the following:

(a) Low Fee — A source may qualify for the low fee if:

(A) The source is, or will be, permitted under only one of the following categories in OAR 340-216-8010 Part B:

(i) Category 7. Asphalt felt and coatings;

(ii) Category 13. Boilers and other fuel burning equipment (can be combined with category 27. Electric power generation);

(iii) Category 27. Electric power generation;

(iv) Category 33. Galvanizing & pipe coating;

(v) Category 39. Gray iron and steel foundries, malleable iron foundries, steel investment foundries, steel foundries 100 or more tons/yr. metal charged (not elsewhere identified);

(vi) Category 40. Gypsum products;

(vii) Category 45. Liquid storage tanks subject to OAR 340 division 232;

(viii) Category 56. Non-ferrous metal foundries 100 or more tons/year of metal charged;

(ix) Category 57. Organic or inorganic industrial chemical manufacturing;

(x) Category 62. Perchloroethylene dry cleaning;

(xi) Category 73. Secondary smelting and/or refining of ferrous and non-ferrous metals; or

(xii) Category 85. All other sources not listed in OAR 340-216-8010 (can be combined with category 27. Electric Power Generation); and

(B) The actual emissions from the calendar year immediately preceding the invoice date are less than five tons/year of PM10 in a PM10 nonattainment or maintenance area or PM2.5 in a PM2.5 nonattainment or maintenance area, and less than 10 tons/year for each criteria pollutant; and

(C) The source is not creating a nuisance under OAR 340-208-0310 or 340-208-0450.

(b) High Fee — Any source required to have a Simple ACDP (OAR 340-216-8010 Part B) that does not qualify for the low fee under subsection (2)(a) will be assessed the high fee.

(c) If DEQ determines that a source was invoiced for the low annual fee but does not meet the low fee criteria outlined above, the source will be required to pay the difference between the low and high fees, plus applicable late fees in OAR 340-216-8020 Part 4. Late fees start upon issuance of the initial invoice. In this case, DEQ will issue a new invoice specifying applicable fees.

(3) Permit Content. Each Simple ACDP must include the following:

(a) All relevant applicable requirements for source operation, including general ACDP conditions for incorporating generally applicable requirements, but excluding any federal requirements not adopted by the EQC;

(b) Generic PSELs for all regulated pollutants emitted at more than the de minimis emission level according to OAR 340 division 222;

(c) Testing, monitoring, recordkeeping, and reporting requirements sufficient to determine compliance with the PSEL and other emission limits and standards, as necessary; and

(d) A permit duration not to exceed 5 years.

(4) Permit issuance public notice procedures:

(a) Issuance of a new or renewed Simple ACDP requires public notice as a Category II permit according to OAR 340 division 209.

(b) Issuance of a modification to a Simple ACDP requires one of the following procedures, as applicable:

(A) Public notice as a Category I permit action for non-technical and basic and simple technical modifications according to OAR 340 division 209; or

(B) Public notice as a Category II permit action for moderate and complex technical modifications according to OAR 340 division 209.

**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 468.020, 468.065, 468A.025, 468A.040, 468A.310 & 468A.315
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 4-2013, f. & cert. ef. 3-27-13; DEQ 9-2013(Temp), f. & cert. ef. 10-24-13 thru 4-22-14; Administrative correction, 5-21-14; DEQ 9-2014, f. & cert. ef. 6-26-14; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-216-0066**

**Standard ACDPs**

(1) Application requirements. Any person requesting a new, modified, or renewed Standard ACDP must submit an application according to OAR 340-216-0040 and include the following additional information as applicable:

(a) New or modified Standard ACDPs that are not subject to Major NSR, but have emissions increases above the significant emissions rate are subject to the requirements of State NSR. The application must include an analysis of the air quality and, for federal major sources only, the visibility impacts of the source or modification, including meteorological and topographical data, specific details of models used, and other information necessary to estimate air quality impacts.

(b) For new or modified Standard ACDPs that are subject to Major NSR, , the application must include the following information as applicable:

(A) A detailed description of the air pollution control devices and emission reductions processes that are planned for the major source or major modification, and any other information necessary to determine that BACT or LAER technology, whichever is applicable, would be applied;

(B) An analysis of the air quality and, for federal major sources only, the visibility impacts of the major source or major modification, including meteorological and topographical data, specific details of models used, and other information necessary to estimate air quality impacts; and

(C) An analysis of the air quality and, for federal major sources only, the visibility impacts, and the nature and extent of all commercial, residential, industrial, and other source emission growth, which has occurred since the baseline concentration year in the area the major source or major modification would affect.

(2) Fees. Applicants for a Standard ACDP must pay the fees in OAR 340-216-8020.

(3) Permit content. Each Standard ACDP must include the following:

(a) All applicable requirements, including general ACDP conditions for incorporating generally applicable requirements, but excluding any federal requirements not adopted by the EQC;

(b) Source specific PSELs or Generic PSEL levels, whichever are applicable, under OAR 340 division 222;

(c) Testing, monitoring, recordkeeping, and reporting requirements sufficient to determine compliance with the PSEL and other emission limits and standards, as necessary; and

(d) A permit duration not to exceed 5 years.

(4) Permit issuance procedures.

(a) Issuance of a new or renewed Standard ACDP requires public notice under OAR 340 division 209 as follows:

(A) Public notice as a Category III permit action for permit actions that will increase allowed emissions but that are not Major NSR or Type A State NSR permit actions under OAR 340 division 224, or as a Category II permit action if the permit will not increase allowed emissions.

(B) Public notice as a Category IV permit action for permit actions that are Major NSR or Type A State NSR permit actions under OAR 340 division 224.

(b) Issuance of a modified Standard ACDP requires public notice under OAR 340 division 209 as follows:

(A) Public notice as a Category I permit action for non-technical modifications and basic and simple technical modifications according to OAR 340 division 209.

(B) Public notice as a Category II permit action for moderate and complex technical modifications if there will be no increase in allowed emissions, or as a Category III permit action if there will be an increase in emissions; or

(C) Public notice as a Category IV permit action for major modifications subject to NSR under OAR 340 division 224.

**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 468.020, 468.065, 468A.025, 468A.040, 468A.310 & 468A.315
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 4-2013, f. & cert. ef. 3-27-13; DEQ 9-2014, f. & cert. ef. 6-26-14; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-216-0068**

**Simple and Standard ACDP Attachments**

(1) Purpose. This rule allows DEQ to add new requirements to existing Simple or Standard ACDPs by assigning the source to an ACDP Attachment issued under section (2). An ACDP Attachment would apply to an affected source until the new requirements are incorporated into the source’s Simple or Standard ACDP at the next permit renewal or at the time of permit modification.

(2) ACDP Attachment issuance procedures:

(a) An ACDP Attachment requires public notice as a Category II permit action under OAR 340 division 209, except that ACDP Attachments to Simple or Standard ACDPs require notice as Category I permit actions.

(b) DEQ may issue an ACDP Attachment when there are multiple sources that are subject to the new requirements.

(c) Attachment content. Each ACDP Attachment must include the following:

(A) Testing, monitoring, recordkeeping, and reporting requirements necessary to ensure compliance with the applicable emissions limits and standards; and

(B) An attachment expiration date not to exceed 5 years from the date of issuance.

(3) Assignment to ACDP Attachment:

(a) A source is not a permittee under the ACDP Attachment until DEQ assigns the ACDP Attachment to the source.

(b) The ACDP Attachment is removed from the Simple or Standards ACDP when the requirements of the ACDP Attachment are incorporated into the source’s Simple or Standard ACDP at the time of renewal or of a modification.

(c) If an EPA or DEQ action causes a source to be subject to the requirements in an ACDP Attachment, assignment to the ACDP Attachment is a DEQ initiated modification to the Simple or Standard ACDP and the permittee is not required to submit an application or pay fees for the permit action. In such case, DEQ would notify the permittee of the proposed permitting action and the permittee may object to the permit action if the permittee demonstrates that the source is not subject to the requirements of the ACDP Attachment.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468A
Hist.: DEQ 4-2013, f. & cert. ef. 3-27-13; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-216-0070**

**Permitting Multiple Sources at a Single Adjacent or Contiguous Site**

A single or contiguous site containing activities or processes that are covered by more than one General ACDP, or a source that contains processes or activities listed in more than one part of OAR 340-216-8010 may obtain a Standard ACDP, even if not otherwise required to obtain a Standard ACDP under this division.

**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.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033, DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0160; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1730; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 9-2014, f. & cert. ef. 6-26-14; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-216-0082**

**Termination or Revocation of an ACDP**

(1) Expiration.

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

(A) A timely and complete application for renewal has been submitted; or

(B) Another type of permit, ACDP or Oregon Title V Operating Permit, has been issued authorizing operation of the source.

(b) If a timely and complete renewal application has been submitted, the existing permit will remain in effect until final action has been taken on the renewal application to issue or deny a permit.

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

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

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

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

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

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

(3) Reinstatement of Terminated Permit: A permit automatically terminated under any of subsections (2)(b) through (2)(d) may only be reinstated by the permittee by applying for a new permit. The permittee must also pay the applicable new source permit application fees in this division, unless the owner or operator submits the renewal application within three months of the permit expiration date.

(4) Revocation:

(a) If DEQ determines that a permittee is in noncompliance with the terms of the permit, submitted false information in the application or other required documentation, or is in violation of any applicable rule or statute, DEQ may revoke the permit. DEQ will provide notice of the intent to revoke the permit to the permittee under OAR 340-011-0525. The notice will include the reasons why the permit will be revoked, and include an opportunity for the permittee to request a contested case hearing prior to the revocation. A permittee’s written request for hearing must be received by DEQ within 60 days from service of the notice on the permittee, and must state the grounds of the request. The hearing will be conducted as a contested case hearing under ORS 183.413 through 183.470 and OAR 340 division 011. The permit will continue in effect until the 60th day after service of the notice on the permittee, if the permittee does not timely request a hearing, or until a final order is issued if the permittee timely requests a hearing.

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

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.310 & 468A.315
Stats. Implemented: ORS 183.468 & 468A
Hist.: DEQ 42, f. 4-5-72, ef. 4-15-72; DEQ 125, f. & ef. 12-16-76; DEQ 21-1990, f. & cert. ef. 7-6-90; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-014-0015 & 340-014-0045; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-216-0084**

**Department Initiated Modification**

If DEQ determines it is appropriate to modify an ACDP, other than a General ACDP, DEQ will notify the permittee by regular, registered or certified mail of the modification and will include the proposed modification and the reasons for the modification. The modification will become effective upon mailing unless the permittee requests a contested case hearing within 20 days. A request for hearing must be made in writing and must include the grounds for the request. The hearing will be conducted as a contested case hearing under ORS 183.413 through 183.470 and OAR 340 division 011. If a hearing is requested, the existing permit will remain in effect until after a final order is issued following the hearing.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: ORS 183 & 468A
Hist.: DEQ 42, f. 4-5-72, ef. 4-15-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-014-0040; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-216-0090**

**Sources Subject to ACDPs and Fees**

All air contaminant discharge sources listed in OAR 340-216-8010 must obtain a permit from DEQ and are subject to fees in OAR 340-216-8020.

**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 468.020, 468.065, 468A.040, 468A.310 & 468A.315
Stats. Implemented: ORS 468.065, 468A.040, 468A.310 & 468A.315
Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033.12; DEQ 125, f. & ef. 12-16-76; DEQ 20-1979, f. & ef. 6-29-79; DEQ 11-1983, f. & ef. 5-31-83; DEQ 6-1986, f. & ef. 3-26-86; DEQ 12-1987, f. & ef. 6-15-87; DEQ 17-1990, f. & cert. ef. 5-25-90; DEQ 27-1991, f. & cert. ef. 11-29-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0165; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 21-1994, f. & cert. ef. 10-14-94; DEQ 22-1994. f. & cert. ef. 10-14-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 18-1997, f. 8-27-97, cert. ef. 10-1-97; DEQ 7-1998, f. & cert. ef. 5-5-98; DEQ 12-1998, f. & cert. ef. 6-30-98; DEQ 14-1998, f. & cert. ef. 9-14-98; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1750; DEQ 8-2000, f. & cert. ef. 6-6-00; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 9-2014, f. & cert. ef. 6-26-14; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-216-0094**

**Temporary Closure**

(1) A permittees that temporarily suspends activities for which an ACDP is required may apply for a fee reduction due to temporary closure. However, the anticipated period of closure must exceed six months and must not be due to regular maintenance or seasonal limitations.

(2) DEQ will prorate annual fees for temporary closure based on the length of the closure in a calendar year, but will not be less than one half of the regular annual fee for the source.

(3) A source who has received Department approval for payment of the temporary closure fee must obtain authorization from DEQ prior to resuming permitted activities. An owner or operator of the source must submit written notification, together with the prorated annual fee for the remaining months of the year, to DEQ at least thirty (30) days before startup and specify in the notification the earliest anticipated startup date.

**NOTE**: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468.065, 468A.040, 468A.310 & 468A.315
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-216-8010**

**Table 1 — Activities and Sources**

**NOTE**: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

**NOTE**: See history of these tables under OAR 340-216-0020.

[ED. NOTE: Tables referenced are not included in rule text. [Click here for PDF copy of table(s)](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/_340_tables/340-216-8010_4-16-15.pdf).]

Stat. Auth.: ORS 468.020, 468A.025, 468A.040, 468A.310
Stats. Implemented: ORS 468A
Hist.: DEQ 9-2014, f. & cert. ef. 6-26-14; DEQ 12-2014(Temp), f. & cert. ef. 11-12-14 thru 5-10-15; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-216-8020**

**Table 2 — Air Contaminant Discharge Permits**

Sources referred to in Table 1 of OAR 340-216-8010 are subject to air contaminant discharge permit fees in Table 2.

**NOTE**: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

**NOTE**: See history of this table under OAR 340-216-0020.

[ED. NOTE: Tables referenced are not included in rule text. [Click here for PDF copy of table(s)](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/_340_tables/340-216-8020_4-16-15.pdf).]

Stat. Auth.: ORS 468.020, 468A.025, 468A.040, 468A.310
Stats. Implemented: ORS 468A
Hist.: DEQ 9-2014, f. & cert. ef. 6-26-14; DEQ 7-2015, f. & cert. ef. 4-16-15

**DIVISION 226**

**GENERAL EMISSION STANDARDS**

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

**340-226-0005**

**Applicability and Jurisdiction**

(1) This division applies in all areas of the state.

(2) 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.

**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468A
Stats. Implemented: ORS 468 & 468A
Hist.: DEQ 7-2015, f. & cert. ef. 4-16-15

**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 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 that EQC adopted under OAR 340-200-0040.

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

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 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; DEQ 7-2015, f. & cert. ef. 4-16-15

**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), 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 sources installed, constructed, or modified after June 1, 1970, 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) if the source is in compliance with all other applicable emission standards and requirements contained in OAR 340 divisions 200 through 268.

(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). Such rules may include, but are not limited to, requirements:

(a) Applicable to a source category, regulated 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 that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020 & 468A.025
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 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; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-226-0110**

**Pollution Prevention**

The owner or operator of a source is 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 that EQC adopted under OAR 340-200-0040.

Stat. Auth: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
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; DEQ 7-2015, f. & cert. ef. 4-16-15

**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 devices 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, pressure drop, ammonia slip, and other physical or chemical parameters related to the operation of air pollution control devices 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 devices 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) are insufficient to ensure that the owner or operator is operating and maintaining air pollution control devices 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 device 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 devices 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 devices and emission reduction processes. If the performance of air pollution control devices and emission reduction processes during startup or shutdown 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 that EQC adopted under OAR 340-200-0040

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.055
Stats. Implemented: ORS 468A.025, 468A.040 & 468A.055
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; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-226-0130**

**Typically Achievable Control Technology (TACT)**

For existing sources, the emission limit established will be typical of the emission level achieved by emissions units similar in type and size. For new and modified sources, the emission limit established will be typical of the emission level achieved by well controlled new or modified emissions units similar in type and size that were recently installed. TACT determinations will be based on information known to DEQ while considering pollution prevention, impacts on other environmental media, energy impacts, capital and operating costs, cost effectiveness, and the age and remaining economic life of existing emission control devices. DEQ may consider emission control technologies typically applied to other types of emissions units where such technologies could be readily applied to the emissions unit. If an emission limitation is not feasible, a design, equipment, work practice, operational standard, or combination thereof, may be required.

(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 for the regulated pollutant under OAR 340 divisions 224, 230, 340-232-0010 through 340-232-0240, OAR 340 divisions 234, 236, or 238, 340-240-0110 through 340-240-0180, 340-240-0310(1), 340-240-0320 through 340-240-0430;

(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 devices 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 Major NSR in OAR 340 division 224, a Type A State NSR action under OAR 340 division 224, an applicable Standard of Performance for New Stationary Sources in OAR 340 division 238, 340-240-0110 through 340-240-0180, 340-240-0310(1), 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 regulated 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 devices 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 that EQC adopted under OAR 340-200-0040

Stat. Auth.: ORS 468 & 468A
Stats. Implemented: ORS 468.020 & 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; DEQ 7-2015, f. & cert. ef. 4-16-15

**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):

(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 OAR 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 that EQC adopted under OAR 340-200-0040

Stat. Auth.: ORS 468.020, 468A.025 & 468A.040
Stats. Implemented: ORS 468A.025 & 468A.040
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; DEQ 7-2015, f. & cert. ef. 4-16-15

**Grain Loading Standards**

**340-226-0210**

**Particulate Emission Limitations for Sources Other Than Fuel Burning Equipment, Refuse Burning Equipment and Fugitive Emissions**

(1) This rule does not apply to fugitive emissions sources, fuel burning equipment, refuse burning equipment, or to solid fuel burning devices certified under OAR 340-262-0500.

(2) No person may cause, suffer, allow, or permit particulate matter emissions from any air contaminant source in excess of the following limits:

(a) For sources installed, constructed, or modified before June 1, 1970:

(A) 0.10 grains per dry standard cubic foot provided that all representative compliance source test results collected prior to April 16, 2015, demonstrate emissions no greater than 0.080 grains per dry standard cubic foot;

(B) If any representative compliance source test results collected prior to April 16, 2015 demonstrate emissions greater than 0.080 grains per dry standard cubic foot, or if there are no representative compliance source test results, then:

(i) 0.24 grains per dry standard cubic foot prior to Dec. 31, 2019; and

(ii) 0.15 grains per dry standard cubic foot on or after Jan. 1, 2020; and

(C) In addition to the limits in paragraphs (A) or (B), for equipment or a mode of operation that is used less than 876 hours per calendar year, 0.24 grains per dry standard cubic foot from April 16, 2015 through December 31, 2019, and 0.20 grains per dry standard cubic foot on or after Jan. 1, 2020.

(b) For sources installed, constructed, or modified on or after June 1, 1970 but prior to April 16, 2015:

(A) 0.10 grains per dry standard cubic foot provided that all representative compliance source test results prior to April 16, 2015 demonstrate emissions no greater than 0.080 grains per dry standard cubic foot; or;

(B) If any representative compliance source test results prior to April 16, 2015 are greater than 0.080 grains per dry standard cubic foot, or if there are no representative compliance source test results, then 0.14 grains per dry standard cubic foot.

(c) For sources installed, constructed or modified after April 16, 2015, 0.10 grains per dry standard cubic foot.

(d) The owner or operator of a source installed, constructed, or modified before June 1, 1970 who is unable to comply with the standard in subparagraph (a)(B)(ii) may request that DEQ grant an extension allowing the source up to one additional year to comply with the standard. The request for an extension must be submitted no later than Oct. 1, 2019.

(3) Compliance with the emissions standards in section (2) is determined using:

(a) Oregon Method 5;

(b) DEQ Method 8, as approved by DEQ for sources with exhaust gases at or near ambient conditions;

(c) DEQ Method 7 for direct heat transfer sources; or

(d) An alternative method approved by DEQ.

(e) For purposes of this rule, representative compliance source test results are data that was obtained:

(A) No more than ten years before April 16, 2015; and

(B) When a source is operating and maintaining air pollution control devices and emission reduction processes at the highest reasonable efficiency and effectiveness to minimize emissions based on the current configuration of the emissions unit and pollution control equipment.

**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040

Stat. Auth.: ORS 468.020, 468A.025 & 468A.070
Stats. Implemented: ORS 468A.025 & 468A.070
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; DEQ 7-2015, f. & cert. ef. 4-16-15

**Particulate Emissions from Process Equipment**

**340-226-0300**

**Applicability**

OAR 340-226-0300 through 340-226-0320 apply to all non-fugitive emissions from the following process equipment:

(1) Inertial separators without baghouses;

(2) Calciners;

(3) Material dryers;

(4) Material classifiers;

(5) Conveyors;

(6) Size reduction equipment;

(7) Material storage structures;

(8) Seed cleaning devices; and

(9) Equipment other than that for which specific emission standards have been adopted.

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

**Emission Standard**

No person may cause, suffer, allow, or permit the emissions of particulate matter in any one hour from any process in excess of the amount shown in OAR 340-226-8010, for the process weight rate allocated to such process.

**NOTE**: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025
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; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-226-0320**

**Determination of Process Weight**

(1) Process weight is the total weight of all materials introduced into a piece of process equipment. Solid fuels charged are considered part of the process weight, but liquid and gaseous fuels and combustion air are not.

(a) For a cyclical or batch operation, the process weight per hour is derived by dividing the total process weight by the number of hours in one complete operation, excluding any time during which the equipment is idle.

(b) For a continuous operation, the process weight per hour is derived by dividing the process weight by a typical period of time, as approved by DEQ.

(2) Where the nature of any process or operation or the design of any equipment permits more than one interpretation of this rule, the interpretation that results in the minimum value for allowable emission applies.

**NOTE**: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.070
Stats. Implemented: ORS 468A.025 & 468A.070
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; DEQ 7-2015, f. & cert. ef. 4-16-15

**Alternative Emission Controls**

**340-226-0400**

**Alternative Emission Controls (Bubble)**

(1) DEQ may approve alternative emission controls for VOC and NOx emissions 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 total emissions for each regulated pollutant from all emissions units involved (i.e., “under the bubble”) are not increased above the PSEL.

(c) The owner or operator of the source demonstrates the net air quality benefit under OAR 340-224-0520.

(d) No other air contaminants 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 (NSR), OAR 340 division 238 (NSPS), and OAR 340 division 244 (NESHAP), where required, are not relaxed;

(f) Specific emission limits are established for each emission unit involved (“under the bubble”) such that compliance with the PSEL can be readily determined;

(g) The owner or operator of the source applies for a permit or permit modification and such application is approved by DEQ.

(h) The emissions unit that reduces its emissions achieves the reductions by reducing its allowable emission rate, and not by reducing production, throughput, or hours of operation.

(2) The permit will include a net emissions limit on total emissions from all devices or emissions units involved (“under the bubble”).

(3) Alternative emission controls, in addition to those allowed in section (1), 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 that EQC adopted under OAR 340-200-0040.

Stat. Auth.: ORS 468.020, 468A.025, 468A.040 & 468A.310
Stats. Implemented: 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. 7-1-0 ; DEQ 7-2015, f. & cert. ef. 4-16-15

**340-226-8010**

**Table-Particulate Matter Emissions Standards for Process Equipment**

[Table not included. See ED. NOTE.]

**NOTE**: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

[ED. NOTE: Tables referenced are not included in rule text. [Click here for PDF copy of table(s)](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/_340_tables/340-236-8010_4-16-15.pdf).]

Stat. Auth.: ORS 468.020 & 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 7-2015, f. & cert. ef. 4-16-15

**DIVISION 246**

**OREGON STATE AIR TOXICS PROGRAM**

**340-246-0010**

**Policy and Purpose**

The purpose of Oregon's state air toxics program is to address threats to public health and the environment from toxic air pollutants that remain after implementing the state delegated technology-based strategies of the federal air toxics program. Oregon's program meets the goals of the federal Urban Air Toxics Strategy by using a community-based effort that focuses on geographic areas of concern. It also addresses cases of elevated health risks from unregulated air toxics emissions at stationary sources and source categories of air toxics emissions.

Stat. Auth.: ORS 468.035, 468A.010(1), 468A.015
Stats. Implemented:
Hist.: DEQ 15-2003, f. & cert. ef. 11-3-03

**340-246-0030**

**Definitions**

The definitions in OAR 340-200-0020, 340-218-0030, 340-244-0030 and this rule apply to this division. If the same term is defined in this division and elsewhere, the definition in this division applies.

(1) "Air toxics" means those pollutants known or suspected to cause cancer or other serious health effects, including but not limited to "hazardous air pollutants" or "HAPs" listed by the EPA pursuant to section 112(b) of the Federal Clean Air Act.

(2) "Ambient benchmark" means the concentration of an air toxic in outdoor air that would result in an excess lifetime cancer risk level of one in a million (1 x 10-6) or a non-cancer hazard quotient of one.

(3) "Bio-accumulation" means the net accumulation of a substance by an organism as a result of uptake from all routes of exposure (e.g., ingestion of food, intake of drinking water, direct contact, or inhalation).

(4) "Geographic area" means an area identified by the Department where air toxics concentrations are estimated or measured at levels that exceed ambient benchmark concentrations.

(5) "Hazard quotient" means the ratio of the potential exposure to a single air toxic to the reference concentration for that pollutant. If the hazard quotient is calculated to be less than or equal to 1, then no adverse health effects are expected as a result of exposure. If the hazard quotient is greater than 1, then adverse health effects are possible.

(6) "High priority geographic area" means an area identified by the Department where air toxics concentrations are estimated or measured at levels that exceed ambient benchmark concentrations and pose excess cancer risk above ten in a million, or non-cancer risk above a hazard quotient of one with the potential for serious adverse health effects.

(7) "Public receptor" means any outdoor area where members of the public have unrestricted access, including but not limited to residences, institutions (e.g. schools, hospitals), industrial, commercial, or office buildings, parks, recreational areas, public lands, streets or sidewalks.

(8) "Reference concentration" means an estimate of a continuous exposure or a daily exposure to the human population (including sensitive populations) that is likely to be without an appreciable risk of adverse non-cancer effects during a lifetime. The reference concentration can be derived from various types of human or animal data, with uncertainty factors generally applied to reflect limitations of the data used.

(9) "Sensitive human populations" means humans with increased susceptibility to the adverse effects of air toxics, including humans in prenatal or postnatal periods of development.

(10) "Source" means:

(a) An activity conducted by a person at a point, area, on-road mobile, or off-road mobile operation that emits air toxics; or

(b) Any building, structure, facility, installation or combination thereof that emits or is capable of emitting air contaminants to the atmosphere, is located on one or more contiguous or adjacent properties and is owned or operated by the same person or by persons under common control. The term includes all pollutant emitting activities that belong to a single major industrial group (i.e., that have the same two-digit code) as described in the **Standard Industrial Classification Manual**, (U.S. Office of Management and Budget, 1987) or that support the major industrial group.

(11) "Source Category" means:

(a) A source or group of sources that emit air toxics due to the use of the same or similar processes, including commercial, residential, public or private processes, which as a group can reduce air toxics emissions by employing similar control or prevention strategies or;

(b) All the pollutant emitting activities that belong to the same industrial grouping (i.e., that have the same two-digit code) as described in the **Standard Industrial Classification Manual**, (U.S. Office of Management and Budget, 1987).

(12) "Toxics Best Available Retrofit Technology", or "TBART" means an air toxics emissions limitation based on the maximum degree of reduction of air toxics, determined on a case-by-case basis, that is feasible taking into consideration:

(a) What has been achieved in practice for that source category, or for similar processes or emissions;

(b) Energy and non-air quality health or environmental impacts; and

(c) Economic impacts, including the costs of changing existing processes or equipment or adding equipment or controls to existing processes and equipment. Such limitation may be based on a design, equipment, work practice or other operational standard, or combination thereof.

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

Stat. Auth.: ORS 468.035, 468A.010(1), 468A.015
Stats. Implemented:
Hist.: DEQ 15-2003, f. & cert. ef. 11-3-03

**340-246-0050**

**Pollution Prevention**

The Environmental Quality Commission encourages the use of pollution prevention for all sources of air toxics statewide. The Commission encourages use of the following hierarchy to reduce air toxics:

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

(2) Capture and reuse air contaminants;

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

(4) Otherwise control air toxics emissions.

Stat. Auth.: ORS 468.035, 468A.010(1), 468A.015
Stats. Implemented:
Hist.: DEQ 15-2003, f. & cert. ef. 11-3-03

**340-246-0070**

**Air Toxics Science Advisory Committee**

(1) Purpose. The Commission recognizes the many scientific uncertainties associated with the effects of air toxics, and the continuing development of new information in this field. An Air Toxics Science Advisory Committee (ATSAC), will advise the Department, and in its jurisdiction, the Lane Regional Air Pollution Authority, on technical issues and evaluation of the state air toxics program. The ATSAC will provide advice on the technical aspects of risk assessment. It will not provide risk management or policy recommendations. The ATSAC will perform the following functions:

(a) Review ambient benchmarks for the state air toxics program;

(b) Advise the Department on developing a risk assessment methodology to be used in the Safety Net Program in OAR 340-246-0190 (5) and (6);

(c) Advise the Department on selecting sources for the Safety Net program. The ATSAC will evaluate potential Safety Net sources identified by the Department to determine whether they qualify for the Safety Net Program, as specified in OAR 340-246-0190 through 0230;

(d) Evaluate overall progress in reducing emissions of and exposure to air toxics by considering trends in emissions and ambient concentrations of air toxics. The ATSAC will periodically advise the Department on air toxics program effectiveness and make technical recommendations for program development concerning the possible adverse environmental effects of air toxics and risk from exposure to multiple air toxics; and

(e) Provide advisory opinions on questions requiring scientific expertise, as requested by the Department.

(2) Membership. The ATSAC will be composed of highly qualified members with experience relevant to air toxics. There will be at least five but no more than seven members. The following disciplines will be represented on the ATSAC:

(a) Toxicology;

(b) Environmental Science or Environmental Engineering;

(c) Risk Assessment;

(d) Epidemiology/Biostatistics;

(e) Medicine (Physician) with training or experience in Public Health; and

(f) Air Pollution Modeling, Monitoring, Meteorology or Engineering.

(3) Appointment. The Department's Air Quality Division Administrator will nominate potential members to the Director. Before making these nominations, the Administrator will develop a list of candidates by consulting with government, public, and private organizations involved in work relevant to air toxics. The Director will appoint ATSAC members with concurrence by the Commission.

(4) Term. Air Toxics Science Advisory Committee members will serve a three-year term. Initial terms will be staggered for continuity and transfer of work so that members of the first ATSAC may serve more or less than three years.

(5) Operation.

(a) No member may have an actual or potential conflict of interest, as those terms are defined by ORS 244.020.

(b) The ATSAC will meet as necessary.

(6) Procedures, Bylaws, and Decision-making Process. At a minimum, the ATSAC will observe the procedures specified below. The ATSAC will develop other necessary procedures and bylaws in consultation with the Department.

(a) Final decisions must be made by a quorum of members, based on consensus when possible. If consensus is not possible, decisions will be made by majority vote with a quorum present.

(b) If necessary, the Department may obtain a facilitator to assist the ATSAC.

(c) The bylaws will include provisions for removing a member for cause, with concurrence by the Commission.

Stat. Auth.: ORS 468.035, 468A.010(1), 468A.015
Stats. Implemented:
Hist.: DEQ 15-2003, f. & cert. ef. 11-3-03

**340-246-0090**

**Ambient Benchmarks for Air Toxics**

(1) Purpose. Ambient benchmarks are concentrations of air toxics that serve as goals in the Oregon Air Toxics Program. They are based on human health risk and hazard levels considering sensitive populations. Ambient benchmarks are not regulatory standards, but reference values by which air toxics problems can be identified, addressed and evaluated. The Department will use ambient benchmarks as indicated in these rules, to implement the Geographic, Source Category, and Safety Net Programs. Ambient benchmarks set by the procedures described in this rule apply throughout Oregon, including that area within the jurisdiction of the Lane Regional Air Protection Agency. Ambient benchmarks are subject to public notice and comment before adoption by the Commission as administrative rules.

(2) Establishing Ambient Benchmarks

(a) The Department will consult with the ATSAC to prioritize air toxics for ambient benchmark development. Highest priority air toxics are those that pose the greatest risk to public health.

(b) To prioritize air toxics, the Department will apply the criteria described in OAR 340-246-0090(2)(c) to modeling, monitoring, and emissions inventory data.

(c) Ambient benchmark prioritization criteria will include at least the following:

(A) Toxicity or potency of a pollutant;

(B) Exposure and number of people at risk;

(C) Impact on sensitive human populations;

(D) The number and degree of predicted ambient benchmark exceedances; and

(E) Potential to cause harm through persistence and bio-accumulation.

(d) The Department will develop ambient benchmarks for proposal to the ATSAC based upon a protocol that uses reasonable estimates of plausible upper-bound exposures that neither grossly underestimate nor grossly overestimate risks.

(e) Within three months of the first meeting of the ATSAC, the Department will propose ambient benchmark concentrations for the highest priority air toxics for review by the ATSAC. The Department will propose additional and revised air toxics ambient benchmarks for review by the ATSAC based on the prioritization criteria in OAR 340-246-0090(2)(c). Once the ATSAC has completed review of each set of proposed ambient benchmarks, the Department will, within 60 days, begin the process to propose ambient benchmarks as administrative rules for adoption by the Environmental Quality Commission.

(f) If the Department is unable to propose ambient benchmarks to the ATSAC by the deadlines specified in OAR 340-246-0090(2)(e), the ATSAC will review the most current EPA ambient benchmarks. If EPA ambient benchmarks are not available, the ATSAC will review the best available information from other states and local air authorities.

(g) The ATSAC will consider proposed ambient benchmarks and evaluate their adequacy for meeting risk and hazard levels, considering human health, including sensitive human populations, scientific uncertainties, persistence, bio-accumulation, and, to the extent possible, multiple exposure pathways. The ATSAC will conduct this review consistent with the criteria in OAR 340-246-0090(2)(c) and (d). The ATSAC will report these findings to the Department. If the ATSAC unanimously disagrees with the Department's recommendation, the Department will re-consider and re-submit its recommendation at a later date.

(h) The ATSAC will complete review of and report findings on each set of ambient benchmarks as expeditiously as possible, but no later than 12 months after the Department has proposed them. If the ATSAC is unable to complete review of ambient benchmarks within 12 months after the Department's proposal, the Department will initiate rulemaking to propose ambient benchmarks.

(i) The Department will review all ambient benchmarks at least every five years and, if necessary, propose revised or additional ambient benchmarks to the ATSAC. At its discretion, the Department may review and propose a benchmark for review by the ATSAC at any time when new information is available.

(3) Ambient Benchmarks. Benchmark concentrations are in units of micrograms of air toxic per cubic meter of ambient air, on an average annual basis. The Chemical Abstract Service Registry Number (CASRN) is shown in parentheses.

(a) The ambient benchmark for acetaldehyde (75-07-0) is 0.45 micrograms per cubic meter.

(b) The ambient benchmark for acrolein (107-02-8) is 0.02 micrograms per cubic meter.

(c) The ambient benchmark for acrylonitrile (107-13-1) is 0.01 micrograms per cubic meter.

(d) The ambient benchmark for ammonia (7664-41-7) is 200 micrograms per cubic meter.

(e) The ambient benchmark for arsenic (7440-38-2) is 0.0002 micrograms per cubic meter.

(f) The ambient benchmark for benzene (71-43-2) is 0.13 micrograms per cubic meter.

(g) The ambient benchmark for beryllium (7440-41-7) is 0.0004 micrograms per cubic meter.

(h) The ambient benchmark for 1,3-butadiene (106-99-0) is 0.03 micrograms per cubic meter.

(i) The ambient benchmark for cadmium and cadmium compounds (7440-43-9) is 0.0006 micrograms per cubic meter.

(j) The ambient benchmark for carbon disulfide (75-15-0) is 800 micrograms per cubic meter.

(k) The ambient benchmark for carbon tetrachloride (56-23-5) is 0.07 micrograms per cubic meter.

(l) The ambient benchmark for chlorine (7782-50-5) is 0.2 micrograms per cubic meter.

(m) The ambient benchmark for chloroform (67-66-3) is 98 micrograms per cubic meter.

(n) The ambient benchmark for chromium, hexavalent (18540-29-9) is 0.00008 micrograms per cubic meter.

(o) The ambient benchmark for cobalt and cobalt compounds (7440-48-4) is 0.1 micrograms per cubic meter.

(p) The ambient benchmark for 1,4-dichlorobenzene (106-46-7) is 0.09 micrograms per cubic meter.

(q) The ambient benchmark for 1,3-dichloropropene (542-75-6) is 0.25 micrograms per cubic meter.

(r) The ambient benchmark for diesel particulate matter (none) is 0.1 micrograms per cubic meter. The benchmark for diesel particulate matter applies only to such material from diesel-fueled internal combustion sources.

(s) The ambient benchmark for dioxins and furans (1746-01-6) is 0.00000003 micrograms per cubic meter. The benchmark for dioxin is for total chlorinated dioxins and furans expressed as 2,3,7,8-TCDD toxicity equivalents.

(t) The ambient benchmark for ethyl benzene (100-41-4) is 0.4 micrograms per cubic meter.

(u) The ambient benchmark for ethylene dibromide (106-93-4) is 0.002 micrograms per cubic meter.

(v) The ambient benchmark for ethylene dichloride (107-06-2) is 0.04 micrograms per cubic meter.

(w) The ambient benchmark for ethylene oxide (75-21-8) is 0.01 micrograms per cubic meter.

(x) The ambient benchmark for formaldehyde (50-00-0) is 3 micrograms per cubic meter.

(y) The ambient benchmark for n-hexane (110-54-3) is 7000 micrograms per cubic meter.

(z) The ambient benchmark for hydrogen chloride (7647-01-0) is 20 micrograms per cubic meter.

(aa) The ambient benchmark for hydrogen cyanide (74-90-8) is 9 micrograms per cubic meter.

(bb) The ambient benchmark for hydrogen fluoride (7664-39-3) is 14 micrograms per cubic meter.

(cc) The ambient benchmark for lead and lead compounds (7439-92-1) is 0.15 micrograms per cubic meter.

(dd) The ambient benchmark for manganese and manganese compounds (7439-96-5) is 0.09 micrograms per cubic meter.

(ee) The ambient benchmark for elemental mercury (7439-97-6) is 0.3 micrograms per cubic meter.

(ff) The ambient benchmark for methyl bromide (74-83-9) is 5 micrograms per cubic meter.

(gg) The ambient benchmark for methyl chloride (74-87-3) is 90 micrograms per cubic meter.

(hh) The ambient benchmark for methyl chloroform (71-55-6) is 1000 micrograms per cubic meter.

(ii) The ambient benchmark for methylene chloride (75-09-2) is 2.1 micrograms per cubic meter.

(jj) The ambient benchmark for naphthalene (91-20-3) is 0.03 micrograms per cubic meter.

(kk) The ambient benchmark for nickel refinery dust (7440-02-0) is 0.004 micrograms per cubic meter.

(ll) The ambient benchmark for nickel subsulfide (12035-72-2) is 0.002 micrograms per cubic meter.

(mm) The ambient benchmark for soluble nickel compounds (various) is 0.05 micrograms per cubic meter, where soluble nickel compounds may include any or all of the following: nickel acetate (373-02-4), nickel chloride (7718-54-9), nickel carbonate (3333-39-3), nickel carbonyl (13463-39-3), nickel hydroxide (12054-48-7), nickelocene (1271-28-9), and nickel sulfate (7786-81-4).

(nn) The ambient benchmark for phosphine (7803-51-2) is 0.3 micrograms per cubic meter.

(oo) The ambient benchmark for phosphoric acid (7664-38-2) is 10 micrograms per cubic meter.

(pp) The ambient benchmark for total (as the sum of congeners) polychlorinated biphenyls (1336-36-3) is 0.01 micrograms per cubic meter.

(qq) The ambient benchmark for total polycyclic aromatic hydrocarbons (none) is 0.0009 micrograms per cubic meter, where total polycyclic aromatic hydrocarbons are the sum of the toxicity equivalency factor (with respect to benzo(a)pyrene (50-32-8)) adjusted concentrations for all of the following individual polycyclic aromatic hydrocarbons: benzo(a)anthracene (56-55-3), benzo(a)pyrene (50-32-8), benzo(b)fluoranthene (205-99-2), benzo(k)fluoranthene (207-08-9), carbazole (86-74-8), chrysene (218-01-9), dibenz(a,h)acridine (226-36-8), dibenz(a,h)anthracene (226-36-8), dibenz(a,j)acridine (224-42-0), 7H-dibenzo(c,g)carbazole (194-59-2), dibenzo(a,e)pyrene (192-65-4), dibenzo(a,i)pyrene (189-55-9), dibenzo(a,l)pyrene (191-30-0), 7,12-dimethylbenz(a)anthracene (57-97-6), 1,6-dinitropyrene (42397-64-8), 1,8-dinitropyrene (42397-65-9), indeno(1,2,3-c,d)pyrene (193-39-5), 3-methylcholanthrene (56-49-5), 5-methylchrysene (3697-24-3), 1-nitropyrene (5522-43-0), 2-nitrofluorene (607-57-8), 4-nitropyrene (59865-13-3), 5-nitroacenaphthene (607-87-9) 6-nitrochrysene (7496-02-8), acenaphthene (83-32-9), acenaphthylene (208-96-8), anthracene (120-12-7), benzo(g,h,i)perylene (191-24-2), fluoranthene (206-44-0), fluorene (86-73-7), phenanthrene (85-01-8), and pyrene (129-00-0).

(rr) The ambient benchmark for tetrachloroethylene (127-18-4) is 35 micrograms per cubic meter.

(ss) The ambient benchmark for toluene (108-88-3) is 400 micrograms per cubic meter.

(tt) The ambient benchmark for 2,4- & 2,6 toluene diisocyanate, mixture (26471-62-5) is 0.07 micrograms per cubic meter.

(uu) The ambient benchmark for trichloroethylene (79-01-6) is 0.5 micrograms per cubic meter.

(vv) The ambient benchmark for vinyl chloride (75-01-4) is 0.1 micrograms per cubic meter.

(ww) The ambient benchmark for white phosphorus (7723-14-0) is 0.07 micrograms per cubic meter.

(xx) The ambient benchmark for xylenes (1330-20-7) is 700 micrograms per cubic meter.

(yy) The ambient benchmark for hydrogen sulfide (7783-06-4) is 2.0 micrograms per cubic meter.

(zz) The ambient benchmark for methanol (67-56-1) is 4000 micrograms per cubic meter.

Stat. Auth.: ORS 468.035, 468A.010(1) & 468A.015
Stats. Implemented:
Hist.: DEQ 15-2003, f. & cert. ef. 11-3-03; DEQ 12-2006, f. & cert. ef. 8-15-06; DEQ 9-2010, f. & cert. ef. 8-31-10; DEQ 11-2010, f. & dert. ef. 10-19-10

**340-246-0110**

**Source Category Rules and Strategies**

(1) The Department may identify the need for source category rules and strategies through the following methods:

(a) The emissions inventory, modeling or monitoring, shows air toxics emissions from point, area, or mobile sources associated with public health risk at public receptors;

(b) Development of a local air toxics reduction plan provides source category controls that could be effectively applied to sources existing in other parts of the state; or

(c) When implementing the Safety Net Program, the Department establishes air toxics emissions reductions for a source and determines that there are other similar sources in the state to which the reductions should apply.

(2) Subject to the requirements in this rule, the Lane Regional Air Pollution Authority is designated by the Commission as the agency responsible for implementing Source Category Rules and Strategies within its area of jurisdiction. The requirements and procedures contained in this rule must be used by the Regional Authority to implement Source Category Rules and Strategies unless the Regional Authority adopts superseding rules that are at least as restrictive as the rules adopted by the Commission.

(3) The Department will consider the following criteria in determining whether to propose source category strategies under this division:

(a) Whether air toxics emissions from the source category are not, or will not, be addressed by other regulations or strategies, including emissions reduction requirements under the Geographic Program (OAR 340-246-0130 through 340-246-0170), or the Safety Net Program (OAR 340-246-0190 through 340-246-0230);

(b) Whether air toxic emissions from the source category can be effectively reduced through regulations or voluntary strategies; and

(c) Whether the source category contributes to ambient benchmark exceedances at public receptors statewide, in multiple geographic areas, or in multiple counties

Stat. Auth.: ORS 468.035, 468A.010(1), 468A.015
Stats. Implemented:
Hist.: DEQ 15-2003, f. & cert. ef. 11-3-03

**340-246-0130**

**Geographic Program (0130 through 0170)**

(1) Purpose. The Geographic Program addresses emissions from multiple sources of air toxics. It requires prioritizing and selecting geographic areas of concern, forming a local advisory committee, developing a specific local plan to control air toxics, a public participation and comment process, EQC adoption or approval, implementing reduction strategies, and periodically evaluating the effectiveness by the Department.

(2) Subject to the requirements in OAR 340-246-0130 through 0170, the Lane Regional Air Pollution Authority is designated by the Commission as the agency to implement the Geographic Program within its area of jurisdiction. The requirements and procedures contained in this rule shall be used by the Regional Authority to implement the Geographic Program unless the Regional Authority adopts superseding rules which are at least as restrictive as state rules. The Regional Authority will address geographic areas as resources allow, considering the prioritization criteria in 340-246-0150.

Stat. Auth.: ORS 468.035, 468A.010(1), 468A.015
Stats. Implemented:
Hist.: DEQ 15-2003, f. & cert. ef. 11-3-03

**340-246-0150**

**Prioritizing and Selecting Geographic Areas**

(1) The Department will prioritize geographic areas by considering the total cancer and non-cancer risk from air toxics to the population in the area, as indicated by:

(a) The number and degree of ambient benchmark exceedances;

(b) The toxicity or potency of air toxics exceeding ambient benchmarks;

(c) The level of exposure and number of people at risk in areas of concern;

(d) The presence of sensitive populations;

(e) The effectiveness of local control strategies; and

(f) To the extent known, the risk posed by multiple pollutants and pollutant mixtures.

(2) Not later than 18 months after the first set of benchmarks is adopted, the Department will select the first geographic area for air toxics reduction planning. The Department will base selection on representative monitoring compared to the ambient benchmark concentrations at public receptors. To the extent possible, geographic areas will be identified using monitoring data generated following EPA monitoring guidelines. Subsequent geographic areas will be selected after completion of monitoring. A geographic area is formally selected upon publication of a notice in the Oregon Secretary of State's Bulletin. Once an area is selected for air toxics reduction planning, it will retain the status of a selected geographic area until the Department determines through an evaluation of data that a reduction plan is no longer necessary for the area to meet all air toxics ambient benchmarks.

(3) The Department will first select for emissions reduction planning the high priority geographic areas, where concentrations of air toxics are more than ten times above the ambient benchmarks or above a hazard quotient of one with the potential for serious adverse health effects. The Department will select all other geographic areas, where air toxics concentrations are above benchmarks, after air toxics emissions reduction plans have been approved for the high priority geographic areas.

(4) Geographic Area Boundaries. The Department will establish general geographic area boundaries on a neighborhood or urban area scale. The Department will consider feasibility of administration when setting the boundaries of a geographic area. In setting geographic area boundaries, the Department will consider criteria including but not limited to the following:

(a) Areas of impact (where people are exposed);

(b) Population density;

(c) Areas of influence (where sources are located);

(d) Meteorology;

(e) Geography and topography;

(f) Including all air toxics exceeding ambient benchmarks; and

(g) Coordination with criteria pollutant boundaries for attainment of the National Ambient Air Quality Standards (NAAQS).

Stat. Auth.: ORS 468.035, 468A.010(1), 468A.015
Stats. Implemented:
Hist.: DEQ 15-2003, f. & cert. ef. 11-3-03

**340-246-0170**

**Local Air Toxics Emissions Reduction Planning**

(1) The Department will develop air toxics reduction plans for selected geographic areas with the advice of local advisory committees. The main role of a local advisory committee is to consider air toxics reduction options and to recommend a specific air toxics reduction plan for their geographic area. The Director will appoint a local air toxics advisory committee.

(a) Local advisory committees will generally be composed of a balanced representation of members from affected local government, local health departments, the public, small businesses (50 or fewer employees), larger businesses (if present in the area), and interest groups represented in the area.

(2) Local Advisory Committee Tasks.

(a) Within 18 months of their first meeting, the committee will evaluate options for reducing emissions of air toxics that exceed ambient benchmarks, and recommend a local air toxics reduction plan to the Department.

(b) The Department may grant an extension of time to the local committee if requested by the committee, if the Department believes the extension is technically justified and the committee is making reasonable progress in developing a local air toxics reduction plan.

(c) If the committee is unable to recommend a local air toxics reduction plan to the Department within 18 months, or the date of an extension, the Department will formulate a plan for the area within six months.

(d) The Department and the local advisory committee will seek local government support for the proposed local air toxics emissions reduction plan.

(e) The local advisory committee will evaluate the plan's effectiveness as it is implemented and recommend changes to the Department.

(f) At the Department's request, the local advisory committee will reconvene to implement contingency planning and recommend contingency measures as specified by OAR 340-246-0170(4)(l).

(g) If the committee is unable to recommend contingency measures within 18 months, the Department will formulate contingency measures for the area within 6 months.

(3) Public Notice, Comment, Approval and Adoption by the Environmental Quality Commission. The Department will provide an opportunity for public notice and comment on proposed local emissions reduction plans. After the public notice and comment process is complete, the Department will present local air toxics reduction plans to the Commission for approval, including adoption of appropriate administrative rules. The Environmental Quality Commission may delegate the approval of plans that do not contain administrative rules to the Director of the Department.

(4) Elements of an Air Toxics Reduction Plan:

(a) Local air toxics reduction plans must focus on the air toxic or air toxics measured or modeled above the ambient benchmarks.

(b) Local air toxics reduction plans must be based on sound data analysis. This includes developing enhanced emissions inventory information for the local area using source-specific information to the extent possible. This may also include enhanced modeling and monitoring to better characterize ambient concentrations. Plans also must rely on sound analysis of the effectiveness and cost of air toxics emissions reduction options. Where needed to fill specific information gaps, the Department may require air toxics emissions reporting for specific sources or source categories within the geographic area on a case-by-case basis.

(c) The emissions reduction goals for individual air toxics are ambient benchmarks in local air toxics reduction plans.

(d) Local air toxics reduction plans must be designed to reduce air toxics emissions in a timely manner.

(A) When feasible, local air toxics reduction plans will be designed to reach levels that are equal to or below ambient benchmark concentrations. Plans will be designed to achieve emissions reductions within ten years, beginning at the date the Commission approves the plan. Local plans must provide for the timeliest reductions possible for each air toxic exceeding ambient benchmarks.

(B) Local air toxics reduction plans must include specific three-year milestones that the Department and the local advisory committee will evaluate every three years, in coordination with the Department's air toxics emissions inventory update.

(e) Every three years, the Department will assess the effectiveness of local plans and make recommendations for plan revision based on progress meeting milestones or new information. If the Department finds lack of progress at year three, it will work with the local advisory committee to provide corrective measures. If the Department finds lack of progress at year six and projects that ten-year goals in OAR 340-246-0170(4)(d)(A) will not be met, it will implement the contingency plan in 340-246-0170(4)(l). If at year nine the Department projects that ten year goals in 340-246-0170(4)(d)(A) will not be met, it will work with the local advisory committee to propose and seek adoption of measures necessary to reach these goals.

(f) Local air toxics reduction plans must evaluate air toxics emissions from all types of sources, including point, area, and mobile sources. Plans must require emissions reductions from the most significant sources of air toxics. Mandatory emissions reduction strategies will be commensurate with source contributions, considering relative emissions, toxicity, technical feasibility, cost-effectiveness and equity.

(g) Local air toxics reduction plans must include strategies to reduce high concentrations of air toxics that are limited to smaller portions of a geographic area as well as pollutants causing public health risk throughout the area.

(h) Local air toxics reduction plans may include a variety of mandatory and voluntary approaches to reducing emissions of air toxics. Depending on the type of source, local air toxics reduction plans may include public education, pollution prevention alternatives, economic incentives and disincentives, technical assistance and regulatory requirements.

(i) The Department will ensure the opportunity for public involvement during the plan development process. This includes involving those affected by the air toxics emissions and those affected by the proposals to reduce air toxics emissions. Proposed local air toxics reduction plans must be available for public hearing and comment.

(j) Local air toxics reduction plans must be coordinated with other local, state, and federal requirements to the extent possible. This includes considerations of any ozone or particulate control requirements for the area, any federal standard applicable to sources in the area, any strategies that are federally pre-empted, and any impacts on water or land, such as water pollution or hazardous waste.

(k) Local air toxics reduction plans will include specific recommendations for developing ongoing emissions inventory or ambient air monitoring to track local trends in air toxics.

(l) Local air toxics reduction plans must include a contingency plan that will be implemented if evaluation at year six shows that an area is not meeting milestones and will not achieve the ten year goals established under OAR 340-246-0170(4)(d)(A). The contingency plan, like the original plan, must require emissions reductions from the most significant sources of air toxics. Mandatory emissions reduction strategies will be commensurate with source contributions, considering relative emissions, toxicity, technical feasibility cost-effectiveness and equity. Contingency plans must include but are not limited to:

(i) Re-evaluation of planning assumptions, such as emissions factors, motor vehicle data and background pollutants;

(ii) Evaluation of existing conditions and effectiveness of emissions reduction strategies, including reasons for success or failure; and

(iii) New or progressively more mandatory strategies that will be considered.

Stat. Auth.: ORS 468.035, 468A.010(1), 468A.015
Stats. Implemented:
Hist.: DEQ 15-2003, f. & cert. ef. 11-3-03

**340-246-0190**

**Air Toxics Safety Net Program (0190 through 0230)**

(1) The purpose of the Air Toxics Safety Net Program is to address human exposures at public receptors to air toxics emissions from stationary sources that are not addressed by other regulatory programs or the Geographic Program. It is the Commission's expectation that the Safety Net Program in OAR 340-246-0190 through 340-246-0230 will apply only rarely.

(2) Subject to the requirements contained in OAR 340-246-0190 through 340-246-0230, the Lane Regional Air Pollution Authority is designated by the Commission as the agency responsible for implementing the Air Toxics Safety Net Program within its area of jurisdiction. The requirements and procedures contained in this rule must be used by the Regional Authority to implement the Air Toxics Safety Net Program unless the Regional Authority adopts superseding rules, which are at least as restrictive as the rules adopted by the Commission.

(3) Selection of Sources. The Department will select a source for the Air Toxics Safety Net Program if all of the following criteria are met:

(a) The Department has ambient monitoring information, gathered using appropriate EPA or other published international, national, or state standard methods that concentrations of air toxics have caused an exceedance of at least one ambient benchmark at a site representing expected human exposure to air toxics from the source at a public receptor in a location outside of the source's ownership or control.

(b) The Department has information that the source's air toxics emissions alone have caused an exceedance of at least one ambient benchmark at a site representing expected human exposure to air toxics from the source at a public receptor, in a location outside of the source's ownership or control. This could be based on emissions inventory, modeling or other information.

(c) The source is not subject to or scheduled for a federal residual risk assessment under the federal Clean Air Act section 112(f)(2) through (6).

(d) The source is not subject to an emissions limit or control requirement imposed as the result of modeling or a risk assessment performed or required by the Department prior to November 1, 2003 for the air toxics that exceed the ambient benchmarks.

(e) The source is located outside of a selected geographic area, as designated in OAR 340-246-0130 through 0170.

(4) Air Toxics Science Advisory Committee Review. Before requiring a source to conduct a source-specific risk assessment, the Department will present its analysis to the ATSAC. Within 120 days, the ATSAC will review the analysis and make a finding. If the ATSAC concurs with the Department or takes no action, the Department may proceed pursuant to this rule. If the ATSAC objects, the Department will not proceed until it receives concurrence from the Commission.

(5) Source-Specific Exposure Modeling and Risk Assessment. Upon written notification by the Department, a source must conduct a risk assessment including exposure modeling for the air toxics measured at levels above ambient benchmarks. The source must use a risk assessment methodology provided by the Department. This risk assessment will provide the basis for establishing air toxics emissions reductions or demonstrating that at public receptors in areas outside of a source's ownership or control, people are not being exposed to air toxics at levels that exceed the ambient benchmarks.

(6) Risk Assessment Methodology The Department will provide guidance on the methods to be used. The risk assessment methodology will be developed in consultation with the ATSAC and will result in a protocol that:

(a) Uses reasonable estimates of plausible upper-bound exposures that neither grossly underestimate nor grossly overestimate risks;

(b) Considers the range of probabilities of risks actually occurring, the range of size of the populations likely to be exposed to the risk, and current and reasonably likely future land uses;

(c) Defines the use of high-end and central-tendency exposure cases and assumptions;

(d) Develops values associated with chronic exposure for carcinogens; and

(e) Addresses both carcinogenic and non-carcinogenic air toxics and allows for detailed exposure assessments to the extent possible.

(7) Review and Acceptance by the Department The Department will evaluate the risk assessment for adequacy and completeness before accepting the results. If the results demonstrate that the source is not causing human exposures to air toxics at levels that exceed the ambient benchmarks at public receptors, in areas outside the source's ownership or control, and the Department has received concurrence from the ATSAC, the Department will notify the source that air toxics emissions reductions will not be required pursuant to this rule.

Stat. Auth.: ORS 468.035, 468A.010(1), 468A.015
Stats. Implemented:
Hist.: DEQ 15-2003, f. & cert. ef. 11-3-03

**340-246-0210**

**Safety Net Source Air Toxics Emissions Reductions**

(1) Air Toxics Emissions Reduction Analysis:

(a) If source-specific exposure modeling and risk assessment show that the source is causing exceedances of ambient benchmarks at public receptors in areas outside the source's ownership or control, the source must perform an analysis showing how air toxics could be reduced to meet ambient benchmarks. The Department and the safety net source will develop proposed air toxics emissions reduction measures based on modeling and, when available, monitoring information.

(b) As part of the air toxics emissions reduction analysis, the source will analyze pollution prevention options, and is encouraged to use the hierarchy stated in OAR 340-246-0050.

(2) Air Toxics Emissions Reduction Requirements:

(a) A safety net source emitting air toxics causing exposure resulting in excess lifetime cancer risk greater than one in a million (1x10-6) or a hazard quotient of one for non-carcinogens must, as soon as practicable but no later than three years after the effective date of the permit imposing such conditions, meet toxics best available retrofit technology (TBART) for each air toxic that exceeds an ambient benchmark.

(b) A safety net source may use a means of air toxics reduction, other than TBART, if it can demonstrate to the Department that it will achieve a risk level at or below one in a million, or a hazard quotient at or below one, within three years of using the other means of air toxics emissions reductions.

(c) A safety net source emitting a carcinogenic air toxic causing excess lifetime cancer risk at or above one hundred in a million (1x10-4) must reduce its air toxic emissions to achieve a risk level below one hundred in a million as soon practicable but no later than one year after the effective date of the permit imposing such conditions.

(d) A safety net source emitting a non-carcinogenic air toxic at a level above a hazard quotient of one that the Department finds to have a potential for causing very serious or irreversible adverse health effects must reduce its air toxic emissions below this level as soon practicable, but no later than one year after the effective date of the permit imposing such conditions.

(3) If a safety net source cannot reach a risk level at or below excess lifetime cancer risk of one in a million, or a hazard quotient at or below one in three years, even though it meets TBART, the TBART determination for the source will be subject to periodic review under this section until the source achieves a risk level at or below one in a million or a hazard quotient at or below one. Upon each renewal of the source's permit, TBART for the source must be reviewed, taking into consideration retrofit costs and the remaining useful life of controls installed or other measures taken to meet a prior TBART determination. Upon renewal of the source's permit, the Department must include conditions requiring the source to meet TBART as determined for that permit renewal.

Stat. Auth.: ORS 468.035, 468A.010(1), 468A.015
Stats. Implemented:
Hist.: DEQ 15-2003, f. & cert. ef. 11-3-03

**340-246-0230**

**Safety Net Source Air Toxics Emissions Reduction Measures in Permit**

(1) Public Participation. DEQ will hold public informational meetings to discuss proposed air toxics emissions reduction measures. After the informational meetings, DEQ will provide at least 40-days notice before holding a public hearing to collect official comments on the proposed air toxics emissions reduction measures.

(2) Permit or Permit Modification. After considering public comments, DEQ will propose air toxics emissions reduction measures to be placed in the source's permit, according to the reopening process for Oregon Title V permits in OAR 340-218-0200 or Oregon Title V Permit issuance in 340-218-0120 or Department Initiated Permit Modifications in 340-216-0084 or Air Contaminant Discharge Permit issuance in 340-216-0066.

Stat. Auth.: ORS 468.020, 468A. 025, 468A.040& 468A.310
Stats. Implemented: ORS 468A.025, 468A.040 & 468A.310
Hist.: DEQ 15-2003, f. & cert. ef. 11-3-03; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 7-2015, f. & cert. ef. 4-16-15