



# Archive: Tips of the Week for Permit Writers

## Disclaimer

DEQ created a series of permitting tips for internal use for DEQ staff. While the tips were not designed for facilities and public use, DEQ posted the tips on this website based on public request. DEQ is in the process of updating the tips for public use.

Please note the following documents were developed for internal DEQ staff for general application of Oregon Administrative Rules and Federal Regulations. The information contained may be outdated, duplicative, or contrary to current rules and regulations. For current requirements please consult the Oregon Administrative Rules.

The following document does not meet current DEQ standards for external communications.

Contact [Hillarie Sales](#) with questions about this document.

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# 1 – AQ Permits Online

## Search tips for AQ Permits Online

Did you know that you can find these documents on AQ Permits Online?

- Permits (including TV, ST, SI, BS, construction permits, general permits, and Area Source Registrations)
- Review Reports
- Emissions Detail Sheets
- Permit Mods and Administrative Amendments
- Annual reports
- Semiannual reports *\*\*coming soon\*\**
- Air Toxics Emission Inventories
- General Permit Assignment Sheets

**The basics:** Behind the scenes, permit coordinators are scanning and uploading permits and other files as they're issued. (Thank you Edie, Nancy and Suzy!) End result: you can view PDFs of all those files using the AQ Permits Online search page: <https://www.deq.state.or.us/aq/aqpermitsonline/SearchFilter.asp>.

This is accessible to anyone at DEQ and also to members of the public.

Permit Data Search

Please choose one or more search criteria.

Source Number  Source Name

Street  City  Zip  County  DEQ

Address  Region

Permit number  Permit Type

Document Type  Year Issued   include current documents only

[Explanation of Document Types and Permit Types](#)

**Control-F to search inside a PDF:** All of the PDFs on AQ Permits Online are scanned with Optical Character Recognition, so they are searchable. If you open up an AQ Permits Online PDF in your browser, press Control-F to search for a keyword within that PDF.

An example of searching for “visible emissions” in a PDF:

5. **Monitoring Requirement:** At least once each month for a minimum period of 30 minutes, the permittee must visually survey the plant for any sources of excess fugitive emissions. For the purpose of this survey, excess fugitive emissions are considered to be any **visible emissions** that leave the plant site boundaries for more than 18 seconds in a six-minute period. The person conducting the observation must follow the procedures of EPA Method 22. If sources of visible emissions are identified, the permittee must:

If you find a PDF in AQ Permits Online that's not searchable, we may have forgotten to run OCR on that file. Let me know and I'll fix it.

**Send a link to AQPO search results:** You can send a link (to a colleague, a facility representative, or a member of the public) to a page of results on AQ Permits Online.

On the search results page, copy the text from your browser address bar:



Now, you can paste the link into an email or MS Teams chat:

<https://www.deq.state.or.us/aq/aqpermitsonline/SearchResult.asp?sourcenum=&sourcename=Boeing&streetaddress=&city=&zip=&county=&deqregion=&permitnumber=&permitttype=&documenttype=1&yearissued=&currentdocumentsonly=1>

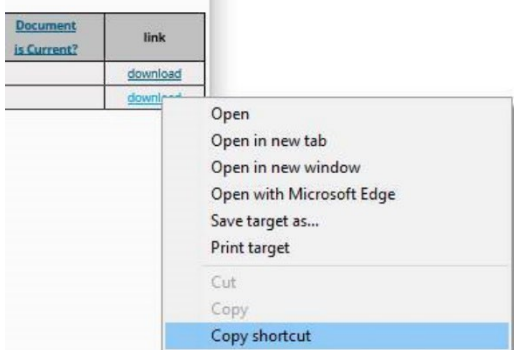
Someone who opens the link will see the AQPO search results just the same way you saw them.

**Sending a link to a specific PDF on AQPO:** You can also send someone a link to a specific document on AQ Permits Online. Instead of clicking "download" to view a PDF, right-click on "download". Depending on your browser, you can then choose "Copy link address" or "Copy shortcut".

Google Chrome:




Internet Explorer:



## 2 – Historic Rules

Did you know that you can find our historic rules on the Permit Writers Resource Center? The dates are when EQC adopted the rules.

## Historic Rules (Searchable PDFs):

- 
- 5/14/20
  - 8/5/19
  - 1/1/2019 - SOS Compilation of Rules - All DEQ Divisions
  - 12/20/18
  - 9/25/18
  - 4/20/17
  - 02/09/15
  - 2/14/14 - Pre-Kitchen Sink
    - Tables
  - 2014 - Pre-Kitchen Sink Rules with Tables
  - 11/15/11
  - FedRegs.2011 - Feb. 2011 - Rules only
  - 7/8/04, DIV 200-248
  - 6/5/97
  - 1993-1994
  - Sept.1982, 340-20-001 through 320
  - Nov.1981, 340-20-220 through 320

## Other Historic Documents

- 340-216-8010 Table 1 - 2017
- 340-216-8020 Table 2 - 2017
- Air Quality Fee Tables Rule History 1972-1999 (Large File)
- Title V and VII Compliance Monitoring Proposed Guidance 3/25/94
- Oregon Federal Operating Permit Program Rule Discussion Document 10/1/93
- Enforcement Guidance 4/15/93
- Summary of 1990 CAA Amendments 11/21/90

These are compilations of all AQ rules so the files are easy to search. They are also helpful if you want to know what was applicable to a source at a certain point in time.

You can also access previous versions of Table 1 in division 216 on the same webpage:

Notice that there is a gap between 1999 and 2017. Emil is working on that for us. (and many thanks to Emil for putting all these files together!!)

Historic versions of Table 1 can be helpful if you find an unpermitted source. You can look back at the version of Table 1 that was applicable when that unpermitted source was built to see if they should have had a permit and proceed with potential enforcement action.

## 3 – Electronic Code of Federal Regulations

### How to best use the Electronic Code of Federal Regulations (E-CFR)

#### Overview:

- The [CFR](#), or Code of Federal Regulations, is where EPA publishes their final rules. For most AQ permitting purposes, this refers to NSPS and NESHAP standards.
- The e-CFR is an electronic version of the Code of Federal Regulations. This is updated almost daily.
- The Environmental Quality Commission (EQC) typically adopts updated federal standards every two years.
  - This means that some of the information on the e-CFR will be different (newer) than what is effective as Oregon rule in our OARs.
- Some rule divisions define what 'C.F.R.' means. See Divisions [200](#), [230](#), [238](#), and [244](#), for example. [340-244-0030(4) "C.F.R." means the July 1, 2020 edition Code of Federal Regulations unless otherwise identified.]

- If you're reviewing the default e-CFR page on February 2<sup>nd</sup>, 2021, you may be viewing regulations or information that is newer and not yet in Oregon rule.

**Which date to use:**

- As described above, some rule divisions define 'C.F.R.'. In addition, some specific federal standards in Division 238 (NSPS) or 244 (NESHAP) may further identify what has been adopted by the EQC (See NESHAP OOO, DDDD, or UUUUU).
- If the NSPS or NESHAP you're working with doesn't have additional specific details, you should defer to the defined 'C.F.R.' date. As of 2/2/2021, it is July 1, 2020.
  - For TV permit writers, it may be appropriate to view the defined CFR date as well as the most up to date e-CFR version to determine applicable requirements. See 'applicable requirements' document on the permit writer's resource center for more information.

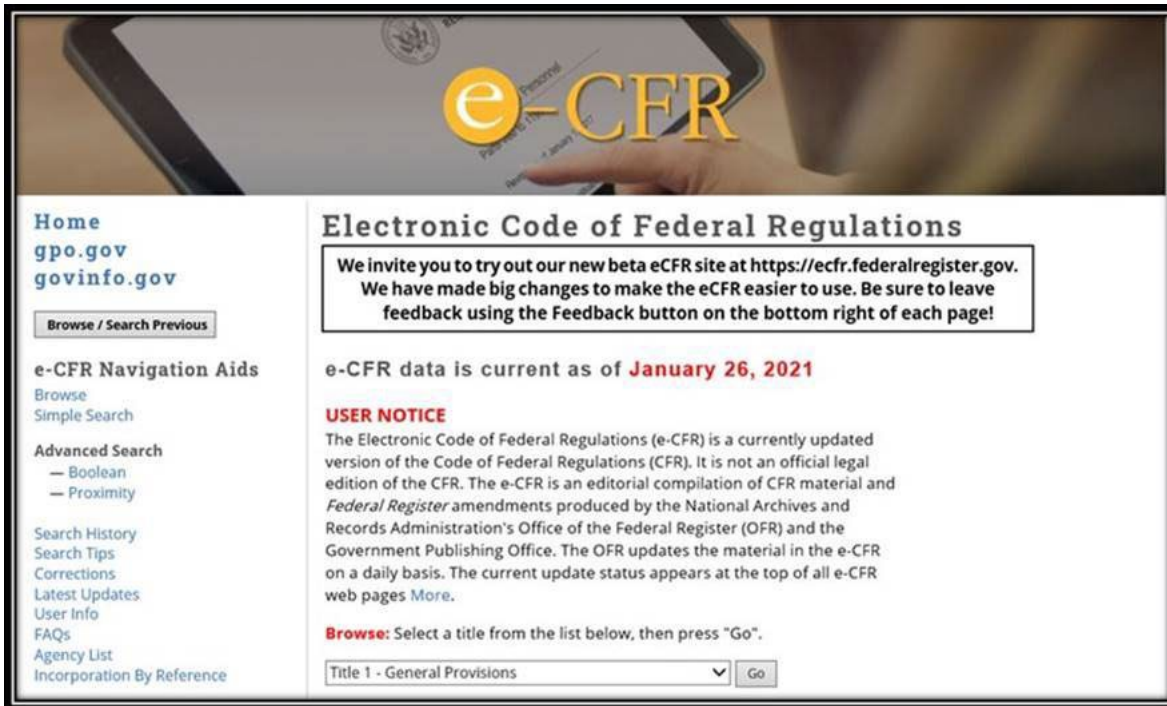
Example: In writing a Standard ACDP with NESHAP BBBBBB for a gasoline terminal, division 244 defines CFR as meaning the 7/1/2020 edition. 340-244-0220(5)(ddddd) doesn't provide any clarification or specific detail, so the definition of CFR applies. So when using the e-CFR, the permit writer would use the 7/1/2020 edition to ensure the federal requirements that the EQC adopted (and nothing more) is what is being pulled up.

**General e-CFR**

The e-cfr is a very useful resource to review federal regulations online. You may be used to the homepage of EPA's e-cfr website, shown below.

This page lets you select the Title of the federal regulations then allows you to select which NSPS, NESHAP, or other regulation you'd like to view.

EPA's regulations are found in **Title 40** of the Code of Federal Regulations.



**Why use e-CFR?**

When you compare the e-cfr (on the left below) to the PDF from the federal register (on the right below) that is split into two or three columns, the e-cfr is MUCH easier to read, assess, and use.

The e-CFR is easier to copy and paste from as well as navigate.

<p>Title 40 → Chapter I → Subchapter C → Part 60 → Subpart Dc</p> <p>Browse Previous   Browse Next</p> <p>Title 40: Protection of Environment PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES</p> <p><b>Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units</b></p> <p><b>Contents</b></p> <p>§60.40c Applicability and delegation of authority. §60.41c Definitions. §60.42c Standard for sulfur dioxide (SO<sub>2</sub>). §60.43c Standard for particulate matter (PM). §60.44c Compliance and performance test methods and procedures for sulfur dioxide. §60.45c Compliance and performance test methods and procedures for particulate matter. §60.46c Emission monitoring for sulfur dioxide. §60.47c Emission monitoring for particulate matter. §60.48c Reporting and recordkeeping requirements.</p> <p>SOURCE: 72 FR 32759, June 13, 2007, unless otherwise noted.</p> <p><a href="#">↑ Back to Top</a></p> <p><b>§60.40c Applicability and delegation of authority.</b></p> <p>(a) Except as provided in paragraphs (d), (e), (f), and (g) of this section, the affected facility to which this subpart applies is each steam generating unit for which construction, modification, or reconstruction is</p>	<p>Environmental Protection Agency § 60.40c</p> <p>(3) Reporting and recordkeeping requirements. (1) The owner or operator of the No. 2 Power Boiler shall submit a report on any excursions from the limits required by paragraph (x)(2) of this section to the Administrator with the quarterly report required by § 60.49b(1).</p> <p>(1) The owner or operator of the No. 2 Power Boiler shall keep records of the monitoring required by paragraph (x)(3) of this section for a period of 2 years following the date of such record.</p> <p>(11) The owner or operator of the No. 2 Power Boiler shall perform all the applicable reporting and recordkeeping requirements of § 60.49b.</p> <p>(y) Facility-specific NO<sub>x</sub> standard for INEOS USA's AOGI located in Lima, Ohio:</p> <p>(1) Standard for NO<sub>x</sub>. (i) When fossil fuel alone is combusted, the NO<sub>x</sub> emission limit for fossil fuel in § 60.44b(a) applies.</p> <p>(ii) When fossil fuel and chemical by-product/waste are simultaneously combusted, the NO<sub>x</sub> emission limit is 645 mg/J (1.5 lb/MMBtu).</p> <p>(2) Emission monitoring for NO<sub>x</sub>. (1) The NO<sub>x</sub> emissions shall be determined by the compliance and performance test methods and procedures for NO<sub>x</sub> in § 60.46b.</p> <p>(1) The monitoring of the NO<sub>x</sub> emissions shall be performed in accordance with § 60.48b.</p> <p>(3) Reporting and recordkeeping requirements. (1) The owner or operator of the AOGI shall submit a report on any excursions from the limits required by paragraph (x)(2) of this section to the</p> <p><b>Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units</b></p> <p>SOURCE: 72 FR 32759, June 13, 2007, unless otherwise noted.</p> <p><b>§ 60.40c Applicability and delegation of authority.</b></p> <p>(a) Except as provided in paragraphs (d), (e), (f), and (g) of this section, the affected facility to which this subpart applies is each steam generating unit for which construction, modification, or reconstruction is commenced after June 9, 1989 and that has a maximum design heat input capacity of 29 megawatts (MW) (100 million British thermal units per hour (MMBtu/h)) or less, but greater than or equal to 2.9 MW (10 MMBtu/h).</p> <p>(b) In delegating implementation and enforcement authority to a State under section 111(c) of the Clean Air Act, § 60.48c(x)(4) shall be retained by the Administrator and not transferred to a State.</p> <p>(c) Steam generating units that meet the applicability requirements in paragraph (a) of this section are not subject to the sulfur dioxide (SO<sub>2</sub>) or particulate matter (PM) emission limits, performance testing requirements, or monitoring requirements under this subpart (§§ 60.42c, 60.43c, 60.44c, 60.45c, 60.46c, or 60.47c) during periods of combustion research, as defined in § 60.41c.</p> <p>(d) Any temporary change to an existing steam generating unit for the</p>
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## Past Versus Current Version

As noted earlier, it is important to note that the e-cfr links you can find (and might have saved) from Google will typically provide you with the *most recent* version of the e-cfr. When you view a specific regulation, you'll notice a date at the top of the page (below).

This means the regulation you're viewing includes all the changes made by EPA through (as in the example below) 1/29/2021. If the EQC has adopted this regulation as was in effect 7/1/2020, there may be changes that EPA has made to this rule between then and now. If you're working on a TV permit, this may be appropriate. For most ACDPs, you'll want to ensure you're viewing the correct past version of the e-CFR.

**Electronic Code of Federal Regulations**

We invite you to try out our new beta eCFR site at <https://ecfr.federalregister.gov>. We have made big changes to make the eCFR easier to use. Be sure to leave feedback using the Feedback button on the bottom right of each page!

**e-CFR data is current as of January 29, 2021**

Title 40 → Chapter I → Subchapter C → Part 60 → Subpart CCCC

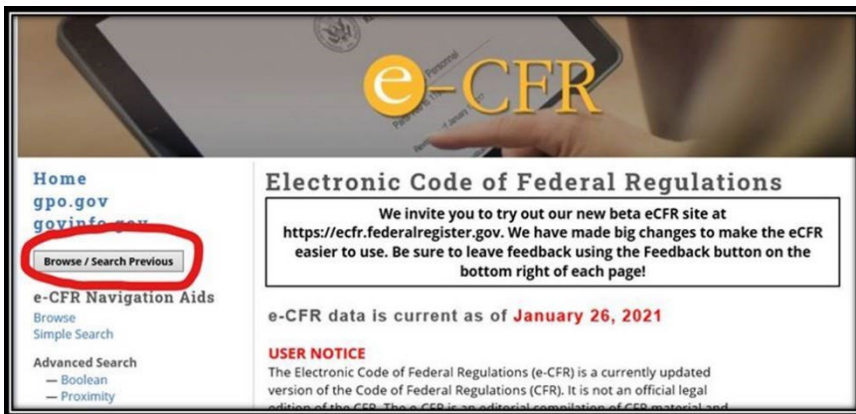
## Accessing Previous Version of the e-CFR

Since EPA updates the electronic version almost daily, they provide a quick-access button to find older versions of the e-CFR.

You may only search back to 1/1/2015, so for anything older than that you will have to use other resources.

Below you'll see where the button can be found from the e-CFR home page.

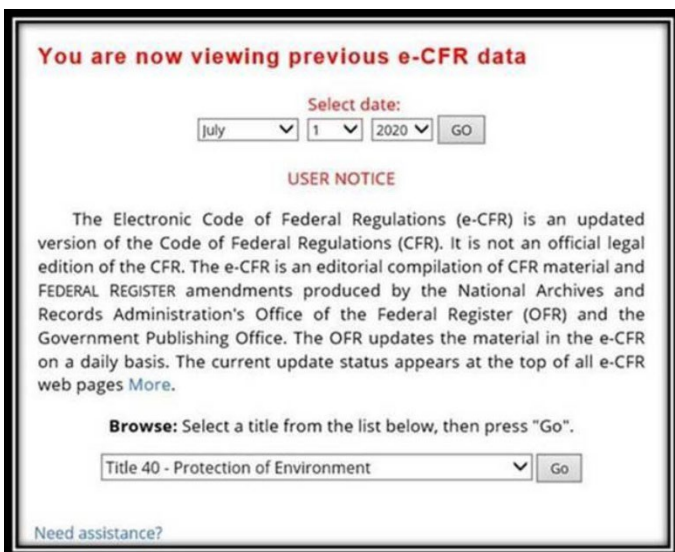




Using this button 'browse/search previous' will allow you to select Title 40 (EPA regulations) and also a specific date in time that you are trying to view (see below). As mentioned, the term 'C.F.R.' is defined in our rules in several places. Division [200](#), [230](#), [238](#), and [244](#) to name a few. The definition is typically updated with our NSPS/NESHAP rulemaking efforts every two years. Because of workload, we are not able to conduct a rulemaking to adopt the latest version of the NSPS/NESHAP every year so be sure you are looking at the latest version that the EQC has adopted (as defined in the divisions referenced earlier) as applicable to your situation.

**\*Important caveat: TV sources are subject to all of the federal rules that EPA has finalized up to the permit issuance date. TV permit writers should use the most recent C.F.R. as well as the most recent version EQC has adopted to determine which requirements are state-only enforceable. See PWRC guidance document on 'applicable requirements' for more detail on this topic.**

This is the next step after you select 'browse/search previous', which shows that I'm looking for the version of federal regulations that were in effect on 7/1/2020, which aligns with our definition of C.F.R. in division 200, 238, and 244 at this time. Again, Title 40 is what you use to find EPA's regulations. Additionally, NSPS regulations are Part 60. NESHAP MACT regulations are Part 61, and NESHAP regulations are Part 63.



## Wrap-Up

There are nuances with this resource, as always. Division 238 and 244 may provide more detailed information about a specific standard, so be sure to check what applies (or doesn't) to any given source. For example, NESHAP UUUUU is listed as adopted by reference in Division 244 but clarifies that the definition of C.F.R. is different for this specific regulation. The EQC's recent updated adoption of NESHAP OOO also included a slight

change from the original C.F.R. language that is described in Division 244. And NESHAP DDDD redefines 'CFR' as 8/13/2020 for this regulation.

The Permit Writer Resource Center (PWRC) also has more detailed information; under the sub-page 'Rules, Regulations, Statutes', the right hand column provides useful links to federal regulation-related resources. Down on the right further are specific resources related to our delegation requests (where we request that EPA approve Oregon DEQ becoming the 'administrator' of specific regulations) for NSPS and NESHAP standards.

Did you know that you can find our historic rules on the Permit Writers Resource Center? The dates are when

## 4 – Searching the Text of Permits and RR

### How to do a keyword search on AQ permits and review reports

When writing a permit, have you ever felt like you were reinventing the wheel? That there must be another permit out there that dealt with a similar situation? We have a new tool that might help.

Permit Text Search is a TRAACS report that lets you do keyword searches on the text of AQ permits and review reports.

For example if you wanted to know what permits include conditions related to thermal oxidizers, you could search for "oxidizer":

The screenshot shows the Permit Text Search interface. At the top, there are search filters: Search Term (oxidizer), Case Sensitive (No), Highlight Search Term in Results (Yes), Document Type, Year Issued, Permit Writer, Air Program, and Source Category. Below the filters is a navigation bar with a search icon and a 'Find | Next' button. The main content area is titled 'Permit Text Search' and contains a search bar and a list of results. The results table has columns for Permit Number, Source Name, Document Type, Year Issued, Document Text, and File Name. Two results are shown: one for HP Computing and Printing, Inc. (2015) and one for PCC Structurals, Inc. (2007).

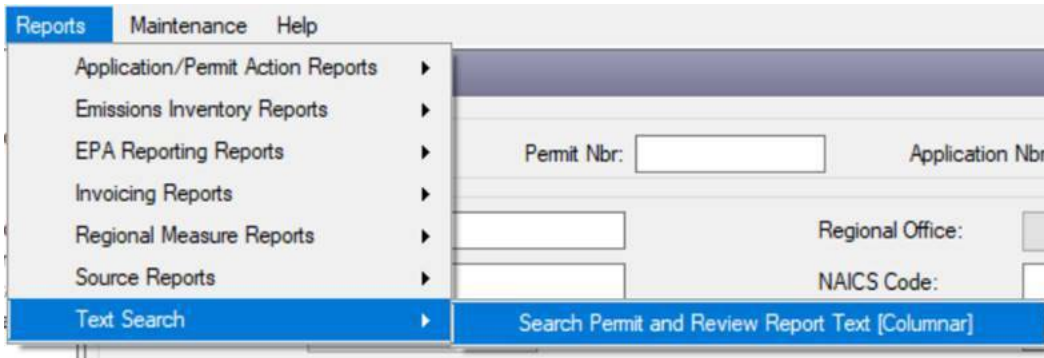
527 records were returned.

Permit Number	Source Name	Document Type	Year Issued	Document Text	File Name
02-0005-ST-01	HP Computing and Printing, Inc.	RR	2015	11. The packed tower acid fume scrubbers, point-of-use abatement tools, point-of-use recuperative catalytic oxidizer, and six point-of-use ammonia packed wet scrubbers must be operated and maintained according to manufacturer specifications. The continuous spray pressure and pH monitors and recorders for the packed tower acid fume scrubbers must be installed, calibrated, maintained and operated in accordance with manufacturer specifications. Permit No.: 02-0005-ST-O 1 Application No.: 27744 Page 7 of 10 Scrubber solution pH and water spray water pressures must be maintained within the values specified in the permit for each scrubber. The pH and flow rate must be maintained within the values specified in the permit for each point-of-use ammonia packed wet scrubbers.	<a href="#">02-0005-ST-01_RR_2015.pdf</a>
03-2674-ST-01	PCC Structurals, Inc.	RR	2007	COMPLIANCE 6. Existing air contaminant sources at the facility consist of the following: a. 1-investing room controlled by a regenerative thermal oxidizer. b. 1-autoclaving (shell de-wax) operation. c. 1-wax burnout furnace operation. d. 1-FlashFire furnace operation controlled by a the1mal oxidizer.	<a href="#">03-2674-ST-01_RR_2007.pdf</a>

The report will search the full text of all the permits and review reports, and look for the keyword "oxidizer". Then, it will return snippets of text where that keyword appeared. You can use the links on the right side of the table to open that permit or review report in AQ Permits Online, to see the full PDF document.

You can narrow the results by specifying a document type (permit vs review report), year issued, permit type (TV, ST etc), or permit writer. Or, you can search only permits/RR for facilities that are subject to a particular air program (like a specific NSPS or NESHAP), or are in a particular source category (like "B1 Aerospace or Aerospace Parts Manufacturing).

You can find this report at this web address: <http://deqsql3/reports/report/TRAACs/rptPermitTextSearch>  
Or, in TRAACs, under Reports | Text Search | Search Permit and Review Report Text.



It's also in the Permit Writers' Resource Center, in the "Example Permit Conditions" section.

### Example Permit Conditions

- Index of DEQ Air Permits by Regulation or Source Category
- Search the full text of all DEQ air permits and review reports
- NSPS and NESHAP Permit Conditions
- O&M Requirements
- OAQPS Fabric Filter Bag Leak Detection Guidance
- Alternative Emission Controls (Bubble)
- Emergency Engines

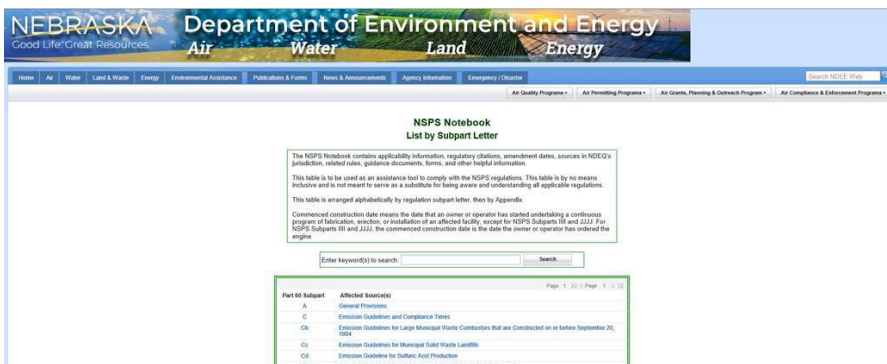
A couple of tips:

- This report is based on text extracted from the scanned PDFs in AQ Permits Online. Sometimes letters get mangled in the optical character recognition process, so you may get better results with a search for a short or partial keyword like "oxidiz" rather a longer phrase like "regenerative thermal oxidizer".
- I plan to upload the latest permits and review reports into this system approximately monthly. So, a newly issued permit might not show up right away.

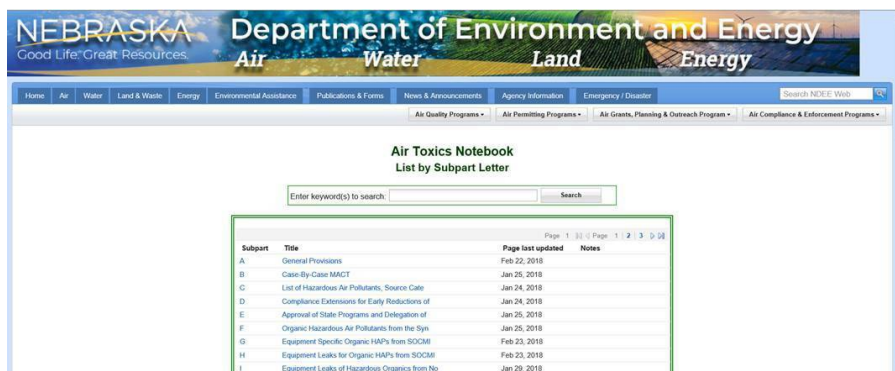
## 5 – Nebraska NSPS and NESHAP Notebooks

Not only did we get David Graiver from the great state of Nebraska, we also get to use their NSPS and NESHAP notebooks! They do not have the staff to update these pages any more (David said that may change in the future) but I think they are still a great resource. Be sure and check the latest versions of the e-CFR's that I emailed you about last time!

Here is the link to the NSPS Notebook: <http://deq.ne.gov/NDEQProg.nsf/AirNSPS.xsp>



Here is the link to the NESHAP notebook: <http://deq.ne.gov/NDEQProg.nsf/AirToxicView.xsp>



These are also linked on the Permit Writers' Resource Center, on the "AQ Rules and Regulations" page.

#### AQ Rules and Regulations

##### State Rules and Statutes

- Oregon Administrative Rules - [Links to Secretary of State's page](#)
- Oregon Administrative Rules - [Links to DEQ's external page](#)
- OARs approved in SIP - [Links to EPA's page](#)
- OAR 340-216-8010 Table 1 Activities & Sources
- OAR 340-216-8020 Table 2 ACDP Fees
- OAR 340-216-8030 Table 3 CAO Fees
- OAR 340-244-0040 Table of HAPs
- OAR 340-245-8020 TAC Reporting List
- OAR 340-245-8010 Table 1 - Risk Action Levels
- OAR 340-245-8040 Risk-Based Concentrations
- Nonattainment Areas

##### OAR Interpretations

- Flat Wood Coating RACT 340-232-0220
- DOJ Rulemaking Opinions 1991-2004
- DOJ Opinion on PSELS - 1993

##### Oregon Revised Statutes

- Chapter 468 — Environmental Quality Generally
- Chapter 468A — Air Quality

##### Permit Streamlining

##### Federal Rules

- Oregon's State Implementation Plan
- Federal Register
- Code of Federal Regulations (e-CFRs)
- New Source Performance Standards (NSPS)
- e-CFRs for NSPS
  - [Nebraska NSPS Notebook](#)
  - [Nebraska NESHAP Notebook](#)
- National Emission Standards for Hazardous Air Pollutants (NESHAPs)
- Area Source NESHAPs
- ZZZZ RICE Quiz
- III/IIIJ ICE Quiz
- Historic CFRs

The thing I like best about using these pages is that when you search for a particular source category or emissions unit, they also list other rules that may also be applicable. For example, if you search for "boiler" on the NSPS page, this is what you will see:

#### NSPS Notebook List by Subpart Letter

The NSPS Notebook contains applicability information, regulatory citations, amendment dates, sources in NDEQ's jurisdiction, related rules, guidance documents, forms, and other helpful information.

This table is to be used as an assistance tool to comply with the NSPS regulations. This table is by no means inclusive and is not meant to serve as a substitute for being aware and understanding all applicable regulations.

This table is arranged alphabetically by regulation subpart letter, then by Appendix.

Commenced construction date means the date that an owner or operator has started undertaking a continuous program of fabrication, erection, or installation of an affected facility, except for NSPS Subparts IIII and JJJJ. For NSPS Subparts IIII and JJJJ, the commenced construction date is the date the owner or operator has ordered the engine

Enter keyword(s) to search:

Part 60 Subpart	Affected Source(s)
Db	Industrial-Commercial-Institutional Steam Generating Units
Dc	Small Industrial/Commercial/Institutional Steam Generating Units
D	Fossil-Fuel-Fired Steam Generators
Da	Electric Utility Steam Generating Units
Y	Coal Preparation Plants
UUUUa	Emission Guidelines for GHG Emissions from Existing EGUs
FFFF	Emission Guidelines for Other Solid Waste Incineration Units
EEEE	Other Solid Waste Incineration Units
CCCC	Commercial and Industrial Solid Waste Incineration Units
DDDD	Emission Guidelines for Commercial and Industrial Solid Waste Incineration Units
F	Portland Cement Plants

And here is what the NESHAP notebook search for boiler give you:

## Air Toxics Notebook List by Subpart Letter

Enter keyword(s) to search:

Subpart	Title	Page last updated	Notes
JJJJJ	Boilers - Area Sources - Industrial, Commerci	Feb 2, 2018	
DDDDD	Boilers & Process Heaters - Major Sources - C	Feb 16, 2018	
EEE	Hazardous Waste Combustion	Mar 22, 2018	
XXXXX	Metal Fabrication - Area Source Categories	Jun 11, 2018	
UUUUU	Electric Utilities - Coal- & Oil-Fired	Mar 13, 2018	
MMM	Pesticide Active Ingredient Production	Jun 13, 2018	
B	Case-By-Case MACT	Jan 25, 2018	

Of course, some of the rules would not apply to the emissions unit in question but these notebooks give you a list of what could apply, so you can feel more confident that you didn't miss any applicable requirements.

## 6 – RMT and LPW Meeting Notes

### Weekly Air Meeting Notes. (Regional Management Team [RMT] and Lead Permit Writer group [LPW])

#### Overview

Notes from recurring meetings of air quality staff are retained on the Permit Writer's Resource Center for future reference. These can be useful tools to gain insight into decisions regarding a contentious issue or complex subject. Typically the recurring manager meetings focus on policy, implementation, and other similar issues while the recurring permit writer group focuses on more technical permit- and rule-related topics.

#### Regional Managers:

The air quality managers (regional air managers, Max Hueftle (LRAPA) and Jaclyn Palermo) meet weekly on Thursdays to discuss a wide array of topics. This is referred to as the 'RMT' meeting, or regional management team meeting.

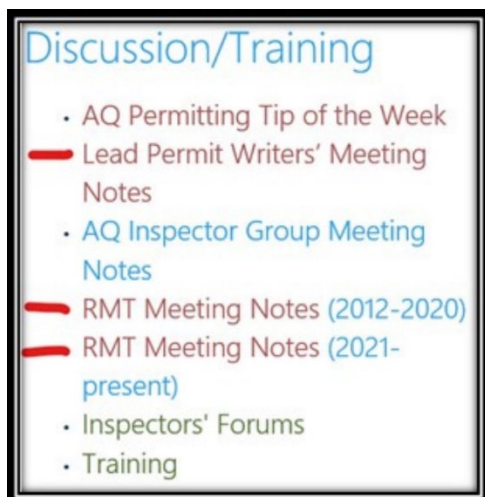
Each week I take notes at these meetings to capture decisions points, issues, and topics that require additional conversation or research. These weekly notes are available on the Permit Writer's Resource Center (PWRC) in a compiled format under the 'discussion/training/' header. Taking a look at these notes is a good way to see what current issues the management team is discussing.

There are two compilations: The first is old notes back from 2012 through December 2020. The second is from January 2021 onward. Some meetings also include a Regional Division Administrator (RDA), Ali Mirzakhilili (Air Administrator), Keith Johnson (CAO), or Kieran O'Donnell (OCE).

#### Lead Permit Writers:

The Lead Permit Writer's Group meets once per month to discuss a variety of permitting-related topics. This is referred to as the LPW meeting and includes several staff from across the state. Recent meetings have included: Jill Inahara, Joe Westersund, Beth Erikson (LRAPA), David Graiver, Dave Kauth, Wayne Kauzlarich, Byron Peterson, Janice Tacconi, Doug Welch, Walt West, Karen White-Fallon, Jonathan Wright (LRAPA), and Mike Eisele.

Each meeting Jill establishes notes on what was discussed, determined, or sometimes referred out to the RMT for a decision. These meetings are often more rule- or permit-based and technical in nature. These meeting notes are available on the Permit Writer's Resource Center (PWRC) in a compiled format under the 'discussion/training/' header. Taking a look at these notes is a good way to see what permit-writing topics and issues the team is discussing.

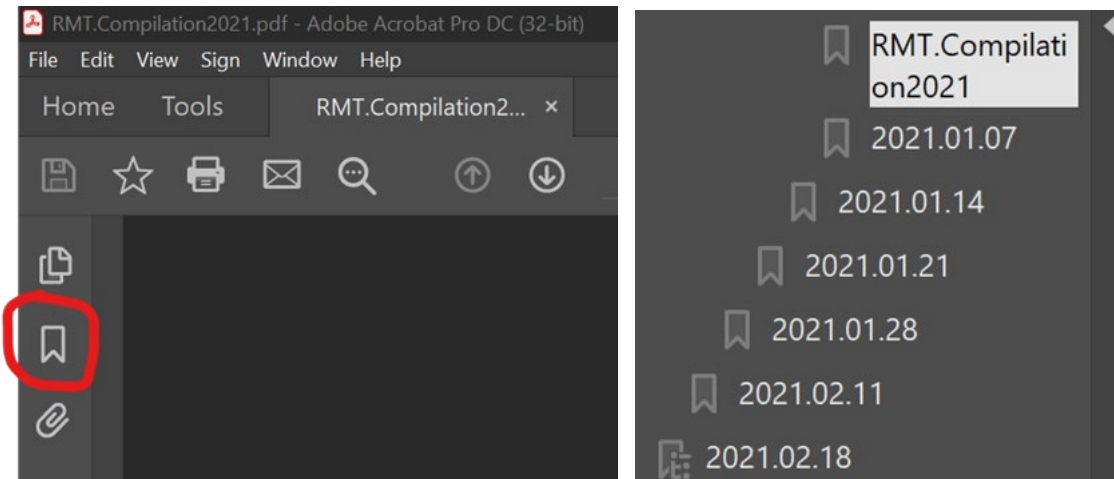


## How to Use:

Like most PDFs, you can use 'CTRL + F' to open a search bar and search the text of the document. Would you like to see when the RMT discussed RICE regulations or OAR 340-216-8010 Part B. Category 85? Or maybe when the LPW group talked about data centers or adjacency?

Try searching with a few different terms or phrases to find all related citations. For example, a category 85 discussion may show up as 'category 85' or 'B.85'.

The PDF bookmarks within the documents are organized by date.



More recent RMT notes establish action items and commitments from the team. This section of the notes can be useful to see, at a glance, how RMT agreed to move forward on a topic or where there were next steps set for resolving an issue.

## Future Meetings and Topics:

Since the RMT meets weekly, if you have topics that you feel are of statewide importance, you can flag those for your manager to bring up at a coming meeting. This is often pertinent for applicability determinations, compliance determinations, permit/application issues, procedural questions, etc.

Topics for the LPW group can be sent to Jill Inahara or one of the LPW staff in your region, as appropriate.

## Wrap-Up

This compilation of meeting notes can be used to see what kinds of topics come up at these meetings, what the conversation looked like, and what was decided upon. These meetings are all important to help maintain statewide consistency. As stated above, if you have a topic that you feel should be discussed, bring it up with manager for RMT or Jill/your regional LPW for LPW-related topics.

# 7 – Enforcement Overview

## Enforcement Overview

“What to expect when you’re inspecting”

1. Look through the permit, and identify which permit conditions or rules have been violated.
2. For each violation, find the best fit in the AQ Violations Guidance table.
  - a. For violations that aren’t specific to AQ, like violating an enforcement order, also look in the Non Program Specific (Default) Violations Guidance.
3. As you find each violation in the guidance, note the
  - a. Violation Class (I, II or III)
  - b. Division 12 citation
  - c. Response type (WL or PEN)

Div. 12 Cite.	Div. 12 Violation Language	Guidance Language
<b>CLASS I VIOLATIONS</b>		
AQ 0054(1)(a)	Constructing a new source or modifying an existing source without first obtaining a required New Source Review/Prevention of Significant Deterioration (NSR/PSD) permit;	Send PEN and refer.

*Annotations:*  
 - Red circle around "CLASS I VIOLATIONS" with arrow pointing to "Violation class".  
 - Red circle around "AQ 0054(1)(a)" with arrow pointing to "Division 12 rule, don't forget to include this in the WL or PEN".  
 - Red circle around "Send PEN and refer." with arrow pointing to "response type".

4. Find the right template for the applicable enforcement response (WL or PEN). All of the enforcement response templates are in Word under New | Shared | Enforcement.
  - a. If one or more of the violations has a PEN response type, use the Pre-Enforcement Notice template.
  - b. Otherwise, if all of the violations are WL, use one of these:
    - i. Warning Letter with Opportunity to Correct (if one or more violations aren’t fixed yet)
    - ii. Warning Letter
5. High Priority Violations and Federally Reportable Violations
  - a. For TV and SM80 sources, complete the HPV-FRV Summary Form.
  - b. If your source isn’t a TV or SM80, this form is not needed.
6. Add the violations to ACES, and get your PEN or WL number
  - a. If the violations are not from a site inspection or source test, create an **off-site partial inspection** to set up the violations.



- i. Entering the violations in a compliance report review won't work because ACES won't give you a place to enter the HPV/FRV status.
  - b. Add whatever violations are needed and note the HPV/FRV status for each.
  - c. If you get stuck, check out the AQ ACES Users Guide
7. Referral to the Office of Compliance and Enforcement (OCE)
  - a. If you sent a PEN in response to the violations, prepare an enforcement referral package.
    - i. If your PEN included a request for supplemental information or other response, please wait for the requested response deadline to pass before sending the referral. Please include any response received from the PEN.
  - b. The enforcement referral package should include
    - i. A completed enforcement referral form – also found in Word under New | Shared | Enforcement | AQ Permit Referral
    - ii. A calculation of avoided or delayed costs of the violation(s) using the [EPA Cost Control Manual](#) and/or other readily available resources such as permit fees for sources operating without a permit.
    - iii. Relevant evidence to support the violation(s) such as: inspection report, photos, monitoring or testing reports, and the permit (if ACDP)
  - c. Submit the referral to OCE electronically: [ocereferral@deq.state.or.us](mailto:ocereferral@deq.state.or.us)
8. Check the Step-By-Step Enforcement Guide for a few more steps and additional detail.

Jenny Root and Becka Puskas in OCE can help if you have questions.

The Permit Writers Resource Center has all the links above too, in the Enforcement section.

## Enforcement

- [AQ Violations Guidance \(Table 2\)](#)
- [Non Program Specific \(Default\) Violations Guidance](#)
- [HPV-FRV and Enforcement Template links](#)
- [Step-by-Step Enforcement Guide](#)
- [Enforcement Guidance for Field Staff](#)
- [OCE list of Enforcement Guidance](#)
- [EPA Control Cost Manual by section and as a PDF](#)
- [ACES AQ User's Guide](#)

### **Changes to Enforcement Guidance**

OCE plans to re-open the enforcement rules to add some GHG program stuff this summer. If you'd like to suggest changes to violations or how they're classified in the AQ Violations Guidance, now is a great time to bring those up. Please raise those ideas via your manager.

## 8 – PWRC and Some Hidden Gems

### The Permit Writers Resource Center and some Hidden Gems

As most of you know, Program Ops has been posting things on the Permit Writers Resource Center that will make your jobs easier. Some of the links will take you directly to a document and other links take you to another page. We've added arrows to the links that take you to another page.

[AQ Permit Writers' Resource Center](#) • [Home](#)

**NOTE:** Always use Internet Explorer (not google Chrome) to access this page

The Permit Writers' Resource Center is designed to house information that permit writing and inspecting staff may need when doing their job. This includes: training materials on permitting concepts, example permit conditions, rule interpretations, enforcement tools, meeting notes and discussions, useful websites, and industry specific resources.

Have something you'd like to see added to this page? Let us know by clicking the 'discussion board' link below!

[Discussion Board](#) - [ask questions here](#)

Contact: Jill Inahara 503-229-5001 or Dan Defehr 503-229-6442

#### Permitting Programs

- [ACDP](#) ⇄
- [Title V](#) ⇄

#### Permitting Concepts

- [Permit Content](#)
- [New & Modified Applicable Requirements](#)
- [Plant Site Emission Limits](#) ⇄
- [General Standards](#)

#### Rules, Regulations, Statutes ⇄

#### Discussion/Training

- [AQ Permitting Tip of the Week](#) ⇄
- [Lead Permit Writers' Meeting Notes](#)
- [AQ Inspector Group Meeting Notes](#)
- [RMT Meeting Notes \(2012-2020\)](#)
- [RMT Meeting Notes \(2021-present\)](#)
- [Inspectors' Forums](#) ⇄
- [Training](#) ⇄

#### Compliance

- [Conducting Environmental Inspections](#)
- [ACDP Inspection Report Template](#)
- [Title V & SM80 Inspection Report Template](#)
- [Reporting](#)
- [Steps for Excess Emission Events](#)
- [Excess Emissions Review Form](#)
- [Information Exempt from Disclosure](#)
- [Source Testing](#)
- [ACES AQ User's Guide](#)
- [TRAACS](#)

There is a ton of material on the PWRC; much of it for very specific situations. We add information as we find things to post or get suggestions/questions from colleagues. We will email you if there is a significant change but don't want to spam you with smaller changes so please check it out regularly. Below is a list of things you may not know are available on the PWRC.

Gem #1: Janice Tacconi added SIC codes to Table 1 on the ACDP page to help clarify our Table 1 industry categories since some of them are a little vague:

#### ACDP Types

- [Basic ACDPs](#)
- [General ACDPs](#)
- [General ACDP Attachments](#)
- [Simple ACDPs](#)
- [Standard ACDPs](#)
- [Construction ACDP](#)
- [Short Term Activity ACDP](#)
- [Registration](#)

#### Applicability

- [Table 1 with SIC Codes](#)

Gem #2: The tables in our rules have links on the Rules, Regulations, Statutes page. These links take you to the rule where you need to click on the PDF to get to the table. Yes, you have to click twice but at least this way, you'll always get to the latest table.

## State Rules and Statutes

- [Oregon Administrative Rules - Links to Secretary of State's page](#)
- [Oregon Administrative Rules - Links to DEQ's external page](#)
- [OARs approved in SIP - Links to EPA's page](#)
- [OAR 340-216-8010 Table 1 Activities & Sources](#)
- [OAR 340-216-8020 Table 2 ACDP Fees](#)
- [OAR 340-216-8030 Table 3 CAO Fees](#)
- [OAR 340-244-0040 Table of HAPs](#)
- [OAR 340-245-8020 TAC Reporting List](#)
- [OAR 340-245-8010 Table 1 - Risk Action Levels](#)
- [OAR 340-245-8040 Risk-Based Concentrations](#)
- [Nonattainment Areas](#)
- [Attainment Plans](#)
- [Maintenance Areas \(Maps and Plans\)](#)
- [Class I Area Map](#)

Gem #3: on the PSEL page, there is a link to the EPA Air Emission Inventory Improvement Program (EIIP). If you click on that link and then look at Volume 2: Point Sources, you will see the chapters listed below. The couple that I looked at seemed more thorough than AP-42.

## Procedures

- [Quantifying Emissions](#)
- [Emission Factors](#)
  - [AP-42](#)
  - [EPA WebFIRE](#)
  - [EPA Air Emission Inventory Improvement Program \(EIIP\)](#)
  - [EPA Clearinghouse for Inventories and Emissions Factors \(CHIEF\)](#)
  - [Emission Factor Guidance for NSR Regulated Pollutants](#)
  - [Emission Factors for Wood Drying Kilns](#)
  - [Combustion Emission Factors - toxics](#)
  - [Historical Emission Factors](#)

- [Chapter 5 - Preferred and Alternative Methods for Estimating Air Emissions from Wastewater Collection and Treatment \(PDF\)](#)  
(98 pp, 387 K, March 1997)
- [Chapter 6 - Preferred and Alternative Methods for Estimating Air Emissions from Semiconductor Manufacturing \(PDF\)](#)  
(83 pp, 255 K, February 1999)
- [Chapter 7 - Preferred and Alternative Methods for Estimating Air Emissions from Surface Coating Operations \(PDF\)](#)  
(136 pp, 394 K, July 2001)
- [Chapter 8 - Methods for Estimating Air Emissions from Paint, Ink and Other Coating Manufacturing Facilities \(PDF\)](#)  
(93 pp, 1 MB, February 2005)
- [Chapter 9 - Preferred and Alternative Methods for Estimating Air Emissions from Secondary Metal Processing \(PDF\)](#)  
(82 pp, 268 K, January 2001)
- [Chapter 10 - Preferred and Alternative Methods for Estimating Air Emissions from Oil and Gas Field Production and Processing Operations \(PDF\)](#) (127 pp, 459 K, September 1999)
- [Chapter 11 - Preferred and Alternative Methods for Estimating Air Emissions from Plastic Products Manufacturing \(PDF\)](#)  
(72 pp, 292 K, December 1998)

Gem #4: On PSEL page there is a discussion of the biomass deferral going away and how to deal with GHG PSELS:

## Plant Site Emission Limits

Background/Purpose/General Guidelines

Kitchen Sink Response to Comment to Abandon PSEL Program

### Concepts

- Baseline Period & Baseline Emission Rate
- Netting Basis
- PSELS
  - Unassigned Emissions
- Significant Emission Rates
- Generic PSELS
- Hazardous Air Pollutant PSELS
- Greenhouse Gases
- Biomass Deferral Vacated
- Emission Reduction Credits/Banking
- Combining/Splitting Sources
- Potential to Emit

### Procedures

- Quantifying Emissions
- Emission Factors
  - AP-42
  - EPA WebFIRE
  - EPA Air Emission Inventory Improvement Program (EIIIP)
  - EPA Clearinghouse for Inventories and Emissions Factors (CHIEF)
  - Emission Factor Guidance for NSR Regulated Pollutants
  - Emission Factors for Wood Drying Kilns
  - Combustion Emission Factors - toxics
  - Historical Emission Factors

Gem #5: IMDs are linked on PRWC main page under Resources. You can filter them by AQ. [Note: Hopefully IMDs on Category 85, NCs and EFs will be posted before I retire.]

### Resources

- DEQ Regions
- Oregon County Map by Region
- DEQ Facility Profiler
- Internal Management Directives
- TRI Data and Tools
- Nuisance Odor Strategy/Procedures
- Source Sampling Manual/Continuous Monitoring Manual
- Air Quality Modeling Protocol
- Permit Coordinator Handbook
- AQ Policy Archiver/AQ Guidance Online Directory
- SIC Manual - 1987

Gem #6: People have asked about what fees to charge for TV permit mods. It was extremely difficult to come up with criteria so the TV permit mods for the past 5 years are listed on the TV main page along with the fees to give you an idea of what we have charged in the past.

### Permit Fees

- Title V Permit Fee Invoicing IMD
- Title V Fee Report Review Form
- Verified Emission Factor Spreadsheet
- Examples of TV Mods and Fees

If you have documents or external resources you commonly use, please let us know so we can put it on there and share it with other permit writers. If you come across documents that have clearly incorrect or outdated materials, please flag that for us. If we can't get to an update to the entire concept timely, we can at least put a comment/note in the document explaining that conditions have changed.

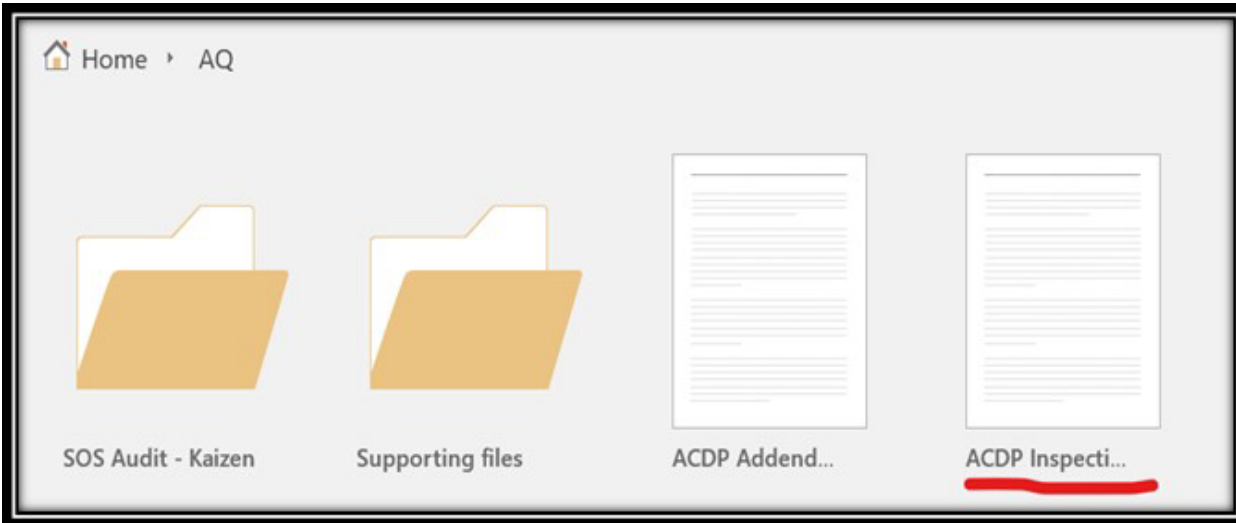
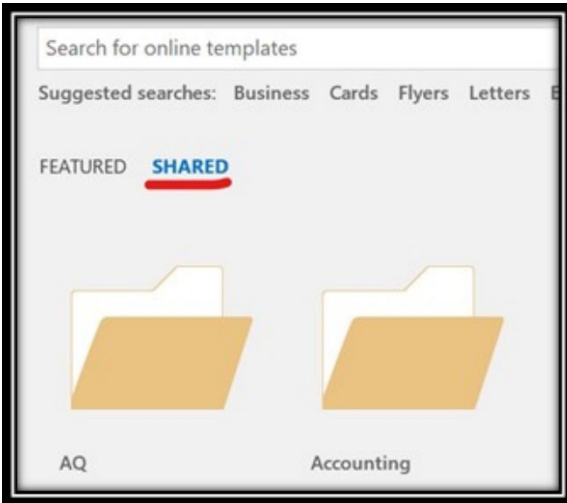
# 9 – Inspection Templates

## ACDP & TV Inspection Template Updates

### Overview

The inspection templates for ACDP & TV permits have recently been revised and continue to see regular changes and edits based on staff and manager feedback. Inspectors should always be using inspection templates in MS Word under 'Shared' and 'AQ' whenever conducting compliance inspections to ensure the most recent changes are included (Note that these templates are also linked on the Permit Writers' Resource Center under the 'compliance' header).

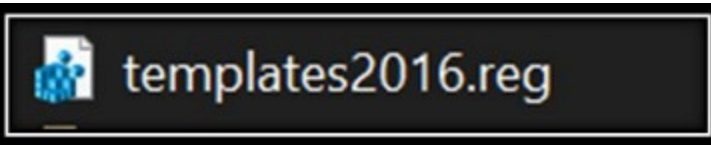
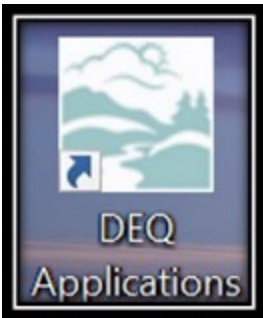
If you have suggestions on further updates to the permit template, let us know!



\*The Title V and SM80 inspection template is listed as 'TV and SM80 Inspection Report' towards the bottom of the list of templates.

\*\*If you encounter the issue when clicking on 'shared' where no templates show up, IT has provided a shortcut to get those back! Go to your desktop and double-click on 'DEQ Applications', then scroll down and double-click on 'templates2016.reg'. You'll then click 'yes' and 'ok'; try looking in MS Word for your templates again and BAM! They should be back!

Those applications/files look like this:



### **EPA Review:**

EPA provides oversight regarding DEQ activities for some inspections and sources. Part of this oversight has led to EPA feedback regarding our inspection templates. The PWRC includes links to a few inspection reports that EPA specifically called out as great inspection documentation (great job folks!!), these can be found under 'Permitting Programs', then either 'ACDP' or 'Title V', and then 'Inspection Report Examples' It looks like this on the TV and ACDP permitting program pages:



While EPA provided feedback focused on Title V and some Synthetic Minor sources, some of it was generally useful feedback for all inspection work and was thus incorporated into the ACDP inspection template. These were mostly inspection process details, observations, and determinations that help round out complete inspection documentation. These details should be really useful for you or your successors when looking back on previous inspections (the 'what did you observe' and 'how did you determine X' type of information).

### **General Permit Inspections**

At this time, General ACDP inspections should be utilizing the ACDP inspection template. You may remember seeing (or using) a shorter inspection template specific for a General permit at some point, but management has directed staff to use the ACDP inspection template until updated and revised GP inspection templates can be completed for consistent statewide use. The Lead Inspector Group is currently working through the first 'batch' of General ACDP inspection reports, updating them to align more closely with the ACDP inspection template but having them geared specifically to the General permit category. All staff will be made aware when these are available for use.

Hillarie Sales of AQ Operations heads up the Lead Inspector Group if you have any specific questions or feedback on a General Permit inspection template. Soon you will be seeing the Lead Inspector Group notes on the PWRC similar to the Lead Permit Writer and Regional Management Team group notes!

### **Off-Site and Partial Off-Site Inspections**

As you are aware, on-site inspections have been significantly impacted by COVID-19; until things are closer to 'back to normal,' some inspections will be done partially on site with some work off site while some may be conducted off-site entirely. All staff should follow the directive of their manager as well as existing policy and procedures for planning and conducting inspections.

For these types of inspections, staff should continue to use the normal inspection templates in MS Word referenced above. DEQ is committed to using, to the greatest extent possible, the inspection templates that were revised with EPA input. The Lead Inspector Group went through the revised inspection templates and added comments (available on the PWRC here, under 'compliance') to provide guidance and assistance for when you may be thinking about off-site or partial off-site inspection work.

## 10 – Visible Emissions and PM Macro

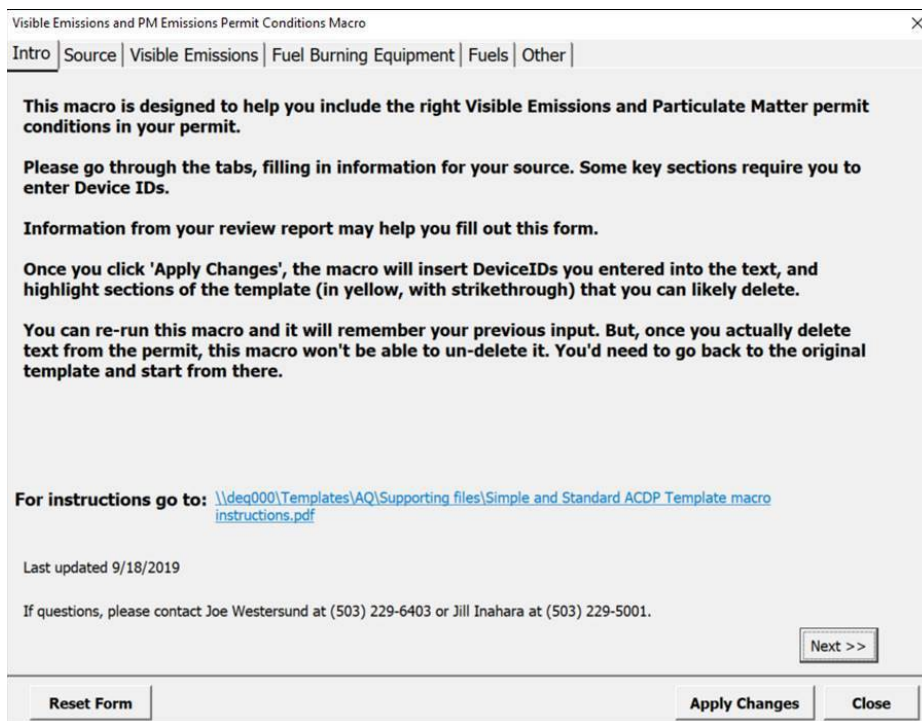
### Visible Emissions and PM Permit Conditions Macro

All of our DEQ air permits contain some standard language that sets limits on opacity and particulate matter (grains per dry standard cubic foot). But, exactly what those limits are depends on where in the state the source is located, as well as the type and install dates of the emissions units. Complicated! At least, I thought so when looking through the rules.

If you're writing a permit, the Visible Emissions and PM Emissions macro can help. It's part of the Simple and Standard ACDP template, but can be used for TV permits if you use the tool then copy/paste into your TV permit. It will prompt you for information, and then fill in customized permit condition language in the Visible Emissions and Particulate Matter Emissions parts of the permit (sections 2.1 and 2.3).

To use it, open up the Simple and Standard ACDP template by opening Word, then going to File | New | Shared | AQ | Simple and Standard ACDP. Next, open up the instructions.

When you run the macro, it will look like this:



The screenshot shows a dialog box titled "Visible Emissions and PM Emissions Permit Conditions Macro". At the top, there are tabs: "Intro" (selected), "Source", "Visible Emissions", "Fuel Burning Equipment", "Fuels", and "Other". The main content area contains the following text:

**This macro is designed to help you include the right Visible Emissions and Particulate Matter permit conditions in your permit.**

**Please go through the tabs, filling in information for your source. Some key sections require you to enter Device IDs.**

**Information from your review report may help you fill out this form.**

**Once you click 'Apply Changes', the macro will insert DeviceIDs you entered into the text, and highlight sections of the template (in yellow, with strikethrough) that you can likely delete.**

**You can re-run this macro and it will remember your previous input. But, once you actually delete text from the permit, this macro won't be able to un-delete it. You'd need to go back to the original template and start from there.**

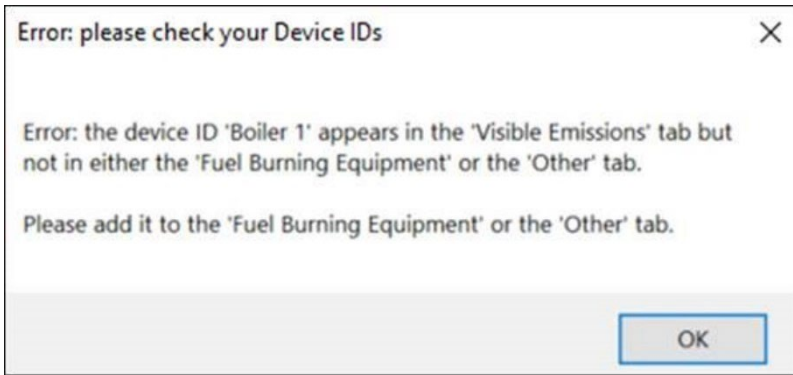
**For instructions go to:** <\\deq000\Templates\AQ\Supporting files\Simple and Standard ACDP Template macro instructions.pdf>

Last updated 9/18/2019

If questions, please contact Joe Westersund at (503) 229-6403 or Jill Inahara at (503) 229-5001.

At the bottom right, there is a "Next >>" button. At the bottom left, there is a "Reset Form" button. At the bottom center, there are "Apply Changes" and "Close" buttons.

One special note: if you have a piece of equipment that you list in the Visible Emissions tab, then the macro is expecting that equipment to also show up on either the Fuel Burning Equipment tab, or the Other tab. (It's either Fuel Burning Equipment, or it's not). If you press the "Apply Changes" button and the code finds a mismatch, you'll see a message like this:



The code does some other consistency checks as well, to try to help you get the right permit conditions into your permit. If you run into issues or problems that the instructions document does not cover, please let us know.

## 11 – Emergency Engines

### Emergency Engines

Almost all sources have emergency engines. The application forms for engines are here: ACDP and Title V Engines are subject to the following EPA rules:

- NSPS Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines
- NSPS Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines
- NESHAP Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines

Note: diesel engines are compression engines, and are a majority of the type of engines that serve emergency generators and pumps (including fire pumps).

These rules are very difficult to navigate so we have created a page for Emergency Engines and are putting all things engines on that page.

#### Emergency Engine Permit Conditions

##### IIII

CI pre-2007 model year less than 10 liter displacement [40 CFR 60.4205(a)]

CI pre-2007 model year 10 to 30 liter displacement [40 CFR 60.4205(a)]

CI 2007 model year and later < 30 liter displacement [40 CFR 60.4205(b)]

CI less than 30 liter displacement prior to model years in Table 4 - fire pump engines [40 CFR 60.4205(c)]

CI less than 30 liter displacement during or after model years in Table 4 - fire pump engines [40 CFR 60.4205(c)]

CI greater than 30 liter displacement [40 CFR 60.4205(d)]

##### ZZZZ

CI pre-2002 >500 hp at major source [40 CFR 63.6590(a)(1)(i)]

CI pre-2006 ≤500 hp at major source [40 CFR 63.6590(a)(1)(ii)]

CI pre-2006 at area source [40 CFR 63.6590(a)(1)(iii)]

CI post-2002 >500 hp at major source [40 CFR 63.6590(a)(2)(i)]

CI post-2006 ≤500 hp at major source [40 CFR 63.6590(a)(2)(ii)]

CI post-2006 at area source [40 CFR 63.6590(a)(2)(iii)]

##### JJJJ

SI post-2006 >25 hp and less than 130 hp [40 CFR 60.4230(a)(4)(iv)]

#### EPA Tools

[Compliance Requirements for Stationary Engines](#)

[RICE Summary Table of Requirements Spreadsheet](#)

[RICE Navigation Tool](#)

[RICE Applicability Flowchart](#)

In the right hand column of the Emergency Engine page, you can see links to EPA tools that are helpful.



As you can see from the above screenshot, we have developed permit conditions (limits, recordkeeping, and reporting) for the most common types of engines, using EPA's RICE Navigation Tool (ZZZZ or IIII/JJJJ). If you have other engines that we should add to the above list, please let us know. The following table was used to develop the permit conditions and can be found here. You can see what information is needed to determine which rules apply to the engine based on the titles of the columns. These are the questions you should ask if someone calls and asks how we permit engines. There are also links to the permit conditions in the far right column if that is easier to access than the conditions above.

Emergency Engine Rule Applicability											
Engine Firing Type	Manufactured Date	Installation Date	Model Year	HAP source?	Fuel Type	Size	Size	Number of Cylinders	Application Regulation	Rule Citation	Link to Permit Conditions
						(HP)	(cylinder displacement)				
CI	after 04/01/06	after 07/11/05	pre-2007	NA	NA	NA	<10 l/cylinder	NA	IIII	60.4205(a)	<a href="https://sps.deq.state.or.us/sites/permitsAQ/PWRC">https://sps.deq.state.or.us/sites/permitsAQ/PWRC</a>
CI	after 04/01/06	after 07/11/05	pre-2007	NA	NA	NA	10 to <30 l/cylinder	NA	IIII	60.4205(a)	<a href="https://sps.deq.state.or.us/sites/permitsAQ/PWRC">https://sps.deq.state.or.us/sites/permitsAQ/PWRC</a>
CI	after 04/01/06	after 07/11/05	2007 & later	NA	NA	NA	<30 l/cylinder	NA	IIII	60.4205(b)	<a href="https://sps.deq.state.or.us/sites/permitsAQ/PWRC">https://sps.deq.state.or.us/sites/permitsAQ/PWRC</a>
CI fire pump	after 04/01/06	after 07/11/05	NA	NA	NA	NA	<30 l/cylinder	NA	IIII	60.4205(c)	<a href="https://sps.deq.state.or.us/sites/permitsAQ/PWRC">https://sps.deq.state.or.us/sites/permitsAQ/PWRC</a>
CI fire pump	after 04/01/06	after 07/11/05	NA	NA	NA	NA	<30 l/cylinder	NA	IIII	60.4205(c)	<a href="https://sps.deq.state.or.us/sites/permitsAQ/PWRC">https://sps.deq.state.or.us/sites/permitsAQ/PWRC</a>
CI	after 04/01/06	before 01/01/12	NA	NA	NA	NA	≥30 l/cylinder	NA	IIII	60.4205(d)	<a href="https://sps.deq.state.or.us/sites/permitsAQ/PWRC">https://sps.deq.state.or.us/sites/permitsAQ/PWRC</a>
CI	after 04/01/06	on/after 01/01/12	NA	NA	NA	NA	≥30 l/cylinder	NA	IIII	60.4205(d)	<a href="https://sps.deq.state.or.us/sites/permitsAQ/PWRC">https://sps.deq.state.or.us/sites/permitsAQ/PWRC</a>
CI		before 12/19/02		major	NA	> 500			ZZZZ	63.6590(a)(1)(i)	<a href="https://sps.deq.state.or.us/sites/permitsAQ/PWRC">https://sps.deq.state.or.us/sites/permitsAQ/PWRC</a>
CI		before 06/12/06		major	NA	≤ 500			ZZZZ	63.6590(a)(1)(ii)	<a href="https://sps.deq.state.or.us/sites/permitsAQ/PWRC">https://sps.deq.state.or.us/sites/permitsAQ/PWRC</a>
CI		before 06/12/06		area	NA	any			ZZZZ	63.6590(a)(1)(iii)	<a href="https://sps.deq.state.or.us/sites/permitsAQ/PWRC">https://sps.deq.state.or.us/sites/permitsAQ/PWRC</a>
CI	after 12/19/02			major	NA	> 500			ZZZZ	63.6590(a)(2)(i)	<a href="https://sps.deq.state.or.us/sites/permitsAQ/PWRC">https://sps.deq.state.or.us/sites/permitsAQ/PWRC</a>
CI	after 06/12/06			major	NA	≤ 500			ZZZZ by IIII	63.6590(a)(2)(ii)	<a href="https://sps.deq.state.or.us/sites/permitsAQ/PWRC">https://sps.deq.state.or.us/sites/permitsAQ/PWRC</a>
CI	after 06/12/06			area	NA	any			ZZZZ by IIII	63.6590(a)(2)(iii)	<a href="https://sps.deq.state.or.us/sites/permitsAQ/PWRC">https://sps.deq.state.or.us/sites/permitsAQ/PWRC</a>

**Engine Permit Category in Table 1:** If the source that otherwise wouldn't require a DEQ air permit meets the criteria in #87 of Part B of Table 1, the source must get an ACDP.

(87) Stationary internal combustion engines if:

a. For emergency generators and firewater pumps, the aggregate engine horsepower rating is greater than 30,000 horsepower; or

b. For any individual non-emergency or non-fire pump engine, the engine is subject to 40 CFR part 63, subpart ZZZZ and is rated at 500 horsepower or more, excluding two stroke lean burn engines, engines burning exclusively landfill or digester gas, and four stroke engines located in remote areas; or

c. For any individual non-emergency engine, the engine is subject to 40 CFR part 60, subpart IIII and:

A. The engine has a displacement of 30 liters or more per cylinder; or

B. The engine has a displacement of less than 30 liters per cylinder and is rated at 500 horsepower or more and the engine and control device are either not certified by the manufacturer to meet the NSPS or not operated and maintained according to the

manufacturer's emission-related instructions; or

d. For any individual non-emergency engine, the engine is subject to 40 CFR part 60, subpart JJJJ and is rated at 500 horsepower or more and the engine and control device are either not certified by the manufacturer to meet the NSPS or not operated and maintained according to the

manufacturer's emission-related instructions.

**Data Centers:** If the emergency engines are located at a data center, the engines must be permitted. A rule of thumb for the type of ACDP for emergency engines is 32 MW (megawatts) or less can be on a Simple ACDP, more than 32 MW should be on a Standard ACDP.

**Dispatchable Power:** If the emergency engine is enrolled in PGE's dispatchable power program, it is subject to permitting through OAR 340-216-8010 Table 1, Part B. #27 since the engine is not '...used exclusively as emergency generators'. At this time the General ACDP #18 is not available for sources; it is currently being reworked and may be issued ahead of the current expiration on August 1, 2021. A source proposing to install and operate a facility with engines enrolled with a dispatchable power program would apply for at least a Simple ACDP until and unless there is a General ACDP that covers all applicable requirements.

The Oregon Department of Energy (DoE) has requirements that may apply to sources that have a certain amount of power generation capacity. DEQ staff do not need to understand those requirements, but both agencies have committed to share information as available. DEQ's part of this agreement has been established in the updated permit templates. The section that covers RICE simply says that if there are 20+ MW of power generation capacity at the source, Dan DeFehr and Jaclyn Palermo should be notified by DEQ regional staff. Regional staff can continue drafting and processing the permit as usual. Some source information from TRAACS is then forwarded by Ops to DoE contacts. DoE is the main entity that permits state energy facilities through Oregon's Energy Facility Siting Council (<https://www.oregon.gov/energy/facilities-safety/facilities/pages/facilities-under-efsc.aspx>) and also works with federal agencies and programs responsible for power infrastructure, like FERC. DoE won't necessarily require a site certification for a facility with over 20 MW generating capacity, but does keep track of where these relatively large generators are located.

**Categorically Insignificant Activities:** As you know, some emergency engines are considered "categorically insignificant activities under OAR 340-200-0020(23):

(uu) Emergency generators and pumps used only during loss of primary equipment or utility service due to circumstances beyond the reasonable control of the owner or operator, or to address a power emergency,

provided that the **aggregate** horsepower rating of all stationary emergency generator and pump engines is not more than 3,000 horsepower. If the aggregate horsepower rating of all stationary emergency generator and pump engines is more than 3,000 horsepower, then no emergency generators and pumps at the source may be considered categorically insignificant;

If the emergency engine(s) is considered categorically insignificant and not subject to NESHAP or NSPS requirements, then the engine does not need to be permitted and does not have to submit an NC as per OAR 340-210-0205(2)(e).

**Storm Debris:** If the activity is listed in 216 Table 1, then it needs to be permitted, even for short-term activities. A good example is asphalt plants. Even if they are only operating for 3 months in our state, they need a permit. Assume 8,760 hours of operation to calculate engine emissions, and if a permit is required under Category 85, write a Basic permit that limits their fuel use. If a permit is not required, NCs are required for categorically insignificant engines if they are subject to NESHAP or NSPS **and** for engines that are not categorically insignificant because the aggregate horsepower rating of all engines is more than 3,000 horsepower.

**Portable Vs. Stationary:** Many engines are designed to be portable. The federal regulation identifies several components that are indicative of a portable engine (skids, wheels, carry-handles, etc.). These engines are typically not subject to the rules for stationary reciprocating internal combustion engines (stationary RICE), however, an engine that remains in the same place for a set period of time (one operating season or one year) may then become subject to the rules and be determined to be stationary instead of portable. There are exceptions to this rule that can be found through EPA's 'applicability determination index' (ADI) page. Of note is that an owner/operator may not simply move the engine every few months to avoid being subject to the rule, so they should ideally keep documentation or records that show when/why it was moved and can therefore show the engine is *not* subject to the rules.

**Federal Vacatur:** Two provisions of the NSPS and NESHAP were vacated by the courts (no longer active/applicable parts of the regulation). All three regulations provide avenues for engine operation which allows the engine to remain an 'emergency' engine. The vacated sections (which should not be included in permits) are: 40 C.F.R. 63.6640(f)(2)(ii)-(iii), 40 C.F.R. 60.4211(f)(2)(ii)-(iii), and 40 C.F.R. 60.4243(d)(2)(ii)-(iii). These sections of the rule are basically no longer in effect and given back to EPA for further action in 2015; at this time there has been no further EPA action to revise or modify these sections. You may recognize these sections as the ones that refer to allowance of operation during a North American Electric Reliability Corporation (NERC) 'energy alert level 2' (Reliability Standard EOP-002-3) or operations during a deviation of voltage or frequency.

**Non-Road Engines:** We are currently working on answers for questions non-road engines that have come up. We will post that information as soon as it is complete on the Emergency Engine page of the Permit Writers Resource Center. These regulations are complex; please communicate with your lead worker, the lead permit writer group members, your manager, or Ops with questions during permitting of these activities.

## 11 Mini TOTW – NESHAP ZZZZ Oil Analysis Program

This is a 'partial' tip of the week since it's something that everybody should be aware of but doesn't have much 'meat and potatoes' that warrants a full TOTW. You can find this "mini" tip on the same PWRC page where the other tips are found, toward the bottom of the page.

Relevant engines: "***non-emergency, non-black start stationary RICE which combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis***".

- NESHAP ZZZZ includes an option for several types of engines to utilize an 'oil analysis' program to extend the times between required oil changes (see rule language and table snippet below).
- Relevant regulations: 40 CFR 63.6625(i), (j), and Table 2d #13.

According to the footnote of item 13 in Table 2d, the oil analysis program is allowed. However, the actual rule language in § 63.6625(i) or (j) specifically lists items 1, 4, 5, 6, 7, 9, 11 of Table 2d are allowed, but item #13 is excluded.

- Per EPA this was an inadvertent error. Item #13 should be listed in 40 C.F.R. 63.6625 (i) and (j), as applicable; these engines were intended to be allowed to utilize the oil analysis program.
- This error will be corrected in a future rulemaking by EPA.

### What you need to know

For now, table 2d states that these engines are allowed (via footnote 1) to utilize the oil analysis program. These sources may elect to do so irrespective of the language in 63.6625(i) and (j).

Table 2d of subpart ZZZZ:

For each . . .	You must meet the following requirement, except during periods of startup . . .	During periods of startup you must . . .
4SRB stationary RICE >500 HP that are not remote stationary RICE and that operate more than 24 hours per calendar year	HAP emissions from the stationary RICE.	
13. Non-emergency, non-black start stationary RICE which combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis	a. Change oil and filter every 1,440 hours of operation or annually, whichever comes first; <sup>1</sup> b. Inspect spark plugs every 1,440 hours of operation or annually, whichever comes first, and replace as necessary; and	
	c. Inspect all hoses and belts every 1,440 hours of operation or annually, whichever comes first, and replace as necessary.	

<sup>1</sup> Sources have the option to utilize an oil analysis program as described in § 63.6625(i) or (j) in order to extend the specified oil change requirement in Table 2d of this subpart.

**NESHAP ZZZZ: 63.6625(i)**

If you own or operate a stationary CI engine that is subject to the work, operation or management practices in items 1 or 2 of Table 2c to this subpart or in items 1 or 4 of Table 2d to this subpart, you have the option of utilizing an oil analysis program in order to extend the specified oil change requirement in Tables 2c and 2d to this subpart. The oil analysis must be performed at the same frequency specified for changing the oil in Table 2c or 2d to this subpart. The analysis program must at a minimum analyze the following three parameters: Total Base Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Base Number is less than 30 percent of the Total Base Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5. If all of these condemning limits are not exceeded, the engine owner or operator is not required to change the oil. If any of the limits are exceeded, the engine owner or operator must change the oil within 2 business days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the engine owner or operator must change the oil within 2 business days or before commencing operation, whichever is later. The owner or operator must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine.

**NESHAP ZZZZ: 63.6625(j)**

If you own or operate a stationary SI engine that is subject to the work, operation or management practices in items 6, 7, or 8 of Table 2c to this subpart or in items 5, 6, 7, 9, or 11 of Table 2d to this subpart, you have the option of utilizing an oil analysis program in order to extend the specified oil change requirement in Tables 2c and 2d to this subpart. The oil analysis must be performed at the same frequency specified for changing the oil in Table 2c or 2d to this subpart. The analysis program must at a minimum analyze the following three parameters: Total Acid Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Acid Number increases by more than 3.0 milligrams of potassium hydroxide (KOH) per gram from Total Acid Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5. If all of these condemning limits are not exceeded, the engine owner or operator is not required to change the oil. If any of the limits are exceeded, the engine owner or operator must change the oil within 2 business days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the engine owner or operator must change the oil within 2 business days or before commencing operation, whichever is later. The owner or operator must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine.

# 12 – Land Use Compatibility Statement

## Land Use Compatibility Statement (LUCS) and Compliance

### Overview:

I'm betting some of you are relatively excited for this tip and some of you read the subject line and were instantaneously filled with dread. I understand both reactions completely, and everything in-between. This email information is best viewed in a full window based on how the text and images are laid out; I recommend double clicking on this email message in your outlook to pop it out and view in a full screen.

At a high level, DEQ's land use compatibility statement (LUCS) form and [process](#) is used to ensure projects or sources are compliant with statewide planning goals. These forms are partially filled out by the applicant (source, owner, operator, consultant, etc.) and submitted to the local planning or zoning office. This is most often a city or county office for where the project or source is/will be located. The form is then processed by that city or county office and the applicant receives one of a few things; most often either 1) straight approval, 2) straight denial, or 3) approval with conditions. Air permits and Notices of Intent to Construct often require a LUCS to be submitted with the application. This is the main way that DEQ ensures projects and sources are compliant with statewide planning goals.

### #1: DEQ's responsibility to ensure land use compliance

Division 18

STATE AGENCY COORDINATION PROGRAM

[340-018-0000](#)

Purpose

In accordance with ORS 197.180, this rule establishes Department policy and procedures to assure that Department activities determined to significantly affect land use are carried out in a manner that complies with the statewide land use goals and are compatible with acknowledged comprehensive plans. There are limited situations such as those related to the Health Abatement Act and Threat to Drinking Water Act where the applicable statutes obligate the Department to make decisions based exclusively on environmental, public health and safety considerations, and nothing in this program is intended to affect these responsibilities. Division 18 shall control over any inconsistent rule provisions relating to land use compliance and compatibility in OAR 340, divisions 20, 35, 52, 61, 71, and 120.

### [Division 18](#)

DEQ is a state agency (I know, right!?). The [Department of Land Conservation and Development \(DLCD\)](#) establishes rules for how state agencies are to do their jobs while ensuring that overarching [statewide planning goals](#) are achieved. DLCD rules direct state agencies to develop plans explaining which agency actions have (or may have) a significant effect on land use and how we will ensure those actions are in compliance with these statewide planning goals. DEQ submitted a State Agency Coordination plan to DLCD and adopted Division 18 rules (both in 1990) which explain the actions we take that fit this criteria and how we will ensure compliance with the goals.

If you're interested in a 'deeper dive' of the DLCD requirements, you can find more information within OAR chapter 660 [division 30](#) and [division 31](#). DEQ's State Agency Coordination plan that was submitted to DLCD can be found on the [DLCD page here](#).

## #2: AQ Actions that need land use compliance determinations

340-018-0030

### Applicability

The provisions of this rule, OAR 340-018-0000 through 340-018-0200 apply to DEQ programs and actions subsequently determined to have significant effects on land use pursuant to ORS 197.180 and OAR 660-030-0075. DEQ land use actions are identified below:

- (1) Air Quality Division:
  - (a) Approval of Noise Impact Boundaries for Motor Racing Facilities;
  - (b) Approval of Airport Noise Abatement Program and Noise Impact Boundaries;
  - (c) Approval of Notice of Construction;
  - (d) Issuance of Air Contaminant Discharge Permit;

The two most common instances in which AQ permitting staff need to be considerate of land use issues and Division 18 requirements are for issuing permits (ACDP) and processing notices of intent to construct (NCs) applications. Since the SAC plan and Division 18 rules were established in 1990, they don't specifically reference Title V permitting. OAR 340-218-0040(3)(p) specifies that applications must include a land use compatibility statement to assure that activities have been reviewed and approved by the local government(s).

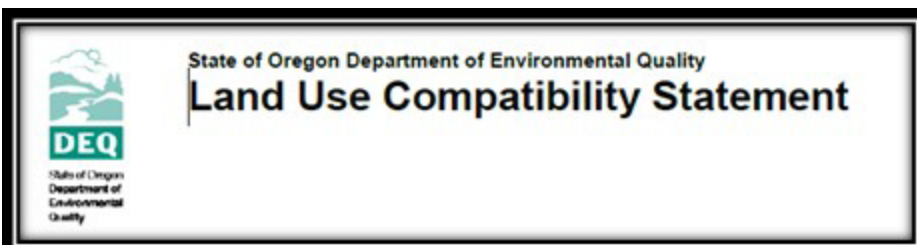
## #3: Determining Compliance with land use goals

As it states here in 340-018-0040, DEQ's commitment is to confirm land use compliance by verifying the proposed air permit (or NC) is compatible with 'acknowledged comprehensive plans'. When applicants submit a LUCS form to the local planning authority, this is what is being checked. -0040(2) clearly states that we may rely on an approved LUCS to determine compliance with statewide land use planning goals.

Most often, this is as far as staff need to go into the Division 18 requirements as the LUCS will show that the proposed project or activity is compliant with the local plan. DLCD also handles and approves these local jurisdiction's plans, so there we go! Full circle back to DLCD.

For times when a LUCS can't be completed (most often on federal forest service land when there is no local planning/zoning authority), section (3) describes the alternative process by which we can determine compliance.

## #4: LUCS Form



There are two different LUCS forms on the [LUCS page](#) of DEQ's website. One is for Notices of Intent to Construct, Simple/Standard ACDPs or TV sources (General Land Use Compatibility Statement) and one is for Basic/General ACDPs or Registrations (General and Basic Air Contaminant Discharge Permit and Registration



Land Use Compatibility Statement). The main difference is the Basic/General/Registration form only has checkboxes for the applicant to indicate the LUCS is for one of those three AQ-permitting actions; the other form includes several options, including NC, ACDP (Simple or Standard), and TV permit actions.

### #5: Facility/Source Information in the LUCS

Section 1 – To be completed by the applicant	
1A. Applicant Name:	1B. Project Name:
Contact Name:	Physical Address:
Mailing Address:	City, State, Zip:
City, State, Zip:	Tax Lot #:
Telephone:	Township:                      Range:                      Section:
Tax Account #:	Latitude:
	Longitude:
1C. Describe the project, include the type of development, business, or facility and services or products provided (attach additional information if necessary):	

Most of this information is relatively straight forward, but the 'Tax Lot #' is important (see #6 below) and should always be filled out.

While the Basic/General ACDP LUCS form lists the comparable '1C' question in fewer words, the concept is the same. Applicants should sufficiently describe the process or activity that is proposed. While there are no hard and fast rules for what 'sufficient' is, staff should use common sense when reviewing a LUCS and discuss with their manager as needed for additional directive.

For example, if a gasoline dispensing facility is proposed for construction and submitted a General permit application with a LUCS that describes the facility as a 'convenience store and car wash' and does not mention anything about storage tanks or dispensing fuel, the application should not be processed right away.

Staff would discuss with their manager and do one of two things: **1)** call the local planner that approved the LUCS and discuss the permit application and additional operations to ensure the activities DEQ is going to permit are still approvable (this should be documented via phone log or email for the source file). Note that this option may instead include requesting the source/applicant to conduct the outreach to the planning department and submit supplemental information to DEQ; or **2)** inform the applicant that the LUCS is not approvable as submitted as the description of the source is not accurate/reflective of the operations proposed; the applicant would be required to obtain a new LUCS.

As stated- these decisions should be referred to the appropriate manager as there are consistency considerations as well. When in doubt, the applicant should be directed to submit a revised and approved LUCS.

Of note regarding source descriptions: If the source description states 'gas station', while it is not a detailed explanation of what is proposed on site, there is almost certainly enough information for the local planning authority to understand what activities will occur on the property in question.

## #6: Permit Renewals, Modifications, and NCs Requiring LUCS

340-018-0050

### Compatibility with Acknowledged Comprehensive Plans

(b) An applicant's submittal of a LUCS is required for the renewal or modification of the permits identified in OAR 340-018-0030 if the Department determines the permit involves a substantial modification or intensification of the permitted activity:

(A) Renewal permits require a LUCS if a permit renewal involves a modification that requires a LUCS under paragraph (B) of this subsection;

(B) Modification permits require a LUCS if:

(i) The permitted source or activity relates to the use of additional property or a physical expansion on the existing property. The LUCS applies to physical changes on the property not to existing permit conditions;

(ii) The permitted source or activity involves a significant increase in discharge to state waters or into the ground;

(iii) The permitted source or activity involves the relocation of an outfall outside of the source property;

(iv) For a major modification of an air contaminant discharge permit which means any physical change or change of operation of a source that results in a net significant emission rate increase as defined in OAR 340-020-0225(25).

340-018-0050(2)(b) clarifies when renewals, modifications, and NCs require a LUCS. Note that (b) refers to 'the permits identified in OAR 340-018-0030', which means ACDPs and NCs. A substantial modification or intensification is clarified within the language below (b) here:

1. When the project, proposal, or application relates to 'the use of additional property'.
  - a. This is where the 'tax lot' number from the LUCS becomes important- the tax lot number identified on the LUCS is where the current permit or approved NC had land use approval. If the project, proposal, or application is for any other tax lot number, it is using additional property. Use of additional property means expansion onto new, separate parcels of land not identified as part of the source in the LUCS in the permit file (usually identified by tax lot). We've updated the RR template to include a place to keep track of the specific tax lot(s) of the source where past tax lot information is available.
2. When the project, proposal, or application relates to a 'physical expansion on the existing property'.
  - a. Physical expansion on existing property means construction on land that had no improvements except for something on the surface (e.g., concrete or asphalt). These changes increase the physical footprint of the facility.
3. When the modification results in a net SER increase (see OAR 340 Division 200).

If there are 'additional property', 'physical expansion', or major mod/SER changes, a new LUCS that covers the changes is required. The source is not required to get a revised LUCS for the entire facility or operation.

Note that an exception to the LUCS requirement for NCs or permit modifications would be when the 'modification' is specifically for pollution control equipment **and** there are no operational changes.

## #7: Don't be fooled by Division 210 and 216 language

340-210-0230

### Notice of Construction and Approval of Plans: Notice to Construct

(1) Any person proposing a Type 1 or 2 change must provide notice and applicable fees in OAR 340-216-8020 to DEQ before constructing or modifying a stationary source or air pollution control device. The notice must be in writing on a form supplied by DEQ and include the following information as applicable:

(a) Name, address, and nature of business;

With all of that being said- don't be fooled by the language shown here

in Division 210 regarding Notices of Intent to Construct saying 'either approving or disapproving' of the project. If a LUCS shows that the project is not compliant with local land use, we **cannot** approve.

(o) **Land Use** Compatibility Statement signed by a local (city or county) planner either approving or disapproving construction or modification to the source if required by the local planning agency.

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;

The same holds true for this language in Division 216 regarding new permit applications- 'either approving or

disapproving' and 'if required'. New ACDP applications must always have an approved LUCS. Division 18 clarifies... "If the Department receives a LUCS which states that the proposed action is incompatible with the acknowledged comprehensive plan, the Department shall notify the applicant that the application cannot be processed..."

As you may or may not know, LUCS questions and issues can lead to a spider web of more questions. Aside from the clarification that we've [hopefully] provided here, discuss questionable LUCS scenarios with your manager, or if you have any supplemental information you'd like to provide regarding your experiences with LUCS and land use issues, let us know so we can add it to the PWRC!

# 13 – Index of Permits by Regulation or Source Category

## Index of DEQ Air Permits by Regulation or Source Category

Let's say you're writing a permit and want to see recent permits (or the general permit) for similar sources. You might want to check out these two tools available in the AQ Permit Writers' Resource Center:

- Index of DEQ Air Permits by Regulation (NESHAP, NSPS etc)
- Index of DEQ Air Permits by Source Category

You can find them here:

### Example Permit Conditions

- [Index of DEQ Air Permits by Regulation or Source Category](#)
- [Search the full text of all DEQ air permits and review reports](#)
- [NSPS and NESHAP Permit Conditions](#)
- [O&M Requirements](#)
- [O&M Requirements for PCD NCs](#)
- [OAQPS Fabric Filter Bag Leak Detection Guidance](#)
- [Alternative Emission Controls \(Bubble\)](#)
- [Emergency Engines](#)

In each, there's a clickable table of contents.

Contents	
A 1   Autobody Repair or Painting Shops .....	3
A 2   Concrete Manufacturing including Redimix .....	7
A 3   Crematory and Pathological Waste Incinerators .....	7
A 4   Natural Gas and Propane Fired Boilers .....	8
A 5   Prepared feeds for animals and fowl .....	8
A 6   Rock, Concrete or Asphalt Crushing .....	9
A 7   Surface Coating Operations .....	10
B 1   Aerospace or Aerospace Parts Manufacturing .....	10
B 11   Battery Manufacturing and Re-manufacturing .....	10

## Contents

ACID   Acid Precipitation .....	4
CAM   Compliance Assurance Monitoring .....	4
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NESHAP 7-A   Asphalt Blowing Stills and Roofing Products (40 CFR 63.11559) .....	12
NESHAP 7-C   Paint, Ink and Adhesive Manufacturing (40 CFR 63.11599) .....	12
NESHAP A   General Provisions (40 CFR 61.01) .....	12
NESHAP A   General Provisions (40 CFR 63.1) .....	12
NESHAP AAAA   Municipal Landfills (40 CFR 63.1930).....	13
NESHAP BBBB   Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities (40 CFR 63.11080) .....	14
NESHAP CCCCC   Gasoline Dispensing Facilities (40 CFR 63.11110).....	14

If you click on a section, you'll see links to recently issued permits (and review reports, emissions detail sheets, annual reports, etc) for facilities in that source category / regulation from AQ Permits Online.

### B 1 | Aerospace or Aerospace Parts Manufacturing

In order by permit issuance date

- 2020 [Meggitt-Oregon, Inc. dba Meggitt Polymers & Composites | 36-0040-SI-01](#)
- 2020 [The Boeing Company | 26-3291-ST-01](#)
- 2019 [Boeing Company \(The\) | 26-2204-ST-01](#)
- 2007 [PCC Structural, Inc. | 26-1867-ST-01](#)

### NESHAP 7-A | Asphalt Blowing Stills and Roofing Products (40 CFR 63.11559)

In order by permit issuance date

- 2021 [Owens Corning Roofing and Asphalt, LLC | abn Trumbull Asphalt | 26-1815-ST-01](#)
- 2012 [CertainTeed Corporation | 26-2043-ST-02](#)
- 2012 [Owens Corning Roofing and Asphalt, LLC | 26-3067-TV-01](#)
- 2009 [Herbert Malarkey Roofing Company | 26-1894-ST-01](#)

Both are freshly updated with the latest permits that have been issued.

# 14 – Example Operations and Maintenance Permit Notice of Construction Conditions

## Example O&M Conditions

As you all well know, it is very important that sources operate their pollution control devices such that “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.” [OAR 340-226-0100] To ensure this, permits **and** NC approvals should contain requirements that the source perform regular maintenance and monitor the operation of the pollution control devices (PCDs).

Because of this, we have gathered Operation and Maintenance requirements from different permits for different types of PCDs. You can find the O&M Requirements document on the Permit Writers Resource Center under Example Permit Conditions.

### Example Permit Conditions

- [Index of DEQ Air Permits by Regulation or Source Category](#)
- [Search the full text of all DEQ air permits and review reports](#) ⇐
- [NSPS and NESHAP Permit Conditions](#) ⇐
- [O&M Requirements](#)
- [OAQPS Fabric Filter Bag Leak Detection Guidance](#)
- [Alternative Emission Controls \(Bubble\)](#)
- [Emergency Engines](#) ⇐

[340-226-0120](https://www.deq.nc.gov/air-quality/340-226-0120) Highest and Best Practicable Treatment and Control: Operating and Maintenance Requirements gives us the authority to add these requirements. You can also include emission action levels where sources need to take corrective action to make sure they do not exceed any permit limits. Operating outside an emission action level (e.g., a range of pressure drops, a range of exhaust temperatures) is only a violation if the source does not take corrective action. If there are other things that you might include for O&M that aren't on the list, please email them to me and I'll add them to this document.

# 15 – GDF Emission Factors and Rules

## Gasoline Dispensing Facility (GDF) Emission Factors & Rules

Did you know that the revised General ACDP #22 and #23 for GDFs in 2020 included **revisions to emission factors** associated with gasoline storage and dispensing? During the revision process, it was determined that better information was available with which to estimate these emissions. Since storage tanks and dispensers are located all over the place, this could be pretty useful! The General Permits on our [external webpage](#) have the emission factors in the permits, and you can also find the excel document of factors on the PWRC under 'industry specific info' here. The excel document provides additional information in other tabs that may be useful as well.

The rest of this tip will dig into a bit of the complexity surrounding GDF rules and permitting. Hopefully this helps answer some questions on the subjects addressed!

Here is an overview of the revised Emission Factors (EFs):

Scenario	Tank Filling	Tank Breathing	Vehicle Refueling			Spillage	Hose Permeation	Total	VOC PSEL @ 39 TPY
	lbs/Mgals	lbs/Mgals	No ORVR refueling	ORVR refueling	Refuel EF w/68% ORVR	lbs/Mgals	lbs/Mgals	lbs/Mgals	Throughput reaching 39 tons
			lbs/Mgals	lbs/Mgals	lbs/Mgals				
Uncontrolled (submerged fill only)	7.7	0.76	10.36	0.21	3.46	0.61	0.06	12.59	6,194,409
Stage 1 Equipment Installed	0.34	0.09	10.36	0.21	3.46	0.61	0.06	4.56	17,101,513
Stage 1 and 2 (S2 Incompatible w/ ORVR)	0.34	0.09	0.7	1.16	1.01	0.42	0.06	1.92	40,603,852
Stage 1 and 2 (S2 Compatible w/ ORVR)	0.34	0.09	0.7	0.2	0.36	0.42	0.06	1.27	61,369,001
Note: ORVR assumed control efficiency @ 98% with 68% average fleet penetration per 2014 fleet data									

**ORVR** refers to a vehicle's 'Onboard Refueling Vapor Recovery' system. This system captures and controls emissions from the vehicle refueling emission point (hose to car). Some Stage 2 systems are incompatible with ORVR and thus, the emission factor in some instances is higher. Statewide fleet data as of 2014 (latest available) shows that 68% of the vehicles in the state of Oregon have ORVR equipped, but the average is into 70%+ for Multnomah, Clackamas, and Washington counties and lower in some more rural counties.

**These different emission factor scenarios** describe what types of controls the dispensing operation may have (or need to have) installed. The requirements for **who-needs-to-install-what** can be found in [Division 244](#) (340-244-0232 through -0252) or [Division 242](#) (OAR 340-242-0510 and -0520). Division 244 is 'stage 1' (AKA 'in-ground' or 'vapor balance') vapor control requirements as well as the general work practices while Division 242 is 'stage 2' (AKA 'above-ground', or 'vapor recovery') vapor control requirements.

Be sure to check out the industry specific page for the 'Rule Applicability Matrix' that breaks down the Stage 1 (most common) requirements. The most useful data points to establish for an applicability determination are location, gasoline throughput, and tank size(s). Any given row on the document can apply to a source and is organized as follows:

- Page 1: based mostly on throughput-related triggers.
- Page 2: based mostly on location-related triggers.
- Page 3: based mostly on triggers for new facilities (post 11/9/2006 construction/reconstruction).

**The 'Uncontrolled' emission factors** would generally be for sources that don't trigger requirements for installing any Stage 1 vapor balance equipment and only have 'submerged filling', or a drop tube that doesn't allow the liquid to splash down into the tank during filling. Submerged filling is required for gasoline storage

tanks @250+ gallons capacity. For more information on gasoline dispensing, be sure to check out the PWRC 'industry specific' page for gasoline dispensing facilities! This is probably the most common emissions control requirement applicable for Simple/Standard ACDP sources that happen to have a storage tank or two and dispensing points.

Remember that the list of **Categorically Insignificant Activities** includes the following: '(jj) On-site storage tanks not subject to any New Source Performance Standards (NSPS), including underground storage tanks (UST), storing gasoline or diesel *used exclusively for fueling of the facility's fleet of vehicles.*' So while you may not need to utilize the emission factors for some gasoline dispensing facilities due to the activity being categorically insignificant, they still have to comply with all applicable requirements (OAR 340-200-0020(23)).

DEQ has **not adopted NESHAP CCCCCC** for gasoline dispensing facilities. Division 244 establishes rules that mirror the NESHAP requirements, with several throughput thresholds which are lower. Including Division 244 rules in an ACDP should effectively allow the source to be in compliance with the NESHAP standards. **For TV sources**, you must refer to NESHAP 6C as DEQ has STILL yet to receive an equivalency approval determination from EPA that states our rules can be used in lieu of NESHAP 6C.

The **Simple/Standard ACDP permit template** in MS Word includes gasoline dispensing default conditions (Condition 4.5). These default conditions include only the rules that apply to sources that don't require any Stage 1 or Stage 2 equipment. If you're working with a source that fits all of the following criteria, the default permit conditions should work fine for the permit:

- The source is not located within the Portland AQMA, Salem-Keizer SKATS, or Medford AQMA.
- The source is not located within Clackamas, Washington, or Multnomah counties.
- The source does not exceed 40,000 gallons of throughput per month. (Note that monthly throughput is defined as 'today plus the last 364 days divided by 12').

**The future** is bright! Another GDF-related item of note is that a Stage 2-revision rulemaking is on the horizon which will most likely include cleanup/simplification efforts within the Division 244 rules. The AQ Planning section will be taking the lead on that rulemaking and the timelines aren't clear yet. BUT keep your eyes and ears open, this one has been a long time coming!



# 16 – AQ Fee Tables Rule History 1972-1999

On February 21, 2021, OCE sent a Notice of Civil Penalty and Order to Griffith Rubber Mills for operating without an ACDP since 1984 and without a Title V permit since 1996. In order to assess the civil penalties, OCE used the AQ Fee Tables Rule History 1972-1999 that is housed in the Other Historic Documents on the Permit Writers' Resource Center Rules and Regulations page. The file is a compilation of all the staff reports that were submitted to EQC to change the fee table over the years.

## [AQ Rules and Regulations](#)

### State Rules

- Oregon Administrative Rules - [Links to Secretary of State's page](#)
- Oregon Administrative Rules - [Links to DEQ's external page](#)
- OARs approved in SIP - [Links to EPA's page](#)
- OAR 340-216-8010 Table 1 Activities & Sources
- OAR 340-216-8020 Table 2 ACDP Fees
- OAR 340-216-8030 Table 3 CAO Fees
- OAR 340-244-0040 Table of HAPs
- OAR 340-245-8020 TAC Reporting List
- OAR 340-245-8010 Table 1 - Risk Action Levels
- OAR 340-245-8040 Risk-Based Concentrations
- Nonattainment Areas
- Attainment Plans
- Maintenance Areas (Maps and Plans)
- Class I Area Map

### OAR Interpretations

- Flat Wood Coating RACT 340-232-0220
- DOJ Rulemaking Opinions 1991-2004
- DOJ Opinion on PSELS - 1993

### Oregon Revised Statutes

- Chapter 468 — Environmental Quality Generally
- Chapter 468A — Air Quality

### Permit Streamlining

- SPPIT1 - May 2001 - Full Rules Package
- SPPIT1 - May 2001 - Rules only
- SPPIT2 - Oct. 2007 - Full Rules Package

### Historic Rules (Searchable PDFs):

### Other Historic Documents

### Other Historic Documents

- 340-216-8010 Table 1 - 2017
- 340-216-8020 Table 2 - 2017
- **Air Quality Fee Tables Rule History 1972-1999 (Large File)**
- Title V and VII Compliance Monitoring Proposed Guidance [3/25/94](#)
- Oregon Federal Operating Permit Program Rule Discussion Document [10/1/93](#)
- Enforcement Guidance [4/15/93](#)
- Summary of 1990 CAA Amendments [11/21/90](#)
- State Agency Coordination (SAC) Program Plan



It's a big file so it will take a while to open. This is what the first page looks like:



#### Year:

- 1972
- 1975
- 1976
- 1979
- 1981
- 1983
- 1986
- 1987
- 1991

When you click on one of those years, you'll get something that looks like this after scrolling past the text of the staff report:

TABLE 1  
AIR CONTAMINANT SOURCES AND  
ASSOCIATED FEE SCHEDULE

(340-20-155)

NOTE: Persons who operate boilers shall include fees as indicated in Items 58, 59, or 60 in addition to fee for other applicable category.

Air Contaminant Source	Standard Industrial Classification Number	Filing Fee	Application Processing Fee	Annual Compliance Determination Fee	Fees to be Submitted with New Application	Fees to be Submitted with Renewal Application	Fees to be Submitted with Application to Modify Permit
1. Seed cleaning located in special control areas, commercial operations only (not elsewhere included)	0723	75	100	190	365	[265] <u>365</u>	175
2. [Smoke houses with 5 or more employees] <u>Reserved</u>	[2013]	[75]	[100]	[135]	[310]	[210]	[175]
3. Flour and other grain mill products in special control areas	2041						
a) 10,000 or more t/y		75	325	375	775	[450] <u>775</u>	400
b) Less than 10,000 t/y		75	250	160	485	[235] <u>485</u>	325
4. Cereal preparations in special control areas	2043	75	325	270	670	[345] <u>670</u>	400
5. Blended and prepared flour in special control areas	2045						
a) 10,000 or more t/y		75	325	270	670	[345] <u>670</u>	400
b) Less than 10,000 t/y		75	250	135	460	[210] <u>460</u>	325

Those who have been around for a while will recognize this format. And yes, we did have different fees for different industries!

For later versions of Tables 1 and 2, you can find them here:

### Historic Rules (Searchable PDFs):

- [3/15/21](#)
- [1/1/2021 - SOS Compilation of Rules - All DEQ Divisions](#)
- [5/14/20](#)
- [1/1/2020 - SOS Compilation of Rules - All DEQ Divisions](#)
- [8/5/19](#)
- [1/1/2019 - SOS Compilation of Rules - All DEQ Divisions](#)
- [12/20/18](#)
- [9/25/18](#)
- [4/20/17](#)
- [02/09/15](#)
- [2/14/14 - Pre-Kitchen Sink Tables](#)
- [2014 - Pre-Kitchen Sink Rules with Tables](#)
- [11/15/11](#)
- [FedRegs.2011 - Feb. 2011 - Rules only](#)
- [7/8/04, DIV 200-248](#)

### Other Historic Documents

- [340-216-8020 Table 2 - 2019](#)
- [340-216-8020 Table 2 - 2018](#)
- [340-216-8010 Table 1 - 2017](#)
- [340-216-8020 Table 2 - 2017](#)
- [Air Quality Fee Tables Rule History 1972-1999 \(Large File\)](#)
- [Title V and VII Compliance Monitoring Proposed Guidance 3/25/94](#)
- [Oregon Federal Operating Permit Program Rule Discussion Document 10/1/93](#)
- [Enforcement Guidance 4/15/93](#)
- [Summary of 1990 CAA Amendments 11/21/90](#)
- [State Agency Coordination \(SAC\) Program Plan](#)

So if you ever need to do an enforcement case for a source that should have been permitted years ago, you can use the historic Tables 1 and 2 to see what fees should have been paid. You can also use the table to determine if the source was on the list and even needed a permit.

## 17 – Table 1 with SIC Codes

ORAR 340-216-8010 Table 1 is our list of sources that are required to get air permits. Janice Tacconi was researching whether a source needed a permit and found that some of those Table 1 categories are not very descriptive. So she developed a table of all the Table 1 categories and looked up SIC codes for the different industry types to make it easier to know what types of sources that industry category may include. You can find that table here on our Rules and Regulations page:

[AQ Rules and Regulations](#)

### State Rules

- [Oregon Administrative Rules - Links to Secretary of State's page](#)
- [Oregon Administrative Rules - Links to DEQ's external page](#)
- [OARs approved in SIP - Links to EPA's page](#)
- [OAR 340-216-8010 Table 1 Activities & Sources](#)
- [OAR 340-216-8010 Table 1 with SIC Codes](#)
- [OAR 340-216-8020 Table 2 ACDP Fees](#)
- [OAR 340-216-8030 Table 3 CAO Fees](#)
- [OAR 340-244-0040 Table of HAPs](#)
- [OAR 340-245-8020 TAC Reporting List](#)
- [OAR 340-245-8010 Table 1 - Risk Action Levels](#)
- [OAR 340-245-8040 Risk-Based Concentrations](#)

When you click on that highlighted link, you'll see this table:

**340-216-8010**  
**Table 1 — Activities and Sources with SICs added from 1997 rules**

Basic ACDP

#	Description	SIC Code
1	Autobody repair or painting shops painting more than 25 automobiles in a year and that are located inside the Portland AQMA.	7532
2	Concrete manufacturing including redmix and CTB, both stationary and portable, more than 5,000 but less than 25,000 cubic yards per year output.	3271, 3272, 3273
3	Crematory incinerators with less than 20 tons/year material input.	7261
4	Natural gas and propane fired boilers of 10 or more MMBTU/hour but less than 30 MMBTU/hour heat input constructed after June 9, 1989 that may use less than 10,000 gallons per year of #2 diesel oil as a backup fuel.	4922, 4925
5	Prepared feeds for animals and fowl and associated grain elevators more than 1,000 tons/year but less than 10,000 tons per year throughput.	2048
6	Rock, concrete or asphalt crushing, both stationary and portable, more than 5,000 tons/year but less than 25,000 tons/year crushed.	1442, 1446, 3295
7	Surface coating operations whose actual or expected usage of coating materials is greater than 250 gallons per month but does not exceed 3,500 gallons per year, excluding sources that exclusively use non-VOC and non-HAP	

#### NOTES:

- This is not an all-inclusive list of SICs. Other SICs not identified may require a permit under the source category description.
- Yellow highlighted SICs are additions from a SIC code lookup for that category or from the SIC/NAICS crosswalk for NESHAPs that list the NAICS codes
- If an SIC is not listed, the source category could include numerous SICs. The description of the source category may be self-explanatory so no SIC was included.

There are some notes at the bottom of the Basic part of the table that explain how Janice set up the table. If you think of SIC codes that can be added, please let me know. Many thanks to Janice for putting this together!

## 18 – Electronic Inspection and Enforcement Docs

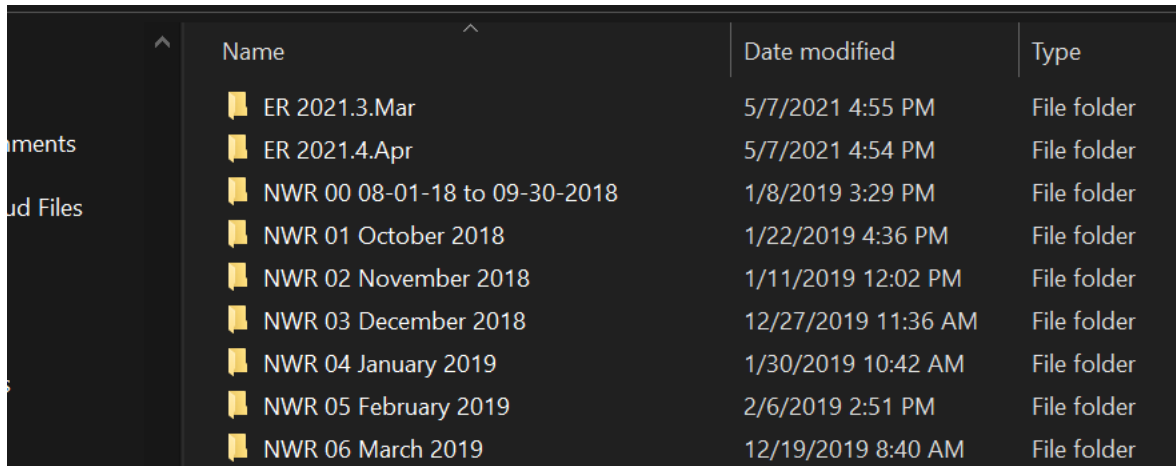
### Inspection Reports and Enforcement Actions

The Operations section has received positive feedback regarding AQ Permits Online as it provides access to documents from other regions (permits, annual reports, review reports, permit mods, etc.) quickly and efficiently. Similarly, **inspection reports and enforcement actions are saved electronically**, albeit not *quite* as easy to access. This may be useful if you would like to find inspections for sources similar to the one you are

working on, if you'd like to review how an enforcement action for a type of source or permit was written, or anything else related to the inspection/enforcement aspects of our work.

You can find inspection reports and enforcement actions in the windows file explorer (can access it here.):

These documents are sorted by region and month.

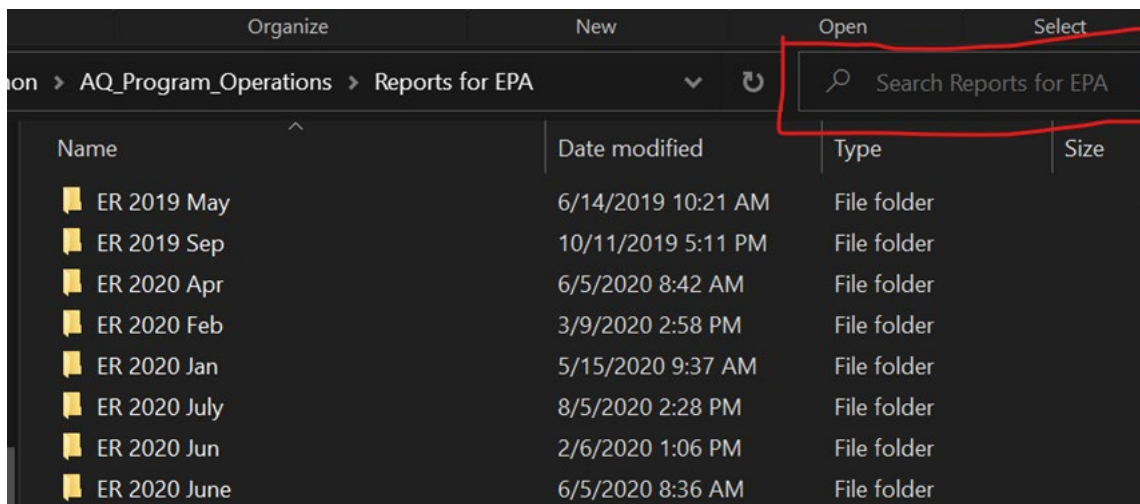


Name	Date modified	Type
ER 2021.3.Mar	5/7/2021 4:55 PM	File folder
ER 2021.4.Apr	5/7/2021 4:54 PM	File folder
NWR 00 08-01-18 to 09-30-2018	1/8/2019 3:29 PM	File folder
NWR 01 October 2018	1/22/2019 4:36 PM	File folder
NWR 02 November 2018	1/11/2019 12:02 PM	File folder
NWR 03 December 2018	12/27/2019 11:36 AM	File folder
NWR 04 January 2019	1/30/2019 10:42 AM	File folder
NWR 05 February 2019	2/6/2019 2:51 PM	File folder
NWR 06 March 2019	12/19/2019 8:40 AM	File folder

Your manager may have a place on your regional shared drive where you save your documents or you may be saving them to this folder directly- either way, this final folder location in AQCommon is where they will all be saved and available for your review.

### **Finding Relevant Documents**

If you are searching for a specific source's inspection/enforcement documents in these folders, you can go directly to the folder location linked above and search for the source/permit number (see directly below). Since some enforcement documents are saved by the WL or PEN number instead of the source number, you may miss a few of those records (for enforcement actions, I recommend using the next method)- but the naming convention for inspection reports should almost always have the six digit source number.



Name	Date modified	Type	Size
ER 2019 May	6/14/2019 10:21 AM	File folder	
ER 2019 Sep	10/11/2019 5:11 PM	File folder	
ER 2020 Apr	6/5/2020 8:42 AM	File folder	
ER 2020 Feb	3/9/2020 2:58 PM	File folder	
ER 2020 Jan	5/15/2020 9:37 AM	File folder	
ER 2020 July	8/5/2020 2:28 PM	File folder	
ER 2020 Jun	2/6/2020 1:06 PM	File folder	
ER 2020 June	6/5/2020 8:36 AM	File folder	

Or, you can look through ACES inspections/enforcement actions for when inspections or enforcement actions were completed for the relevant source(s) first- when you're found the relevant date, you can then quickly navigate to the specific folder to access those documents.

Facility Name (partial) or ID

Address Line

City  County

Regulatory Program

Inspector

Visit Type

Search On  Scheduled Date  Actual Date

From   To

View Site Visit

**Site Visit Search Results**  
(search results may include Site Visit records for duplicate facilities)

Select	File/Source	Facility Name	Address	City	Inspector	Regulatory Program	Site Visit Type	Scheduled Date	Actual Date	ID
Select	18-0072	Gas Transmission Northwest LLC	HARPOLD VALLEY RD 3 MI E/O BONANZA	BONANZA	Paul Devito	AQ Permitting	Informational Inspection	08/25/2016	08/25/2016	6378
Select	18-0072	Gas Transmission Northwest LLC	HARPOLD VALLEY RD 3 MI E/O BONANZA	BONANZA	Paul Devito	AQ Permitting	On-site TV or SM80 FCE	08/31/2016	08/25/2016	3925
Select	18-0072	Gas Transmission Northwest LLC	HARPOLD VALLEY RD 3 MI E/O BONANZA	BONANZA	Paul Devito	AQ Permitting	On-site TV or SM80 FCE	05/30/2020	05/09/2020	14874
Select	18-0072	Gas Transmission Northwest LLC	HARPOLD VALLEY RD 3 MI E/O BONANZA	BONANZA	Paul Devito	AQ Permitting	NESHAPS Inspection - Point Source	05/30/2020	07/08/2020	14874
Select	18-0072	Gas Transmission Northwest LLC	HARPOLD VALLEY RD 3 MI E/O BONANZA	BONANZA	Paul Devito	AQ Permitting	On-site TV or SM80 FCE	05/30/2020	07/08/2020	14874

Records Found: 5

« AQ\_Program\_Operations > Reports for EPA > ER 2020 July

Search ER 2020 July

Name	Date modified	Type
18-0072-TV-01 2020-July Inspection	8/5/2020 2:28 PM	File folder

While this system is likely to change with the implementation of EDMS for the rest of the AQ program, for now this is how you can most efficiently find inspection and enforcement records for other sources across the state.

## 19 – Aggregate Insignificant Emissions

**Aggregate Insignificant Activities** were defined when the Title V program was developed:

(7) "Aggregate insignificant emissions" means the annual actual emissions of any regulated pollutant from one or more designated activities at a source that are less than or equal to the lowest applicable level specified in this section. The total emissions from each designated activity and the aggregate emissions from all designated activities must be less than or equal to the lowest applicable level specified:

- (a) One ton for total reduced sulfur, hydrogen sulfide, sulfuric acid mist, any Class I or II substance subject to a standard promulgated under or established by Title VI of the FCAA, and each criteria pollutant, except lead;
- (b) 120 pounds for lead;
- (c) 600 pounds for fluorides;
- (d) 500 pounds for PM10 in a PM10 nonattainment area;
- (e) 500 pounds for direct PM2.5 in a PM2.5 nonattainment area;
- (f) The lesser of the amount established in 40 C.F.R. 68.130 or 1,000 pounds;
- (g) An aggregate of 5,000 pounds for all hazardous air pollutants;
- (h) 2,756 tons CO<sub>2</sub>e for greenhouse gases.

Because ALL emissions had to be accounted for in the Title V permits, being able to group activities in the "aggregate insignificant emissions" made it slightly easier for sources to not have to track emissions for these activities. Aggregate insignificant emissions may also be calculated for ACDP sources, especially if the source is close to a significant emission rate or major source threshold and aggregate insignificant emissions could push them over. To establish what can fit in the aggregate, emissions must be calculated from all activities (except for Categorically Insignificant Activities). Activities can be included in the aggregate as long as all emissions

from those activities are less than the thresholds listed above. This calculation of aggregate insignificant activities can be included in a separate sheet in the detail sheets spreadsheet as documentation.

Emissions Unit	Throughput	Units	Emissions Factor	Units	Reference	Emissions lbs/year	Emissions tons/year	
<b>SO2 emissions</b>								
<b>Munitions</b>								
MUN - 5.56MM CARTRIDGE, M200	5399	RND	0.00000098	LBS/RND	AEGAFSS June 2020	5.3E-04	2.6E-07	
MUN - GREEN SMOKE HAND GRENADE, M18	46	RND	0.00016	LBS/RND	AEGAFSS June 2020	7.4E-03	3.7E-06	
MUN - HAND GRENADE FUZE	30	RND	0.000011	LBS/RND	AEGAFSS June 2020	3.3E-04	1.7E-07	
MUN - VOILET SMOKE HAND GRENADE, M18	4	RND	0.00016	LBS/RND	AEGAFSS June 2020	6.4E-04	3.2E-07	
<b>TOTAL</b>						<b>TOTAL SO2</b>	<b>8.9E-03</b>	<b>4.4E-06</b>

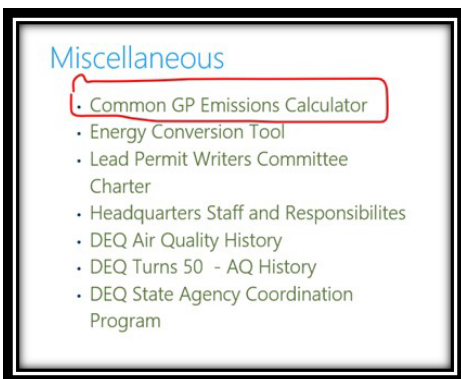
A separate line item should be included in the detail sheets (either as part of the Review Report or as a separate document) for the aggregate insignificant emissions but doesn't have to be detailed as the information above:

Local Process Name	Potential Throughput	Units	Emission Factor	Units	Reference	Pounds Emittied	Tons Emittied		
Jet Engine Testing - Idle	10 X Normal Operations		11000	MIN	1.2	LB/MIN	Jet EF 1231**	13497	6.7
Jet Engine Testing - Approach	10 X Normal Operations		5	MIN	0.12	LB/MIN	Jet EF 1232	1	0.0003
Jet Engine Testing - Intermediate	10 X Normal Operations		3210	MIN	0.08	LB/MIN	Jet EF 1233	265	0.1
Jet Engine Testing - Military	10 X Normal Operations		1050	MIN	0.14	LB/MIN	Jet EF 1234	146	0.1
Jet Engine Testing - Afterburner	10 X Normal Operations		350	MIN	8.2	LB/MIN	Jet EF 1235	2886	1.4
<b>Aggregate Insignificant Emissions</b>									<b>1.0</b>
<b>TOTAL</b>								<b>38885</b>	<b>20.4</b>

Sources don't have to report compliance with the aggregate insignificant emissions each year when they report compliance with their PSEL. At renewal, permit writers should ensure that the aggregate insignificant emissions are still less than the thresholds. Sources can also propose changes to what activities fit under the aggregate at renewal.

## 20 – GP Annual Report Review Tool

### General Permits and Emissions Calculations



DEQ has issued General ACDPs for an array of activities and industry types (Rock Crushers, Concrete Ready-Mix Plants, etc.). Some of these permits require the source to calculate their emissions with the annual report and some require the source to submit production/material data. For the sources that submit production/material data, the permit writer/inspector will calculate emissions when reviewing the annual report using Emission Factors (EFs) from the permit.

This allows 1) The source to more effectively/accurately submit their annual reports (sources likely understand their production/materials better than DEQ emission factors and calculations); and

2) DEQ to ensure the production/material from the source remains below the Generic Plant Site Emissions Limits in the permit.

Many General ACDPs include EFs that are to be used to determine compliance with the PSEL. Some of those EFs have been put into an excel document (General ACDP Emissions Calculator Tool (Annual Report Review Assistance) for quick-calculations during annual report reviews to verify emissions calculations and to calculate emissions for sources that only submit production/material data.

**Excel Document & Quick Calculations**

This tool is available from the Permit Writers’ Resource Center (PWRC); it can be found towards the bottom right corner under the ‘miscellaneous’ header (see below).

This is the ‘first draft’ of this tool, so it does not have all General Permits. For example, the Gasoline Dispensing Facility permit

includes throughput thresholds which can be used to determine if emissions are below the Generic PSEL at a glance.

If there is a permit that you feel would be useful to have included, please let me know.

Other DEQ-published emission factor documents and hyperlinks are included in the tab called ‘other’ for quick reference as needed.

Click from side-to-side across the tabs on the bottom of the document to find a specific permit type.



The yellow highlighted cells (see below) are where **you input production/material information** submitted on the annual report. The excel document will then use the GP emission factors shown to produce **the tons of emissions** within the bold and green-highlight cells.

Rock Crusher Tons Per Year			
Pollutant	Rock Crushed (tons/yr)	Emission Factor (lbs/ton)	Emissions (tons/yr)
PM	37,512	0.041	<b>0.77</b>
PM10	37,512	0.02	<b>0.38</b>
PM2.5	37,512	0.0012	<b>0.02</b>
<b>Input total tons</b>	<b>37,512</b>		

See the rock crusher example below: (yellow = production from annual report; green = actual emissions)

**Always note the ‘input’ indicator** to the left of the yellow cell.

For rock crusher emissions from actually crushing rock, it is asking for ‘tons’.

These yellow cells may be asking for gallons, MMCF of natural gas, tons, etc.

Ensure you’re using the correct unit(s) and that the permittee has reported the correct unit(s).

Many of the permit tabs include a version of this ‘total emissions’ table (see below). For example, with rock crushers the permittee may have three Emissions Units (1 Rock Crusher, 1 Oil-Fired Generator, and 1 natural gas-fired Generator). When you input the three total production/material numbers on that tab (tons of rock crushed, gallons of oil used, and MMCF of natural gas used), the totals table will add all of the cells together for each specified pollutant.

Total Emissions From This Worksheet	
Pollutant	Tons
PM	0.94
PM10	0.55
PM2.5	0.19
SO2	0.09
NOX	22.66
CO	3.29
VOC	0.98

Naturally, these 'totals' tables only add the specific emissions data that is shown on the worksheet. For example, if you have a Rock Crusher source with 3 crushers at the source and you input their throughput individually, you will still need to add up the three different emissions totals to determine plant-wide emissions; alternatively, if you add up throughput from all three crushers and input *that* total, the table will show you the total emissions from all rock crushing.

If you've read this far and don't want to scroll back up for the link, you can find the document on the PWRC [HERE](#). This excel document is housed on SharePoint and since it will be receiving ongoing revisions, please be sure to navigate to it from the PWRC instead of saving a local copy.

This is the beginning of a tool that we hope will help expedite GP annual report reviews; if there are additions or other things that will help make this tool better, please let us know!

## 21 – Federal Adoption and Delegation

### Federal Regulations, Adoption and Delegation

As you may know, federal regulations are often cited in Oregon Administrative Rules by reference. Within [Division 238](#) and [244](#) (NSPS and NESHAP regulations respectively), the EQC has elected to establish many federal regulations directly as Oregon rules. The process of taking federal regulations and incorporating them into OAR by reference is called 'adoption'. By reference means that the rule language 'refers' to the federal regulation instead of including all of the regulatory language within the division (e.g., 'Subpart S — Pulp and Paper Industry', see OAR 340-244-0220(5)(m)).

After the rulemaking process is completed, DEQ has 'adopted' these regulations. Then, DEQ requests 'delegation' of these federal standards; this includes submitting a packet of information to EPA with Oregon requesting to be the primary authority responsible for implementation and enforcement of the standard in this state. In most cases, after delegation the word 'administrator' in these regulations means 'DEQ'.

### Federal Regulations in OAR

While different parts and pieces of the Code of Federal Regulations (C.F.R.) are found throughout the rules, the most common for AQ permitting purposes are the NSPS and NESHAP standards for industrial sources. [New Source Performance Standards](#) can be found within the [40 C.F.R. part 60](#) subparts and [National Emission Standards for Hazardous Air Pollutant](#) regulations can be found within the [40 C.F.R. part 61 and 63](#) subparts. There are two separate divisions for each of these, division 238 for NSPS and Division 244 for NESHAPs.

NOTE: the term 'C.F.R.' is defined by division 238 and 244 and will always refer to a specific dated version of the federal regulation which applies, unless otherwise specified.

Here is how a part of division 244 appears, which clearly states the federal regulations subsequently listed are 'adopted by reference and incorporated herein'. In other words, the text of these federal regulations are now Oregon rule.



340-244-0220

Emission Standards: Federal Regulations Adopted by Reference

(1) Except as provided in sections (2) and (3) of this rule, 40 C.F.R. Part 61, Subparts A, C through F, J, L, N through P, V, Y, BB, and FF and 40 C.F.R. Part 63, Subparts A, F through J, L through O, Q through U, W through Y, AA through EE, GG through YY, CCC through EEE, GGG through JJJ, LLL through RRR, TTT through VVV, XXX, AAAA, CCCC through KKKK, MMMM through YYYYY, AAAAA through NNNNN, PPPPP through UUUUU, WWWWW, YYYYY, ZZZZ, BBBB, DDDDD through HHHHH, LLLLL through TTTTT, VVVVV through EEEEE, and HHHHH are adopted by reference and incorporated herein, and 40 C.F.R. Part 63, Subparts ZZZZ and JJJJJ are by this reference adopted and incorporated herein only for sources required to have a Title V or ACDP permit.

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

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

(4) 40 C.F.R. Part 61 Subparts adopted by this rule are titled as follows:

(a) Subpart A – General Provisions;

(b) Subpart C – Beryllium;

Note that these sections of rule, which specify the regulations that have been adopted, may have other specific caveats of which you should be aware. For example, the last redline in the picture above further clarifies that the EQC has only adopted NESHAP ZZZZ (engines) and NESHAP JJJJJ (boilers) federal standards by reference for sources which require an air permit ([See OAR 340-216-8010 Table 1](#)). This typically means the NSPS or NESHAP applies to more sources than are required to be permitted by DEQ rules.

Another example of a more specific caveat which slightly changes the 'by reference' instead of implementing the exact federal regulation is NESHAP OOO:

(aaa) Subpart OOO – Manufacture of Amino/Phenolic Resins. The standards adopted by reference replaces the language of §63.1405(b)(2)(i) with: The owner or operator of a back-end continuous process vent shall reduce total organic HAP emissions to less than or equal to 0.95 kilograms of total organic HAP per megagram of resin produced (1.9 pounds of total organic HAP per ton of resin produced);

Or the PCWP NESHAP (DDDD), which includes adoption as of a different specific date, not defaulting to the definition of 'C.F.R.':

(kkk) Subpart DDDD – Plywood and Composite Wood Products. Standards adopted include final rule promulgations through August 13, 2020 of the C.F.R.;

When establishing these requirements in a permit, always check the definition of 'C.F.R.' as well as the specific standard(s) in division 238 or 244 being incorporated into the permit.

## Adoption Process

This process begins with the tracking of new or revised federal standards. In HQ, the Air Operations sections keeps track of the different EPA final rules regarding NSPS or NESHAP standards. After keeping track of these changes, DEQ initiates a rulemaking process. The rulemaking to adopt new/updated/revised federal regulations typically occurs every two years and generally includes: drafting rules, public notice, public hearing, public comment/responses, and document preparation for the EQC. Below is an example slide that would be at the end of the presentation to the EQC. If the EQC votes to adopt the proposed rules, we're done (well, almost!).

## DEQ Recommendation

### Recommended motion language:

- I move that the Environmental Quality Commission adopt the proposed rules as seen in Attachment A of the staff report for this item as part of chapter 340 of the Oregon Administrative Rules; and
- Approve incorporating these rule amendments into the Oregon Clean Air Act State Implementation Plan under OAR 340-200-0040;

(Right after this step, the approved rules have to be filed with the Oregon Secretary of State before they're final and effective. This typically only takes a day or so after the EQC meeting.)

The PWRC has a table that provides a list of all adopted NSPS and NESHAP standards, the original promulgation date, the latest revision that's been adopted, and any subsequent EPA revisions that aren't incorporated into Oregon rule by reference yet.

## Backsliding

House Bill 2250 was a bill passed in the 2019 legislative session that directs DEQ to inform the EQC promptly and recommend next steps if there is an EPA change that **"results or will result in federal standards or requirements that are significantly less protective of public health, the environment or natural resources than baseline federal standards..."** This basically means that DEQ has to assess each EPA change to an NSPS or NESHAP to ensure it is not significantly less protective than the version of applicable requirements that were in effect on 1/19/2017.

For permit writing purposes, using division 238 and 244 remains the same, but there may be more of those caveats moving forward. If you'd like to review the actual bill, it can be found here: [HB2250](#)

## Delegation Process

At this point in the process, DEQ has these federal regulations directly in state rule by reference. The delegation process is where DEQ asks EPA to be the primary implementer/enforcer/authority for these adopted requirements in Oregon. The process includes putting together a packet of information that covers all of the legal requirements established in the C.F.R. (DEQ has to demonstrate we have the resources and legal authority to issue permits, enforce on violations, followed applicable public involvement processes, etc.) and submitting it to EPA Region 10. After a review, EPA will either approve or deny the delegation. Historically, DEQ has received approval for all submitted delegation requests. (PWRC has the delegation request letters that have been sent to EPA as well, see the most recent request here.)

Once DEQ has received the 'delegation approval' letter from EPA, the term 'administrator' within the federal regulations will typically mean 'DEQ' instead of EPA. Note that there are several authorities that are not delegated (refer to the delegation approval letters on the PWRC).

## 22 – Applicable Requirements and Who Enforces

### Applicable Requirements

Applicable requirements are defined in division 200:

- (12) "Applicable requirement" means all of the following as they apply to emissions units in an Oregon Title V Operating Permit program source or ACDP program source, including requirements that have been promulgated or approved by the EPA through rule making at the time of issuance but have future-effective compliance dates:
- (a) Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by the EPA through rulemaking under Title I of the FCAA that implements the relevant requirements of the FCAA, including any revisions to that plan promulgated in 40 C.F.R. part 52;
  - (b) Any standard or other requirement adopted under OAR 340-200-0040 of the State of Oregon Clean Air Act Implementation Plan that is more stringent than the federal standard or requirement which has not yet been approved by the EPA, and other state-only enforceable air pollution control requirements;
  - (c) Any term or condition in an ACDP, OAR 340 division 216, including any term or condition of any preconstruction permits issued under OAR 340 division 224, New Source Review, until or unless DEQ revokes or modifies the term or condition by a permit modification;
  - (d) Any term or condition in a Notice of Construction and Approval of Plans, OAR 340-210-0205 through 340-210-0240, until or unless DEQ revokes or modifies the term or condition by a Notice of Construction and Approval of Plans or a permit modification;
  - (e) Any term or condition in a Notice of Approval, OAR 340-218-0190, issued before July 1, 2001, until or unless DEQ revokes or modifies the term or condition by a Notice of Approval or a permit modification;
  - (f) Any term or condition of a PSD permit issued by the EPA until or unless the EPA revokes or modifies the term or condition by a permit modification;
  - (g) Any standard or other requirement under section 111 of the FCAA, including section 111(d);
  - (h) Any standard or other requirement under section 112 of the FCAA, including any requirement concerning accident prevention under section 112(r)(7) of the FCAA;
  - (i) Any standard or other requirement of the acid rain program under Title IV of the FCAA or the regulations promulgated thereunder;
  - (j) Any requirements established under section 504(b) or section 114(a)(3) of the FCAA;
  - (k) Any standard or other requirement under section 126(a)(1) and(c) of the FCAA;
  - (l) Any standard or other requirement governing solid waste incineration, under section 129 of the FCAA;
  - (m) Any standard or other requirement for consumer and commercial products, under section 183(e) of the FCAA;

- (n) Any standard or other requirement for tank vessels, under section 183(f) of the FCAA;
- (o) Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under section 328 of the FCAA;
- (p) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the FCAA, unless the Administrator has determined that such requirements need not be contained in an Oregon Title V Operating Permit; and
- (q) Any national ambient air quality standard or increment or visibility requirement under part C of Title I of the FCAA, but only as it would apply to temporary sources permitted under section 504(e) of the FCAA.

Lots of questions have come up on new/modified applicable requirements. When do you put new/modified applicable requirements in permits? After EPA promulgates? After EQC adopts? Is it different for ACDP and Title V permits? When do sources have to comply? Who enforces on the new/modified applicable requirements, EPA or DEQ or both? The "New & Modified Applicable Requirements" document was written to address these questions. It can be found on the Permit Writers Resource Center under Permitting Concepts.

## Permitting Concepts

- Permit Content
- New & Modified Applicable Requirements
- Plant Site Emission Limits ↔
- General Standards
- Highest & Best Practicable Treatment & Control
- Cleaner Air Oregon - external ↔
- Cleaner Air Oregon - internal ↔
- Construction Approval ↔
- RACT
- LUCS Requirements

Below is a snip of the summary table. The document includes steps of how and when new/modified applicable requirements should be incorporated into permits and also includes examples.

### Summary

Below is a summary table of the concepts contained in this document:

New/Modified Applicable Requirement <sup>1</sup>					
Permit Type	Adopted by?	Include in permit?	Must comply?	Shield?	Enforceable by?
ACDP	EPA only, not EQC	No <sup>2</sup>	Yes	NA	EPA & CAA citizen suit
Title V		Yes	Yes	Only if requirement included in permit	EPA, CAA citizen suit & DEQ if requirement included in permit
ACDP	EPA & EQC	Yes	Yes	NA	EPA, CAA citizen suit & DEQ
Title V		Yes	Yes	Only if requirement included in permit	

Note: The EQC 'adopts' rules into Oregon Administrative Rule. EPA 'promulgates' (or approves) final rules in the Code of Federal Regulations. This document will refer to EPA actions as 'promulgations' to retain a clear distinction between EQC and EPA actions.

## 23 – Permit Writing Resources

### Permit Writing Resources

Seasoned permit writers likely know what language to use (or not) in a permit to implement certain requirements, and how to find/use other resources to ensure their permits are complete and defensible. Newer staff may not have as much institutional knowledge regarding how air quality permits are supposed to be drafted or even where to begin. Additionally, DEQ's overall onboarding process is not oriented toward any one program or section and may be varied across the state. These documents were discussed (albeit briefly) at the April 2021 AQ Forum but below is a bit more detail as well as direct links to the resources.

Whether you're been writing permits for quite a while or were hired during a global pandemic and have conducted all of your onboarding remotely, hopefully something below is useful!

### **Onboarding Document Designed for new AQ Staff (and refreshers for existing):**

This document is designed to provide an improved onboarding process for a brand new hire to an AQ Program/section. While not designed to replace any Central Services Division (CSD) or agency-wide onboarding, it does provide an AQ-focused path from high-level down to a reasonable level of detail. This resource begins with an organizational chart, then a breakdown of HQ AQ Ops, Technical Services, Planning, and each region, before transitioning into more detail-oriented information like OAR/ORS links, the Permit Writers' Resource Center, AQ Permits Online, Complaints Database, and AP-42.

For staff that are familiar with most of these concepts, it may still be worth taking a look at the document for refresher purposes. For example, if the 'performance partnership agreement' sounds familiar but you don't recall exactly who DEQ is in agreement with or what we're committed to, the PPA hyperlink might provide the right amount of supplemental information or clarity regarding how it affects other work at the agency.

*Example, part of page 2:*



**EPA Oversight:**

- Understand Delegation by EPA to Implement the [Clean Air Act](#) in Oregon
- [EPA Approved Regulations in the Oregon State Implementation Plan](#)
- [Delegation](#) of New Source Performance Standard (NSPS) and National Emission Standards for Hazardous Air Pollutant (NESHAP)
- [Performance Partnership Agreement](#) between EPA and DEQ for delegated programs (see Appendix A for Air Quality roles/responsibilities/goals)
- State Review Framework (SRF)
- EPA review of DEQ permits

**Review the Oregon Rules Chapter 340:**

- [Division 200](#): General Air Pollution Procedures and Definitions
- [Division 208](#): Visible Emissions and Nuisance Requirements
- [Division 209](#): Public Participation
- [Division 210](#): Stationary Source Notification Requirement
- [Division 214](#): Stationary Source Reporting Requirements
- [Division 216](#): Air Contaminant Discharge Permits
- [Division 218](#): Oregon Title V Operating Permits
- [Division 222](#): Stationary Source Plant Site Emission Limits (PSEL)

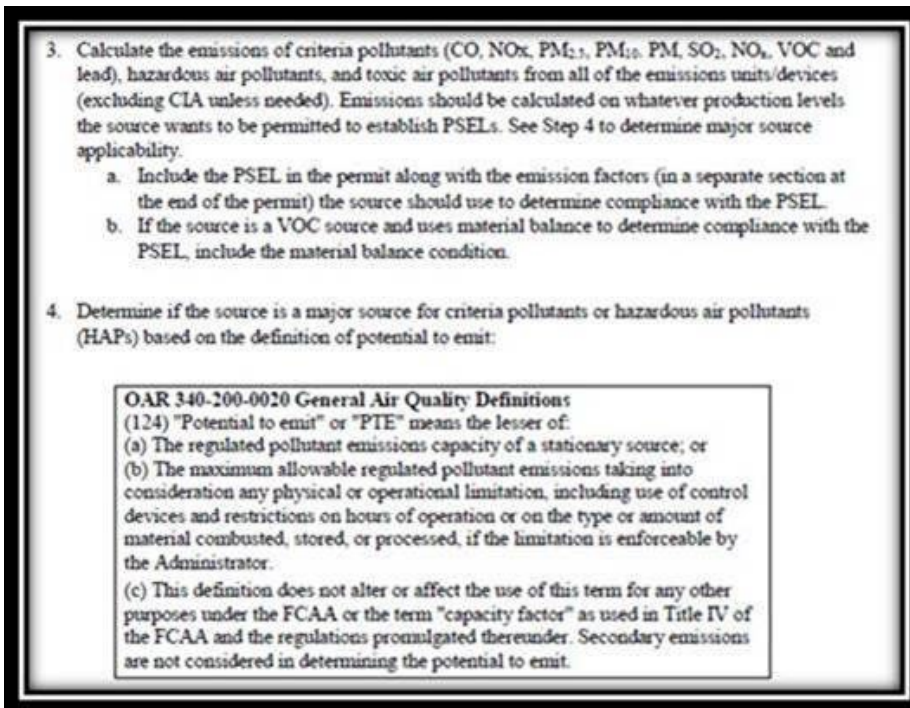
- How to Find: From the PWRC homepage, then under 'Discussion/Training', the 'Training' link will take you to this subpage with a revised onboarding document oriented towards AQ and permitting.
- Title of document on PWRC: "New Hire Onboarding". Direct Link: [Here](#).

## How to Write a Permit Document:

Well this one is titled a bit 'on the nose,' eh? Just know that the document helps formalize the actual process of writing a permit. What rules should be referred to or reviewed? What other questions should be asked? Where are the templates? Categorically Insignificant Activities? Potential To Emit (PTE)? Plant Site Emission Limits (PSEL)?

This document touches briefly on all of that. While it might not get into the detail to answer all questions that will come up when you're writing a permit, this document will help ensure that those questions get asked and answers are eventually found before the public notice period and/or rework is required.

*Example on page 4 of the document:*

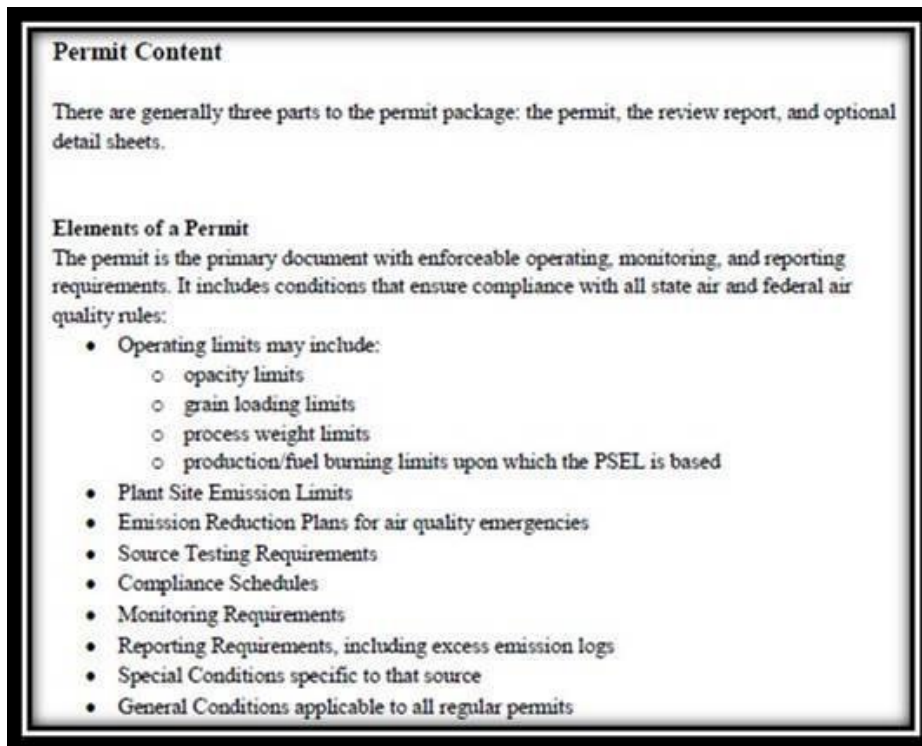


- How to Find: From the PWRC page, under 'ACDP', the document can be found beneath the header 'ACDP Permitting'.
- Title of document on PWRC: "How to Write a Permit". Direct Link: [Here](#).

## Permit Content Document:

In support of the 'how to write a permit' document, there is also a document on the PWRC touching on the high-level items that need to be included (or considered) when writing a permit. It's titled 'Permit Content' and touches on the different sections (overarching Conditions) that should be in a permit, the elements of a Review Report, and the elements of an Emissions Detail Sheet.

Example of Page 1 of the document:



- How to Find: From the PWRC page, under 'Permitting Concepts', the title is 'Permit Content'.
- Title of document on PWRC: "Permit Content". Direct Link: [Here](#).

## Other/General Emissions Standards Document

Divisions 208, 226, and 228 cover an array of different requirements that might apply to a given source. [Division 208](#) covers 'visible emissions and nuisance requirements', [Division 226](#) covers 'general emission standards', and [Division 228](#) covers 'requirements for fuel burning equipment and fuel sulfur content'. Many rules within these divisions apply to specific sources or areas of the state. This 'general emissions standards' document itself attempts to clarify how/where these different rules apply, therefore reducing the amount of time you may need to spend reviewing each division to determine applicability of individual rules.

Example of Page 1 of the document:

### General Emissions Standards

General emission standards that apply to all sources are primarily contained in three divisions: 208, 226 and 228. These requirements are included in the permit templates for both ACDP and Title V sources.

[Division 208](#), Visible Emissions and Nuisance Requirements, contains the standards for visible emissions (opacity), fugitive emissions, nuisance and fallout.

[340-208-0110](#) Visible Air Contaminant Limitations  
Opacity standards and methods of measurement for wood-fired boilers and source other than wood-fired boilers are included in this rule. The 40% opacity standard will sunset on December 31, 2019, except during grate cleaning. There are provisions for an owner or operator to request a wood-fired boiler specific limit greater than an average of 20% opacity, but not to equal or exceed 40%. This section does not apply to fugitive emissions.

[340-208-0210](#) Requirements for Fugitive Emissions  
This rule requires reasonable precautions to prevent particulate matter from becoming airborne and provides various methods for achieving this goal. OAR 340-208-0210(2)(a) defines fugitive emissions. DEQ can require a fugitive emission control plant upon request.

- How to Find: From the PWRC page, under 'Permitting Concepts', the title is 'General Standards.'
- Title of document on PWRC: "General Standards." Direct Link: [Here](#).

## Example Permit Conditions

The section of Example Permit Conditions on the main page of the Permit Writers' Resource Center is also a good resource for permit content. You can see how other permit writers have written permit conditions for different type of industries or equipment.

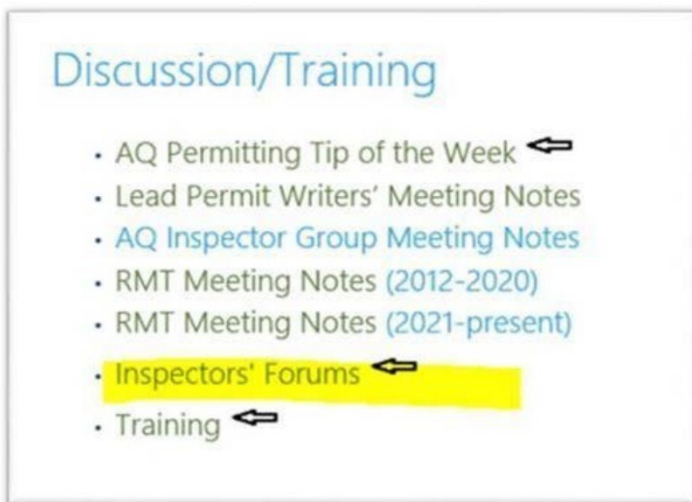
### Example Permit Conditions

- [Index of DEQ Air Permits by Regulation or Source Category](#)
- [Search the full text of all DEQ air permits and review reports](#) ⇐
- [NSPS and NESHAP Permit Conditions](#) ⇐
- [O&M Requirements](#)
- [OAQPS Fabric Filter Bag Leak Detection Guidance](#)
- [Alternative Emission Controls \(Bubble\)](#)
- [Emergency Engines](#) ⇐



## 24 – Past Inspector Forums

The AQ Inspector/Permit Writer Forums, held usually twice a year, provide air quality program updates to staff and a chance to discuss topics of interest. Topics vary widely and include suggestions from permit writers, air administrators, managers, headquarters staff, and often discuss complex, interesting, or recurring issues. We've been saving the presentations/documents since 2005 and they are located on the Permit Writers' Resource Center here: Inspectors' Forums



This is what the Inspectors' Forum page look like:

A screenshot of the "Inspectors' Forums" page. The title "Inspectors' Forums" is at the top left. Below it is a list of forum dates arranged in three columns. The dates are: April 2021, October 2020, October 2019, October 2018, April 2019, October 2016, May 2015, October 2013, May 2012, May 2011, October 2009, May 2008, April 2007, and December 2005.

April 2021	October 2016	October 2009
October 2020	May 2015	May 2008
October 2019	October 2013	April 2007
October 2018	May 2012	December 2005
April 2019	May 2011	

This is what was discussed at the December 2005 forum:

# December 2005 Inspectors' Forum

## Agenda

Air Toxics Benchmarks

Amerities Survey Results

Air Toxics Metals Analysis

Oregon Low Emission Vehicle Program

Controversy on the Coast

Forecasting AQI Levels

Team Building Exercise

LRAPA: J.H. Baxter

The Dalles to Liberia

NESHAP/NSPS Rulemaking

Environmental Performance Standards for Bridge Projects

OR Clean Diesel

South Africa Travel Presentation

There's Something in the Air

## 25 – Basic and General ACDPs

### Overview of Basic and General Air Contaminant Discharge Permits

Division 216 includes an array of rules that outline the basis and processes for the Air Contaminant Discharge Permit (ACDP) program. Basic and General ACDPs (BS and GP) are two types of ACDPs that are typically applicable to relatively simple sources. This tip is designed to provide details on these two permit types.

Basic ACDP	General ACDP
<ul style="list-style-type: none"> <li>• Source-specific permits.</li> <li>• Originate from MS Word templates. Can be modified for a specific source.</li> <li>• Typically require minimal work and modification prior to issuance.</li> </ul>	<ul style="list-style-type: none"> <li>• <b><i>Not</i></b> source-specific permits,</li> <li>• Cannot be modified for a specific source. Issued 'as-is'.</li> <li>• Issued for industry/activity types or equipment that are prevalent across the state</li> <li>• Sources <b><i>must</i></b> operate within the confines of the permit (qualifications Condition 1.1).</li> </ul>
How it's used: 'issued' to sources.	How it's used: sources are 'assigned' to it.
Permit number 12-3456- <b>BS</b> -01	Permit number 12-3456- <b>10</b> -01*
Permit Categories: <a href="#">OAR 340-216-8010 Table 1</a> Part A	Permit Categories: <a href="#">OAR 340-216-8010 Table 1</a> Part B, if there is a GP issued by DEQ.
Rule Origin: <a href="#">OAR 340-216-0056</a>	Rule Origin: <a href="#">OAR 340-216-0060</a>
Permit Contents: <ul style="list-style-type: none"> <li>• Only the most significant and relevant rules applicable to the source;</li> <li>• No Plant Site Emissions Limits (PSEL);</li> <li>• Simplified annual reporting;</li> </ul>	Permit Contents: <ul style="list-style-type: none"> <li>• All applicable requirements (except federal rules that EQC hasn't adopted as state rule).</li> <li>• Generic PSEL (Division 216-0020(72))</li> </ul>
Issuance Time: cannot be issued for longer than 10 years. Should be issued for 10 years unless directed otherwise by a manager.	Issuance Time: cannot be issued for longer than 10 years. Issuance may be shorter as determined on a case-by-case basis.
Public Involvement: Issued to source upon application and DEQ review. Issuing a Basic is Public Notice Category 1 ( <a href="#">Division 209</a> ; Category 1 means DEQ	Public Involvement: Drafted and public noticed, then signed by the AQ Administrator. After signature, permit is available for sources to apply for assignment. Public notice category varies; assignment to the permit after signature is Public

Basic ACDP	General ACDP
retains the list of sources that have the Basic).	Notice Category 1 (DEQ retains the list of sources assigned to the GP).

\*10 is the GP number for sawmills/millwork; these two characters will indicate the permit type (see GP categories below).

Assignment to a GP includes sending the source a filled-out 'assignment sheet' (example here) and a copy of the unchanged General Permit (example here). The assignment sheet is what officially provides the applicant 'coverage' under the General air permit.

General permits help reduce the workload of regional staff in regards to permit writing. For example, DEQ has established a General ACDP for boilers implementing NSPS subpart Dc (GP-011). While this can be a relatively complex permit compared to other GPs based on the source-specific equipment, regional staff save significant time assigning these sources to a GP instead of writing source-specific permits for these ~70 sources.

To determine if a source needs a permit (BS, GP, or otherwise), as a first step, staff should determine if the source in question requires a permit according to the 'activities and sources' list in [OAR 340-216-8010 Table 1](#). Then, review the issued and available GPs from DEQ's [external website](#) or SharePoint. The GP assessment report may provide additional clarifying detail if there are still questions. Remember, the GPs that are available change over time.

## Basic ACDPs

OAR 340-216-0056 contains rules regarding Basic ACDPs. As stated above, these are technically source-specific permits which can be modified prior to issuance. If a source requires a permit pursuant to Table 1 Part A, and is applying for one, the permit writer may elect to include additional conditions, as appropriate and applicable, but this is uncommon since these permits contain "only the most significant and relevant rules applicable to the source".

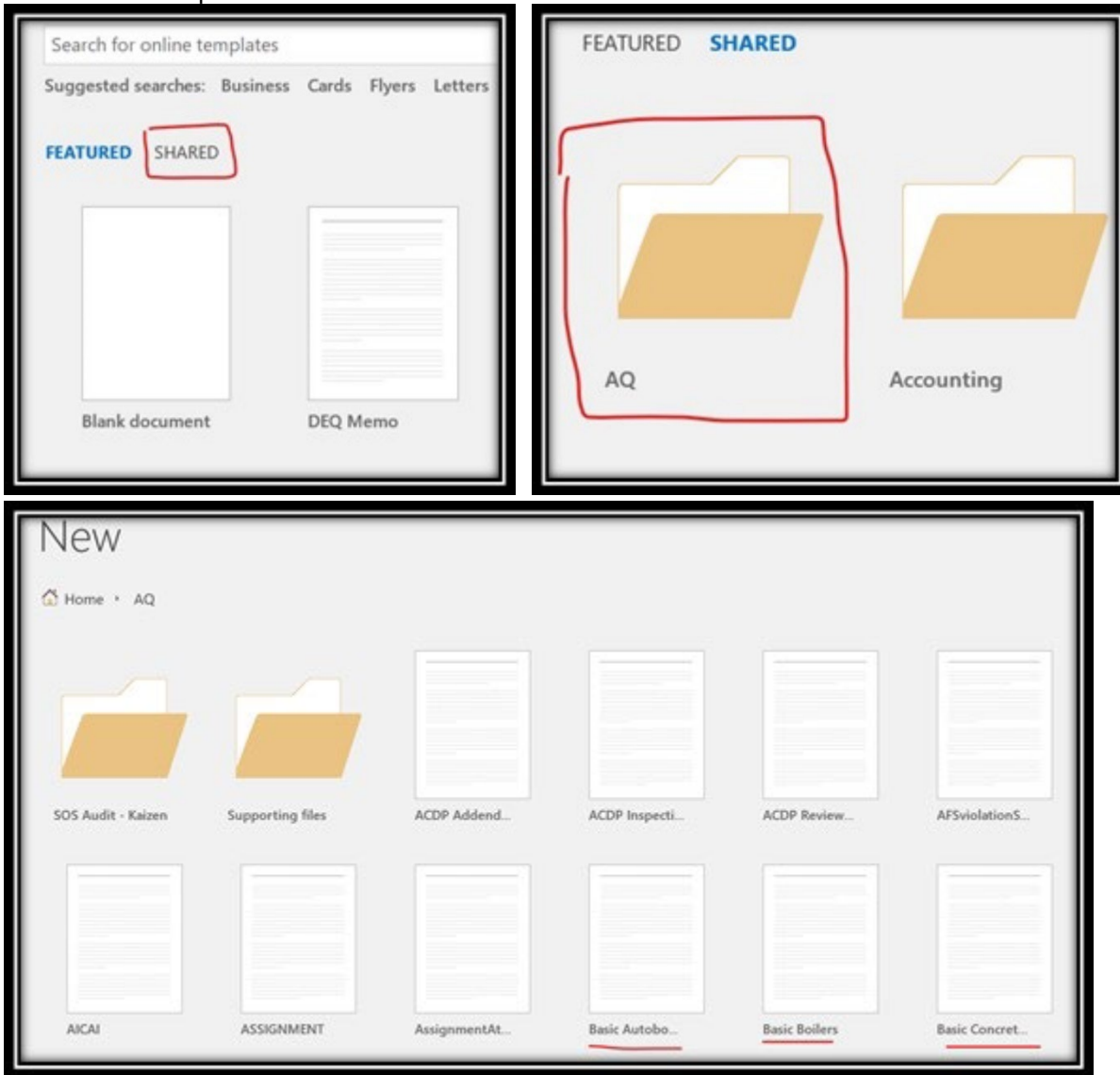
Part A of Table 1 includes the following activities and sources (For Part A, #8, see further below):

<b>Part A: Basic ACDP</b>
<ol style="list-style-type: none"> <li>1) Autobody repair or painting shops painting more than 25 automobiles in a year and that are located inside the Portland AQMA.</li> <li>2) Concrete manufacturing including redi-mix and CTB, both stationary and portable, more than 5,000 but less than 25,000 cubic yards per year output.</li> <li>3) Crematory incinerators with less than 20 tons/year material input.</li> <li>4) Natural gas and propane fired boilers of 10 or more MMBTU/hour but less than 30 MMBTU/hour heat input constructed after June 9, 1989 that may use less than 10,000 gallons per year of #2 diesel oil as a backup fuel.</li> <li>5) Prepared feeds for animals and fowl and associated grain elevators more than 1,000 tons/year but less than 10,000 tons per year throughput.</li> <li>6) Rock, concrete or asphalt crushing, both stationary and portable, more than 5,000 tons/year but less than 25,000 tons/year crushed.</li> <li>7) Surface coating operations whose actual or expected usage of coating materials is greater than 250 gallons per month but does not exceed 3,500 gallons per year, excluding sources that exclusively use non-VOC and non-HAP containing coatings, e.g., powder coating operations.</li> </ol>

These Table 1 Part A sources may elect to apply for a Simple or Standard ACDP at any time. Most Basic permit categories are established in such a way that increases in production/throughput or additional equipment will

push the source into Part B permitting (see Part A #2 concrete/redi-mix for 5k-25k cubic yards/yr.; and Part B #24 for 25k+ cubic yards/yr.). Basic permittees must be aware of their operations/activities as well as production/throughput to ensure they've applied for a different permit type (as applicable) *before* the different permit type is required.

Basic ACDP templates can be found in MS Word > Shared > AQ



\*Basic ACDP Templates all begin with the word "Basic" and the templates are organized alphabetically. You can hover over the document before selecting it to see the entire name. The Basic Review Report is found between 'Basic Prepared Feeds' and 'Basic Rockcrusher'.

## Basic ACDP #8

The EQC approved a modification to 340-216-8010 Table 1 Part A in 2020 to include category number 8, which provides an avenue for some relatively simple operations that would otherwise be subject to Part B.85 (Simple or Standard ACDP) of the table to obtain a Basic ACDP instead. Since permit writers must establish and create different limits necessary to meet the applicability criteria for the Basic #8, these permits have a separate fee classification ([OAR 340-216-8020 Table 2](#)). To not require a SI/ST ACDP under B.85, the limits to stay below the B.85 thresholds must be enforceable; the Basic #8 permit accomplishes this for the source, is less work to issue for staff, and costs less money. The template for the B.8 Basic ACDP is listed with the other AQ Templates but is titled "Category 85 Basic ACDP".

**OAR 340-216-8010 Table 1, Part A, #8 is listed as follows:**

“Sources subject to permitting under Part B of this table, number 85 if all of the following criteria are met:

- a) The source is not subject to any category listed on this table other than Part B number 85;
- b) The source has requested an enforceable limit on their actual emissions, if the source were to operate uncontrolled, to below Part B number 85 of this table as applicable depending on the source’s location through one or both of the following: i) A limit on hours of operation; ii) A limit on production;
- c) Control devices are not required to be used or otherwise accounted for to maintain emissions levels compliant with 8.b above;
- d) The source is not subject to and does not have any affected emissions units subject to a 40 C.F.R. part 60, part 61, or part 63 standard (NSPS or NESHAP);
- e) The source is not subject to any specific industry or operation standard in OAR chapter 340 divisions 232, 234, or 236.
- f) DEQ has determined that the source is not required to conduct source testing and source testing for emission factor verification will not be required.”

**General ACDPs**

OAR 340-216-[0060](#) contains rules regarding General ACDPs. As stated above, these are not source-specific permits and only change when DEQ modifies or reissues the GP. By rule, DEQ chooses when to establish a GP based on whether individual permits are unnecessary to protect the environment and several additional criteria, including but not limited to:

- The number of sources with similar operations;
- If all applicable requirements can be in the permit;
- If all Conditions are the same for all sources; and
- If emissions are the same type

Think of how similar operations are between different gas stations, coffee roasters, or crematory incinerators.

The GP must contain all applicable requirements except anything EPA has promulgated that the EQC has not yet adopted into OAR. If there are other rule requirements within Division 200-268 that apply to the source that aren’t in the GP, the source must apply for a General ACDP attachment (see below) or apply for a SI/ST permit so that those additional requirements are established by permit condition in some capacity.

General Permits are only available to sources/activities on Part B of Table 1, and for those sources/activities which DEQ has created and issued a GP. The General Permits available from DEQ change over time. General Permits currently available from DEQ can be found on the external Basic and General webpage [here](#), or the ‘GP Expiration Schedule’ on the PWRC. Note that General permits are organized in the fee table and in TRAACS by the ‘fee classification’. OAR 340-216-[0060\(2\)](#) calls out all the specific GP categories and clarifies that any not listed are default Fee Class 1. The ‘GP Expiration Schedule’ document also lists the fee class for each GP.

Current GP categories as of July 2021 are:

GP Number	Activity/Category	GP Number	Activity/Category
1	Hard Chromium Plating	16	Coffee Roasting

GP Number	Activity/Category	GP Number	Activity/Category
2	Decorative Chromium Plating	17	Bulk Gasoline Plant
5	Halogenated Solvent Degreasing	18	Electric Power Generating
6	Drycleaners using Perchloroethylene	19	Clay Manufacturing
7	Asphalt Plants	20	Hospital Ethylene Oxide Sterilizing
8	Rock Crushers	22	Gasoline Dispensing Facilities
9	Ready-Mix/Concrete Plants	23	Gasoline Dispensing Facilities Stage 2
10	Sawmills/Millwork	24	Wood Preserving
11	Boilers	25	Metal Fabrication (Large)
12	Crematory Incinerators	26	Plating and Polishing
13	Grain Elevators	27	Surface Coating & Paint Stripping
14	Prepared Feeds	29	Metal Fabrication (Small)
15	Seed Cleaning	30	Paint and Allied Product Manufacturing

An important distinction to be made for GPs compared to other permit types is that they're elective. General Permits may contain additional requirements, as determined appropriate by DEQ, so sources may elect to apply for a Simple or Standard ACDP.

Sources should submit an application for reassignment to the GP within 30 days prior to expiration (expiration 4/1/2021 requires a reassignment application between 3/2 and 3/31/2021). If a source has a complete renewal assignment application on file with DEQ, they may continue operating in compliance with their expired GP until DEQ takes final action on the application (typically by reassigning the source after the GP is renewed).

### GP Attachments

OAR 340-216-[0062](#) contains rules regarding General ACDP attachments. General ACDP attachments are abbreviated versions of the equivalent GP but with several conditions removed (some general emissions standards, office addresses, etc.) that would be duplicative of conditions that exist in the other permit already assigned to the source. Since a GP has to have all applicable requirements, if the facility is a hospital, has boilers and an ethylene-oxide sterilizer, there is no GP with all applicable requirements and a Simple/Standard would be required. That's where Attachments come in; this hospital may apply for assignment to the Boiler (GP-11) and an attachment for the hospital ethylene-oxide sterilizing activities (GP-20a) instead of needing to apply for a source-specific permit. Not all GPs have an attachment available.

Attachments are also listed on the external website:

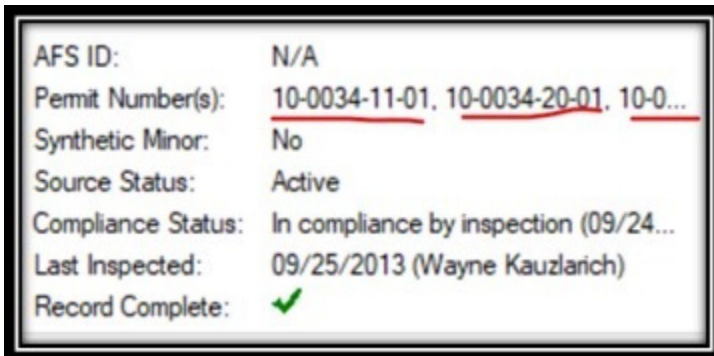


The permittee must have the 'core' permit that is the highest fee class (in dollars), then get attachments (if available) for the other requirements. In the example above, the hospital would need to have the 'main' or 'core' GP be the GP-011 for the boiler(s) since the boiler is Fee Class 2 (~\$2,333), then the source gets an attachment for ethylene-oxide sterilizing (AQGP-020a) since the AQGP-020 is Fee Class 4 (~\$648).

From most to least, the GP fee classifications are as follows: 3, 2, 1, 4, 5, 6.

GP attachments are identified with a lower case 'a' after the GP number. See the top right corner of the permit document example [here](#).

TRAACS below, doesn't show the 'a' on the home page for the source, but the permit actions will show it is in the fee category of 'General ACDP Attachments', while the home page will list multiple permit numbers. GP attachments are always Fee Class 5 (340-216-0062).





## External Webpage

BS, GP, and Attachment documents are included on the same external webpage [HERE](#). Annual report forms, application forms, etc. are found under the 'accordion-style' dropdown for each activity type. The list is organized alphabetically and the BS or GP number follows the permit category type.

Some of the more common federal requirements found in GPs have specific reporting forms or exemption forms and can be found on the NESHAP page [HERE](#).

## SharePoint and Inspections

The PWRC includes several resources for General ACDPs, you are encouraged to become familiar with the PWRC in all of its informational glory.

Specifically, the expiration schedule for each GP can be found by navigating to the 'industry specific info' header and clicking on the 'General ACDP Expiration Schedule', this document has the approximate number of sources assigned to each GP, the fee classification, the staff working on the renewal, and may include some notes or comments on the renewal.

Since Basic ACDPs are issued as source-specific permits, the expiration dates will vary depending on when the permit was issued. Refer to TRAACS or the permit documents to find expiration dates for BS permits.

Under 'Industry Specific Info', there is a link for 'Industry Specific Websites'. These pages have been developed to help provide specific resources and contacts regarding common industries or activities, typically GP or BS

categories. If you have recommendations on other industry-specific websites that may be useful or for which there are additional resources available, please let us know!

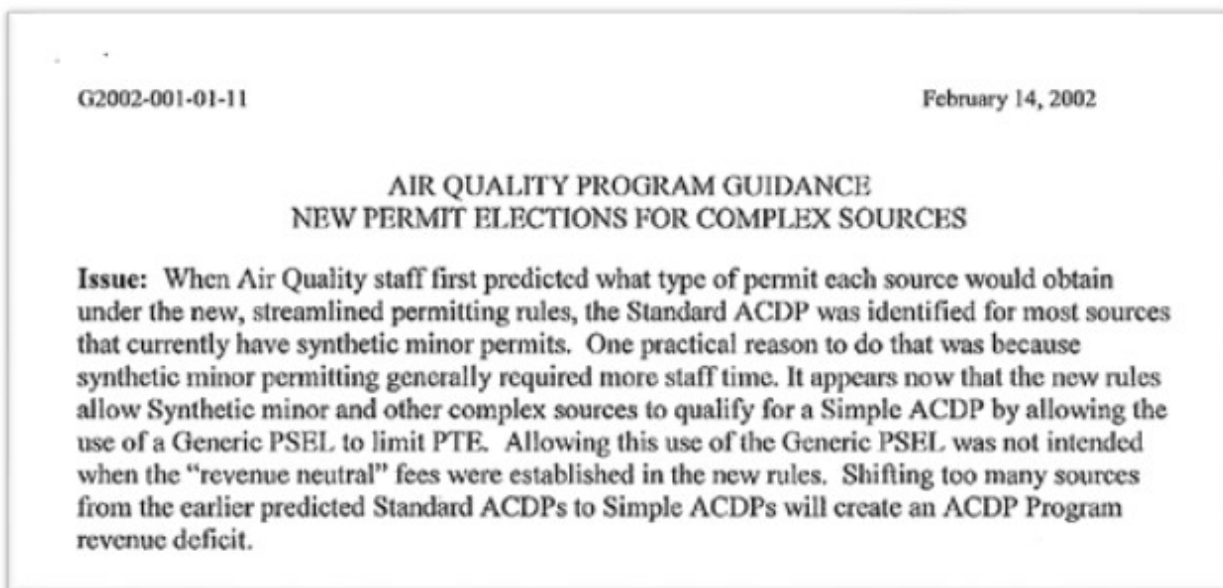


General ACDPs have historically been on a 5-year recurring inspection schedule. In 2020, DEQ management and leadership established a plan to address the permit backlog. Part of this plan included revising the inspection frequency for some GPs. A list of which permits are to be inspected every 5-years and 10-years can be found in the 'industry specific info' as well, called 'General ACDP Inspection Frequency'. Basic ACDPs continue to be inspected every 10 years. Toward the end of the 5-year backlog plan (Fall 2025), leadership and management will determine whether all GPs will move back to a 5-year inspection frequency or remain split between 5 and 10-years based on the GP category.

Inspections for BS and GP sources should use the MS Word Template 'ACDP Inspection Report' until source-specific permit inspection reports are available. Specific GP reports are being worked on by the Lead Inspector Group and will be communicated to managers and staff as they are completed and ready for statewide use.

## 26 – Simple and Standard ACDP Elections

In 2002, a guidance document was written that explained when a source should be on a Simple or a Standard ACDP:



In an effort to update that guidance, Operations developed "Permit Elections for Sources on Simple and Standard ACDPs" in 2019 (updated in 2021 to reflect ACDP fee increases) to ensure statewide consistency on ACDP permit elections. This document is located on the ACDP page of the Permit Writers' Resource Center.

ACDP	
<h3>ACDP Types</h3> <ul style="list-style-type: none"><li>• Basic ACDPs</li><li>• General ACDPs</li><li>• General ACDP Attachments</li><li>• Simple ACDPs</li><li>• Standard ACDPs</li><li>• Construction ACDP</li><li>• Short Term Activity ACDP</li><li>• Registration</li></ul>	<h3>ACDP Permitting</h3> <ul style="list-style-type: none"><li>• ACDP Process Overview</li><li>• How to Write a Permit</li><li>• Permit Election Considerations - Simple/Standard ACDP</li><li>• Simple/Standard Permit Election Example Letter</li><li>• Synthetic Minor Sources</li><li>• Application Review</li><li>• Public Notice</li><li>• Renewals</li><li>• Temporary Closure</li></ul>

The table below from the permit election document shows the considerations for putting a source on a Standard ACDP rather than a Simple ACDP. The considerations labeled with a \* indicate the considerations that **could** determine that a source be on a Standard ACDP, notwithstanding any other considerations. The considerations that are unlabeled indicate those that should be analyzed with other unlabeled considerations when determining when a source should be on a Standard ACDP.

<b>Considerations</b>
<b>NEW and EXISTING SOURCES</b>
*Continuous emissions monitoring for criteria pollutants
Located within 1.5 kilometers of sensitive receptors (school, hospital, daycare, nursing home, etc. locations are available in Google maps)
*Modeling for criteria pollutants submitted with permit application
*More than four (4) different kinds of devices/processes (i.e., boiler, dryers, kilns, engines)
*More than one (1) type of control device that needs operation and maintenance conditions and four (4) or more control devices (i.e., baghouse and ESP, 5 baghouses)
*More than two (2) different federal rule requirements (NSPS, NESHAP, etc.) [excluding Gasoline Dispensing Facility NESHAP and Reciprocating Internal Combustion Engine NESHAP]
*Significant past (hearing previously requested) or anticipated public interest (discuss with public affairs specialist)
*Requires separate Cleaner Air Oregon permit conditions, beyond emissions inventory and annual reporting based on: <ul style="list-style-type: none"> <li>• Risk above Source Permit Levels</li> <li>• Level of risk based on toxicity</li> <li>• Risk limits rather than emission or production limits</li> </ul>
*Complex emission factor (i.e., bakery VOC emission factor = $0.95 Y_i + 0.195t_i - 0.51S - 0.86t_s + 1.90$ ) or complex material balance (includes reductions for material transfer efficiencies, product retention factors or add-on control devices) used to calculate emissions
*Source testing requirements (more than one test every five years)
*Any synthetic minor 80 (SM-80) source
Semi-annual or quarterly reporting required
<b>EXISTING SOURCES</b>
*Keep Baseline Emission Rate or Netting Basis
*Formal enforcement action (civil penalty assessment and order that requires a compliance schedule) since last renewal
*Odor investigation triggered and/or suspected nuisance (i.e., odors or particulate matter)

\* Considerations that could result in putting a source on a Standard ACDP, notwithstanding other considerations.

As an example, the consideration of "More than one (1) type of control device that needs operation and maintenance conditions and four (4) or more control devices" could put a source on a Standard ACDP if the source had two types of control devices (ESP and baghouses) AND had more than four of one type of control device (5 baghouses). These numbers are not absolute but are only used to provide direction. If a source had an ESP and 5 nearly identical baghouses controlling the same process, one permit condition could include the O&M requirements and emission action levels for all 5 baghouses, so the source could still be on a Simple ACDP. If the 5 baghouses were of different sizes and controlling different processes, there could be 5 different conditions with O&M requirements and emission action levels that might warrant a Standard ACDP.

Permit writers have been using this document to determine if sources are on the correct type of ACDP at permit renewal and initial permit issuance and should continue to do so. The ACDP Review Report has been updated to include the following so permit writers can document these elections:

PERMITTING ACTION	
2. The proposed permit is a new permit for a <new or existing> source. <OR>	<b>INAHARA JII</b> If this is a new permit, please explain why it's a Simple ACDP or a Standard ACDP, the reasoning for putting the source on this type of permit. HQ working on guidance for Simple/Standard ACDP election.
3. The proposed permit is a renewal of an existing <Simple or Standard> Air Contaminant Discharge Permit (ACDP) that was issued on <enter date> and was originally scheduled to expire on <enter date>. The permittee is on a <Simple or Standard> because <enter date>. The existing ACDP remains in effect until final action has been taken on the renewal application because the permittee submitted a timely and complete application for renewal.	<b>INAHARA JII</b> Explain reasoning for type of permit.  For a Standard ACDP, could use: The permittee wants to maintain their baseline emission rate has a source specific PSEL and has the potential to emit 100 tons of more of any regulated pollutant per OAR 340-216-8010 Table 1 Part C, 5
4. <Permittee name> has been determined to be a <new or reconstructed> source for the <enter date>.	<b>INAHARA JII</b> Use the Permit Election Criteria document to identify criteria for Simple or Standard ACDP.

Please remember that the main distinction between permit types is the amount of work needed to write the permit, inspect the source and address any issues that arise. The difference in fees between the Simple and the Standard is substantial so most applicants want to be permitted on a Simple ACDP. If there are any questions on the type of ACDP a source should be on, please direct those questions to your manager.

Oregon Department of Environmental Quality Table 2 – 340-216-8020 Air Contaminant Discharge Permits		
<b>Part 1. Initial Permitting Application Fees: (in addition to first annual fee)</b>		
a. Simple ACDP		\$7,200.00
b. Standard ACDP		\$14,400.00
<b>Part 2. Annual Fees: (Due date 12/1<sup>1</sup> for 1/1 to 12/31 of the following year)</b>		
a. Simple ACDP	(A) Low Fee	\$2,304.00
	(B) High Fee	\$4,608.00
b. Standard ACDP		\$9,216.00

A detailed implementation plan is currently being developed but is on hold because of upcoming proposed rule changes. If Simple ACDPS do not have expiration dates, it will be even more critical that sources are on the correct type of ACDP. If we make changes to the concept of generic PSELS, that will also impact permit elections. In addition, the "Invoicing Guidance for ACDP and Title V Permits" IMD is currently being updated to reflect the applicability of whole/partial fees when changing permit type. When these concepts are more fully developed, a detailed implementation plan will be written and posted.

Please provide input on where the "Permit Elections for Sources on Simple and Standard ACDPs" document is unclear or should be changed. Can you think of other things we should consider? We want to make this document as helpful as possible.

## 27 – AQ Document Upload and Semiannual Reports

Do you have a permit that requires semiannual reports? If so, one way you can check whether the facility has submitted their report is by going to AQ Permits Online and choosing “Semiannual Report” in the Document Type dropdown.

### Permit Search Results

Date Current as of 8/3/2021 11:57:00 AM PST.

44 records matched your search criteria.

Not all documents are available online at this time. If you need assistance finding a document or have other questions, please contact [DEQ Air Quality](#).

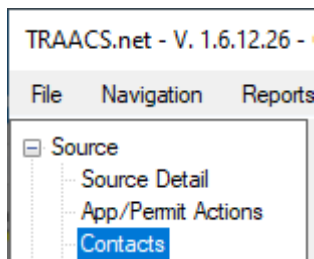
[Refresh](#)

Source Number	Source Name	Plant Site Name	Facility Address				DEQ Region	Permit Numl
			Street Address	City	ZIP	County		
01-0038	Northwest Pipeline LLC	Baker Compressor Station	18193 Chandler Lane	Baker City	97814	BAKER	ER	<a href="#">01-0038-TV4</a>
02-9502	Valley Landfills, Inc.	Coffin Butte Landfill	COFFIN BUTTE ROAD	Corvallis	97330	BENTON	WR	<a href="#">02-9502-TV4</a>
03-0159	Miles Fiberglass & Composites, Inc.		11401 SE JENNIFER STREET	CLACKAMAS	97015	CLACKAMAS	NWR	<a href="#">03-0159-TV4</a>
05-0005	United States Gypsum Company	Rainier Plant	29073 Dike Road	RAINIER	97048	COLUMBIA	NWR	<a href="#">05-0005-TV4</a>
05-2520	Portland General Electric Company	Beaver Plant/Port Westward I Plant	80997 KALLUNKI RD	CLATSKANIE	97016-2209	COLUMBIA	NWR	<a href="#">05-2520-TV4</a>
08-0003	Pacific Wood Laminates, Inc.		815 N RAILROAD AVE	BROOKINGS	97415	CURRY	WR	<a href="#">08-0003-TV4</a>
09-0040	Deschutes County Dept. of Solid Waste	Knott Landfill	61050 SE 27TH ST	BEND	97702	DESCHUTES	ER	<a href="#">09-0040-TV4</a>
10-0012	Douglas County, Inc. dba Douglas County Forest Products		DEL RIO RD	WINCHESTER	97495	DOUGLAS	WR	<a href="#">10-0012-TV4</a>

Reports that facilities submit electronically through the new AQ Document Upload portal appear on AQ Permits Online after a delay of a day or so. The language in permits generally requires facilities to submit hard copies as well as an electronic copy. This AQ Document Upload system is new and not all facilities are using it yet, so if you don't see a report in AQ Permits Online yet, please check with your permit coordinator to see if we received a hard copy and ask if it can be scanned in.

If you have a question about when an electronic copy was submitted (for comparison to the reporting deadline) let me know- that info is recorded in a database.

A request for permit writers: if you know about staff changes at the facility, please work with your permit coordinator to keep the contacts in TRAACS up to date. (If you look up a facility, it's under Source | Contacts). Facilities aren't able to post documents using AQ Document Upload if their contact info isn't in TRAACS. This will get more important when the annual report deadline comes closer.



## 28 – AQ Forum Topic Ideas

### Air Quality Forums

You may recall a tip on 'past AQ forums' (Tip #24) recently showing you that we keep forum presentations on the PWRC. Over the past few years these forums have occurred every 6 months, typically in April and October. These forums are an opportunity for all AQ staff to gather and discuss a wide array of topics. Agenda items may be informational, process changes, clarifications, etc. The goal of these forums is to provide clarity regarding complex or confusing issues in addition to finding other issues that should be further reviewed, discussed, researched, and clarified. Regardless of when the next forum is, you can share topics/ideas with AQ Operations staff or your manager at any time.

### Topic Ideas

The next forum is scheduled for early November 2021 due to October scheduling conflicts and will be held virtually/remotely. Please consider taking a few moments to think about forum topic ideas; these could be complex things that you've had to work through (or haven't yet), things that have come up over the past several months that you've discussed with other staff, or anything else you think should have dedicated time to ensure statewide consistency.

The things you want to see covered at a forum are important and your topic ideas are wanted. Management and leadership may have topics that they feel need to be shared and discussed (see below for current topic ideas), but Operations staff are striving to ensure the forum is useful for as many staff as possible and reflects the things that you feel should be discussed.

### Regional Specific Issues.

For the past few forums, each regional manager has selected a regional-specific issue to cover. This item has been requested multiple times and has typically been well-received. If you have something you think would be a great topic that may originate (or mainly be) from your region to share with the rest of the staff, please let your manager know as each AQ regional manager is tasked with establishing their regional-specific topic.

### Other Topics Expected for Fall 2021 Forum

CAO updates, Regional Haze, Office of Greenhouse Gas Program and proposed rule updates, Administrator Updates, EDMS, short-term NAAQS, and Air Operations updates.

### Topics Anytime.

While we're asking for topics now, forum topic ideas can be shared at any time. If you ever find yourself working through a complex issue (or find it difficult to obtain a clear answer) and you think it pertinent to share with everybody (and to document for posterity), you can share these ideas/topics with Anna Ramos of AQ Operations via email. For a topic idea, please consider including additional information, like:

- The topic's overarching title or concept.
- The question, concern, or issue regarding the topic (e.g., 'excess emissions' as a tip idea is much more useful if we know what about the excess emissions rule/implementation is being requested as the topic).
- Any other staff that are aware of, or have helped thus far, in working through the question/issue or topic.

## 29 – Applicability Determination Index

### Overview of the Applicability Determination Index (ADI)

The ADI is a resource established by EPA that provides documentation on when federal standards do or don't apply and includes alternative monitoring requests/determinations for demonstrating compliance with those federal standards.

The general provisions of the NSPS and NESHAP regulations allow a source owner or operator to request a *determination of whether a rule applies* to them (applicability determinations); or seek *permission to use monitoring or record keeping which is different from the promulgated standards* (alternative monitoring). While EPA has dedicated additional resources to these requests in recent years, an official determination from EPA can take weeks (at best) but more likely months.

To ensure national consistency in implementing the NSPS and NESHAP programs, EPA maintains a compilation of these letters and memoranda since they were first issued. This compilation is currently available on the [Applicability Determination Index \(ADI\)](#) database website. The ADI also contains "*regulatory interpretations*" which are written responses that apply to the broad range of NSPS and NESHAP regulatory requirements as they pertain to a whole source category. The ADI is a computerized database which allows users to search by date, office of issuance, subpart, citation, control number, or keyword searches.

In many cases, a specific source may have questions as to whether they're subject to a federal standard (New Source Performance Standard, NSPS; or National Emissions Standards for Hazardous Air Pollutants, NESHAP) and after reviewing the regulation, you may still have questions. The ADI is an online tool that can be found [HERE](#) and help you review available past determinations from EPA. If you're navigating from EPA's main website, it can be found following this path, note that some of these pages have other useful resources and information: [EPA Home](#) > [Compliance](#) > [Clean Air Act Compliance Monitoring](#) > [Applicability Determination Index](#).

#### DISCLAIMERS:

- ADI letters are mostly source-specific. They most often can't be used directly for another source; however, you may be able to use the explanations or logic in the letter from EPA to have a solid understanding of the applicability criteria that EPA *would* apply.
- If DEQ has been delegated the federal standard in question, we can make applicability determinations. However, it is always a good idea to inform the source that they have the option to submit a formal applicability determination request to EPA, especially if there are remaining questions. We can also submit these requests to EPA.
- The website is clunky and not the easiest to use. Hopefully this tip helps with that issue!

### Using the ADI

To use the system, navigate to the [ADI](#). It should look like this:





The system functions as a document repository, or library, which lets you choose search criteria before displaying results. If you have details regarding a specific ADI document from EPA (or any other source), feel free to specify in the available fields. I've had the best luck with the system when keeping as many options 'neutral' or blank as possible and only specifying one federal standard.

The screenshot shows the search criteria form. It includes several fields and dropdown menus:

- Control Number:** A text input field.
- Recent Update:** A dropdown menu with options: "All Updates", "October 22, 2020", "February 7, 2020", and "February 1, 2019".
- Category:** A dropdown menu with options: "All Categories", "Asbestos", "CFC", and "Federal Plan".
- EPA Office:** A dropdown menu with options: "All Offices", "Air Enforcement Division (AED)", and "Chemical, Commercial Services and Municipal Division (CCSMD)".
- Date Range:** Two text input fields labeled "From:" and "To:".
- Letter Author:** A text input field with a note: "You may enter the EPA author's last name below. We recommend searching for the letter author using this approach. The word search feature (be results for author's name."

It is NOT recommended to use the 'word search' field as the keywords associated with a document are not consistent or clear. See my results below for searching for 'engine', 'compression', and 'date', where I was searching for NESHAP ZZZZ or NSPS IIII documents.

**Word Search:**

You may enter up to 10 search strings separated by commas. (,)

engine, compression, date

Checkbox for Determination Details	Control Number	Title	Letter Date	Categories	Office	Letter Author
<input type="checkbox"/>	0800079	<a href="#">Landfill Gas Treatment Exemption</a>	01/17/2007	NSPS	Region 5	George Czerniak
<input type="checkbox"/>	0300121	<a href="#">Use of Treatment System Prior to IC Engine Combustion</a>	08/15/2003	NSPS	Region 1	Michael Kenyon
<input type="checkbox"/>	0200028	<a href="#">Municipal Solid Waste Landfill and Krysol Process</a>	02/07/2002	NSPS	Region 5	George Czerniak
<input type="checkbox"/>	M090038	<a href="#">Reciprocating Internal Combustion Engines</a>	12/05/2008	MACT	Region 5	Bagherian, Reza

There are two boxes (shown below) that list the federal regulation subparts, while the first box also tells you which Part the subpart is found in. The first box which shows Parts is *only* there as a reference for when you're searching the *next* box (right/bottom one) which lists the actual subparts.

The core of your search will most likely revolve around the 'subpart box' below by selecting the specific regulation you're looking into.

Subpart:	
Asbestos,	Part 61 - Subpart M
CFC,	Part 82 - Subpart F
MACT,	Part 63
NESHAP,	Part 61
NSPS,	Part 60
Woodstoves,	Part 60 - Subpart AAA

All Subparts
Part 60, A - General Provisions
Part 60, B - State Plans for Designated Facilities
Part 60, C - Emiss. Guid. and Compl. Times
Part 60, Ca - Emiss. Guid. and Compl. Times for MWC
Part 60, Cb - Municipal Waste Combustors: Emiss. Guidelines/Compl. Times
Part 60, Cc - Emission Guidelines for Municipal Solid Waste Landfills
Part 60, Ce - Hospital/Medical Infectious Waste Incinerators (Guidelines)

You may also be interested in a specific part of the [Clean Air Act](#) if it's not a specific federal regulation subpart you're looking into. If you're trying to find applicability determinations under the CAA, use the 'References' section found just below the subpart boxes (See below).

Reference:	Numbers in the list refer to sections of the Clean Air Act and regulations at 40 CFR. Reference Test Methods / CEM Performance Specifications are also included where specified.
All References	
1068.30	
110	
111	
111(a)(1)	
111(a)(2)	
111(a)(3)	
111(a)(4)	
111(a)(8)	
111(a)(e)	
111(b)	
111(b)(1)	
111(c)	
111(d)	
111(e)	

## Results

Find your federal standard; for this example I will use NESHAP HHHHHH for miscellaneous surface coating and paint stripping. I have a hypothetical source in Clackamas county that only spray applies bed-liners to pickup trucks and they want to know if they're subject to 6H. After review of the NESHAP, this specific source's activities may or may not be subject. Let's see if EPA has already provided any insight on this.

I choose my standard, then select 'display/Submit Query' option (Note that you'll have to submit query again on the next step; each search requires this double-confirmation).

- Part 63, YYYYY - Area Sources: Electric Arc Furnace Steelmaking Facilities
- Part 63, ZZZZZ - Iron and Steel Foundries Area Sources
- Part 63, BBBB - Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities
- Part 63, HHHHHH - Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources
- Part 63, JJJJJ - NESHAP for Industrial, Commercial, and Institutional Boilers Area Sources
- Part 63, MMMMM - Carbon Black Production Area Sources
- Part 63, PPPPP - Pollutants for Lead Acid Battery Manufacturing Area Sources
- Part 63, TTTTT - Secondary Nonferrous Metals Processing Area Sources

Display / Submit Query

Clear Entries

Then you'll be sent to a confirmation page (not your search results)- this page is looking for you to verify the search criteria are correct (see below). Here it confirms that my 'selection criteria' has been created, and below that confirms that the only criteria I picked was 'NESHAP HHHHHH'. Make sure this 'criteria' section doesn't list other random things- for example, if you accidentally clicked into the 'word search' box or an 'EPA Office' or 'Category' from the earlier page, it may list another one or two odd things here. Just go back to the initial page to refine the search and try again. If everything looks good and matches your expected search criteria, choose 'submit query' to see your results.

You are here: [EPA Home](#) » [Compliance](#) » [Clean Air Act \(CAA\) Compliance Monitoring](#) » [Applicability Determination Index \(ADI\)](#)

## APPLICABILITY DETERMINATION INDEX (ADI)

Search ADI
Help

Selection Criteria Created

---

Submit Query

**Criteria:**

1. Part and Subpart = Part 63HHHHHH

Review the titles and dates. Sometimes the title of the document sheds a lot of light on what will most likely be contained; note that some documents mainly cover what is in the title but also touch on other points that may be relevant. If you search doesn't have many results, it is recommended that you briefly review each one since EPA's answer on a separate question could still be useful for your purposes.

You can open the PDF by clicking on the hyperlink 'title'.

[View Details of Checked Determinations](#)

Search:

Checkbox for Determination Details	Control Number	Title	Letter Date	Categories	Office	Letter Author
<input type="checkbox"/>	M110007	<a href="#">Spray-Applied Coating Operations</a>	06/08/2011	MACT, NESHAP	Region 8	Reynolds, Cynthia J.
<input type="checkbox"/>	M150013	<a href="#">Applicability Determination for Vehicle Undercoating</a>	02/11/2010	MACT, NESHAP	Region 10	Nancy Helm
<input type="checkbox"/>	M150017	<a href="#">Regulatory Interpretation of Applicability of Truck Bed Lining Operations to Area Source NESHAP for Paint Stripping and Miscellaneous Surface Coating</a>	08/14/2008	MACT, NESHAP	Region 10	Nancy Helm

Showing 1 to 3 of 3 entries

This third document looks promising for our hypothetical truck bed-liner operation. Upon review, it looks like EPA responded to a local WA clean air agency question on this very topic; bed-lining operations *are* subject to 6H. More details are provided throughout the letter.

John T. Kelly  
 Olympic Region Clean Air Agency  
 116 W. 8<sup>th</sup> St., Suite 113  
 Port Angeles, WA 98362

Re: Applicability of 40 CFR Part 63, Subpart HHHHHH, to Truck Bed Lining Operations

Dear Mr. Kelly:

This is in response to a request from the Olympic Region Clean Air Agency (ORCAA) dated April 27, 2008, to the Environmental Protection Agency (EPA) regarding the potential applicability of 40 CFR Part 63, Subpart HHHHHH, National Emission Standards for Hazardous Air Pollutants (NESHAPS) for Area Sources: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources (Subpart HHHHHH). For the reasons discussed below, EPA has determined that Subpart HHHHHH does apply to truck bed lining operations. Region 10 consulted with EPA's Office of Enforcement and Compliance Assurance (OECA) in making this determination.

## Confirmation

The last step would be to make sure nothing has changed in the federal regulation since the date of the letter. This specific example applies to NESHAP 6H, was dated 2008, and refers to §63.11180 and §63.11170. Check the e-CFR for NESHAP 6H as of the date of our last adoption by reference (7/1/2020 at this time; 'Delegation' documents found on the PWRC under 'Rules, Regulations, Statutes') and see if §63.11170 and §63.11180 still align with the explanations in the letter or if something has changed.

At that point, assuming the letter still aligns with the CFR language, I have a solid foundation for telling the source they are subject to NESHAP HHHHHH for the bed-liner operation. You may find some surprising explanations in these documents! Remember that the list of subparts in the ADI is not exhaustive, each standard is not listed, so be sure to check the subpart-specific webpage ([6H here, for example](#) has HVLP equivalency approvals) for FAQ sheets and additional resources if you still have questions.

## 30 – Source Testing

### Source Testing

Many air permits require source testing. This tip is designed to provide some insight into that world, a few considerations when writing a permit, and share the great resource that is the DEQ Source Test Coordinators (STCs). If you have a source test that is a high priority (test data needed for your permit renewal), *this should be communicated to the STC as early as possible*; even though there is a test report review backlog, STCs can prioritize test report reviews to accommodate these needs and provide you information if it is requested *early* enough.

### Key Players

At this time there are several STCs. They are largely oriented by region but are all available to answer questions about testing.

Staff	Region/Geographic Area
Suzanne Blackburn	Western Region - North
Josh Muswieck	Northwest Region
Mark Ludwiczak	Eastern Region & Western Region - South
Thomas Rhodes	Cleaner Air Oregon
Katie Eagleson	Lane County
Mark Bailey	ER AQ Manager - Leads Source Test Coordinator meetings

### When Source Test Coordinators Can (and do) Help

There are several ways in which STCs can help or otherwise become involved with permitting work. Below are two examples:

1. Writing a Permit. The permit templates include general language regarding source testing, but you may need to edit this section of the permit substantially for the source, for changes being made at renewal, or in a permit modification. Source test coordinators are a great resource to include in your permit review - you can send one of them a copy of your permit and request a review of your permit conditions related to the testing requirements. These folks are able to provide comments and feedback most of the time within a few days but based on workload, the turn-around time could be up to a week. Check with your section supervisor on how and when to include source test coordinators in the internal review process.
2. Actual Testing. Sources (and testing companies) must submit their source test plan for STC review and approval before they conduct the test. Once the test is completed, the test report is submitted to DEQ. The STCs review the test report for correct calculations, processes and methodologies, among other things. Once the test report review is completed, STCs draft a memo explaining the testing, results, and process parameters during sampling. This document is provided to the permit writer/inspector for the source. These documents are shared electronically - the permit writer, source, and testing company

receive a copy (sometimes a consultant and DEQ's Office of Compliance and Enforcement, as applicable).

## Other Available Information

Unique Situations. As previously stated, STCs are a clearinghouse of information regarding the different emissions units that have been tested across the state over time. During their work, STCs have plenty of one-on-one meetings with permit writers discussing a wide array of sources and emissions units. As such, they are a great resource if you have questions about a facility or operation with which you have minimal experience. Similarly, if there's an emissions unit you would like more information on (odd balls), the STCs may have information regarding a test that was done on something similar in the past. Each STC can be contacted regarding these one-off questions; you don't need to stick to the contact in your region!

Economic Benefit Calculations. Thomas Rhodes or Josh Muswieck can help you work through economic benefit calculations pertaining to source testing, if needed. You will almost certainly need to contact source test companies for quotes, but they may be able to help you establish different factors to account for in your calculations. Test costs vary widely and are based on many factors (e.g., employee costs, lab costs, equipment costs, etc.). Testing costs range from \$10k - \$20k and can easily approach \$50k - \$100k.

### Quick-Fire STC Information

<p><u><i>What happens when a test report needs corrections?</i></u></p> <p>Source test reports often require corrections. Many of these can be made by the source, testing company, or a consultant. When a test does not meet minimum criteria, the section supervisor and permit writer are notified and consulted. A results memo is still generated by the STC and provided to the relevant parties (including permit writer), but could require a retest and will clearly explain why the test report is unacceptable.</p>	<p><u><i>What should I be aware of in regards to source testing if I'm a permit writer?</i></u></p> <p>DEQ's source testing manual is the best resource for staff; this manual includes processes and EPA method references. If you're interested in more test-related resources, it may be useful to become familiar with EPA's <a href="#">air Emission Measurement Center (EMC)</a> for promulgated methods, approved alternatives, and much more.</p>
<p><u><i>How many source test reports do we receive?</i></u></p> <p>Most source test coordinators receive somewhere between 50 and 100+ source test reports to review any given year. Northwest Region typically averages on the higher end regarding number of tests.</p>	<p><u><i>When are source tests observed?</i></u></p> <p>There are many factors that are considered when determining which source tests will be observed by the STCs. These include, but are not limited to: high-profile sites, one-offs of unique equipment, enforcement actions, information from permit writers, past results, compliance issues, new source test company, and tested pollutants.</p>

What records are available from STCs?

Source test plans, source test reports, and final letters are retained by the STCs and available as needed.

Which companies conduct source testing?

Source Test Coordinators have lists of available source test companies if that information is ever necessary (e.g., calculating economic benefit and requesting cost estimates).

## 31 – Inspection Templates for Open Burning Complaints and Unpermitted Sources

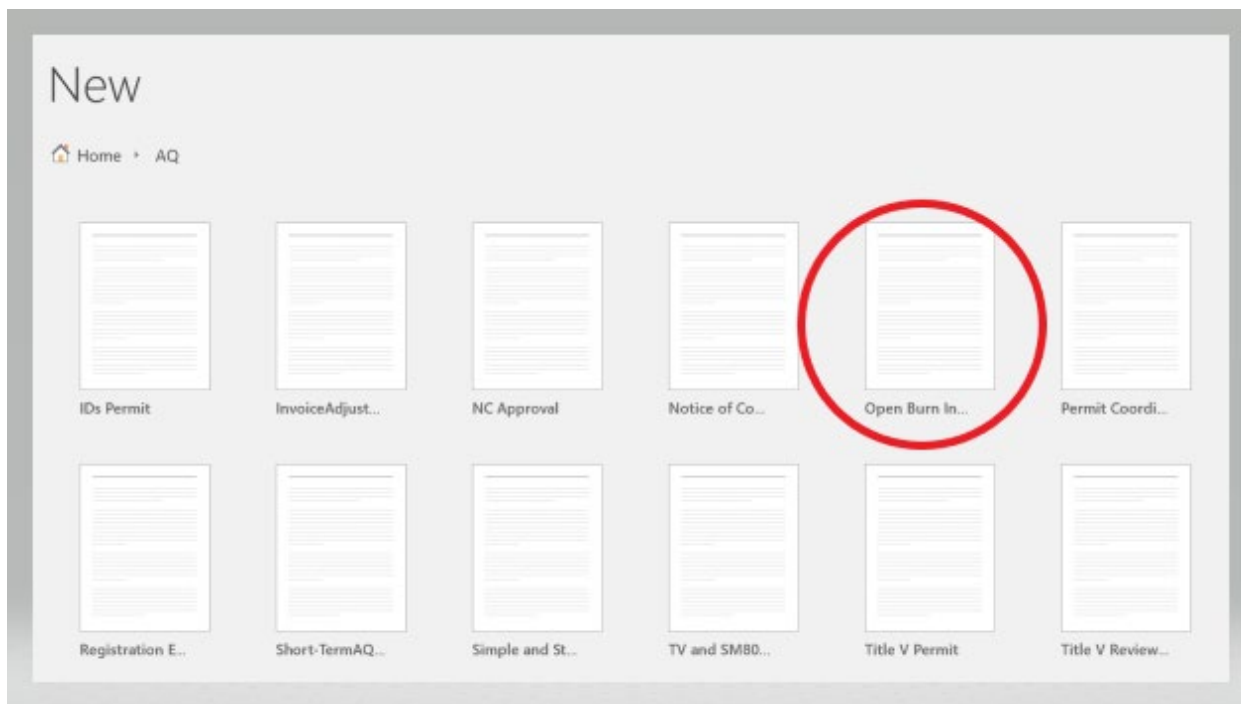
### Inspection Templates for Open Burning sites and Unpermitted Sources

Upon the suggestion of Ingrid (thank you, Ingrid!) and with the help of all the people who deal with complaints and unpermitted sources (thank you, everyone!), we have developed two new templates. These templates are designed to help when responding to an open burning complaint or visiting an unpermitted site when a permit may be required. The templates will also help with statewide consistency in documentation. Both forms can be used in response to a complaint, but inspectors may elect to use the Unpermitted Source template irrespective of a complaint to determine whether a permit is required and to document the 'no permit required' determination.

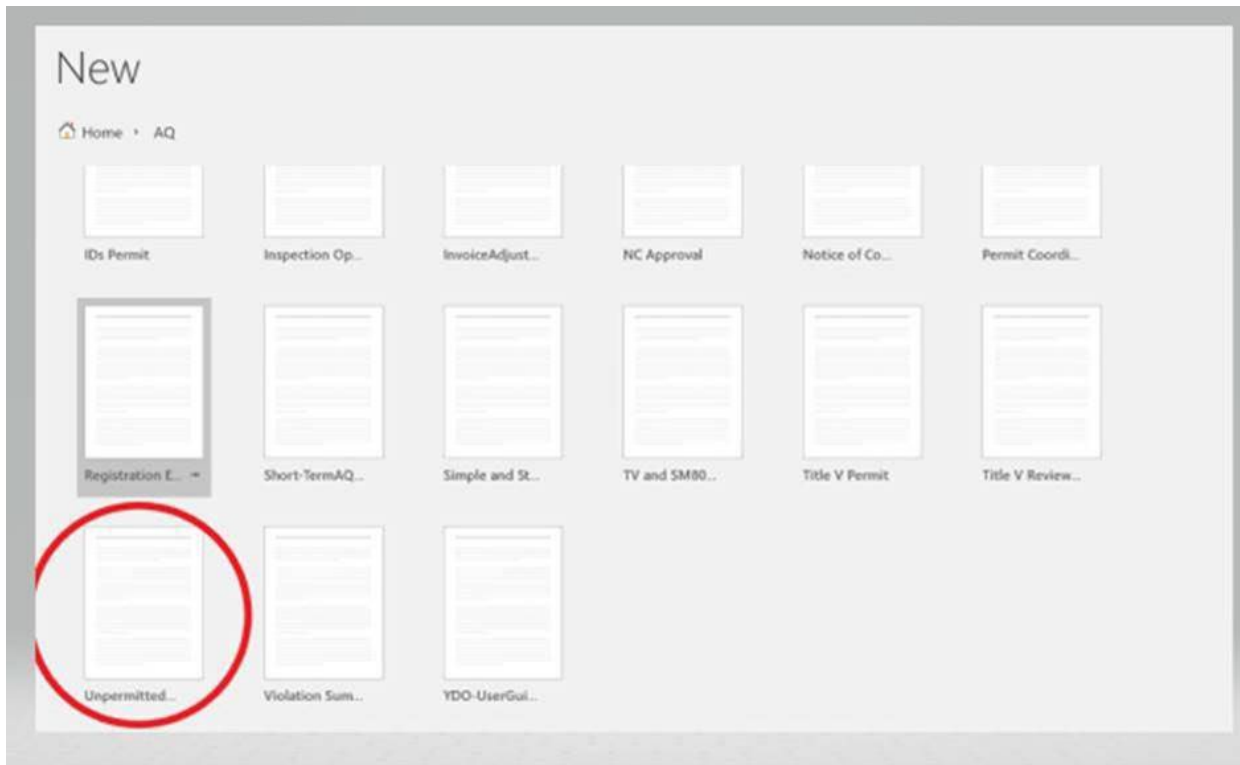
The new template are called:

- Open Burn Complaint Inspection Report (including complaint-response)
- Unpermitted Source Inspection Report

These templates can be found in our Shared AQ Word folder under File/New/Shared/AQ:







These new templates will help inspectors remember the critical information to gather when you are out responding to a complaint or looking at an unpermitted source, making sure they are not required to get a permit. If you can think of other templates that will help make your jobs easier, please let us know.

At random intervals and for different people at different times, the AQ templates in Word seem to stop working. If you see an error like "Sorry, we had some trouble connecting to get templates..." when you try to use these templates, please see the attached email that Joe wrote to help fix the problem.

## 32 – Updated Excess Emissions Protocols

### Excess Emissions Reporting

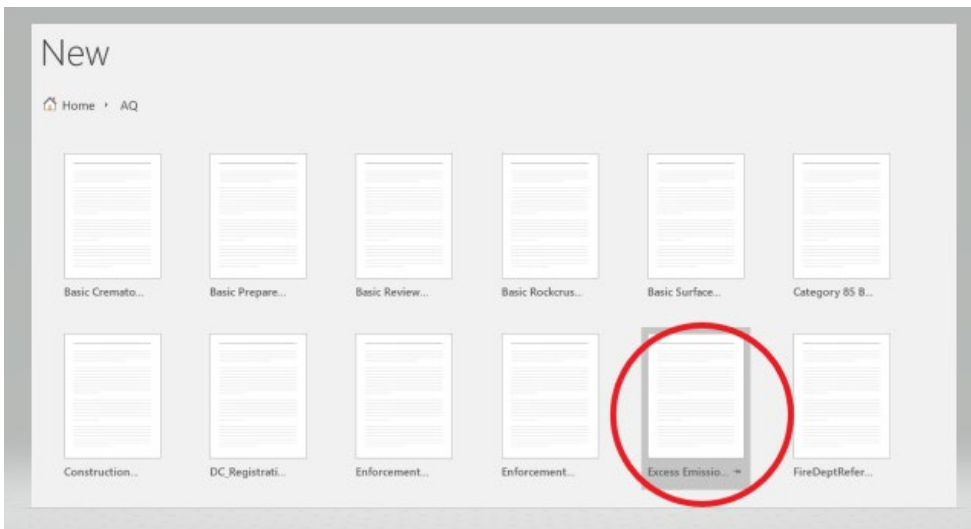
You may recognize this “tip” from an email I sent out in April 2020....it’s repurposed into a TOTW because we wanted to post it with our other Tips for easy access.

We have updated/clarified the procedures for how to handle excess emissions. Here is a list of things we have done:

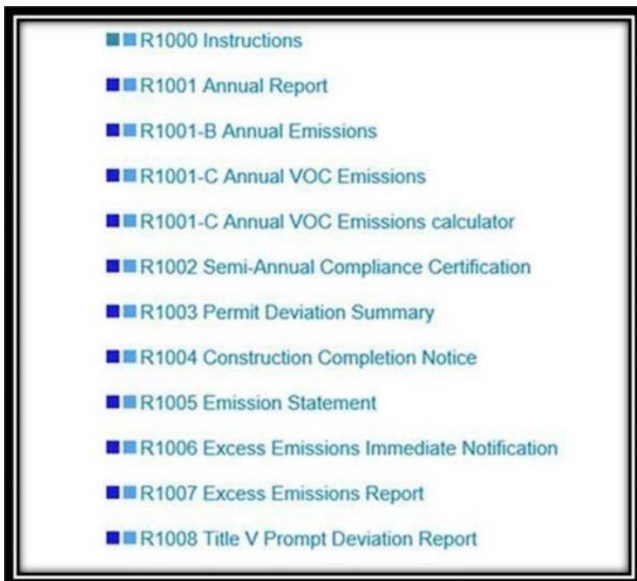
- **Created a flowchart (Steps for Excess Emission Events) that can be found here on the Permit Writers’ Resource Center:**



- **Updated the Excess Emission Review Form.** It’s on the Permit Writers’ Resource Center (as highlighted above) and it’s also in the Word Shared templates:



- **Updated the Excess Emission Reporting forms for Title V sources that are on our [external website](#):**
  - R1000 Instructions
  - R1002 Semi-Annual Compliance Certification
  - R1006 Excess Emissions Immediate Notification
  - R1007 Excess Emissions Report



- **Created a Prompt Deviation Report form R1008**

- Individual R1008 forms can be attached to semi- and annual reports instead of filling out R1003 SUMMARY OF PERMIT DEVIATIONS (thanks, Ken!).

As always, please let me know if you have any questions/concerns or find any mistakes!

Thanks to the excess emissions team who helped with all this: Janice Tacconi, Patty Jacobs, Karen White-Fallon and Jenny Root!!! And also the people at EPA who reviewed and added further clarification.

## 33 – Title V Workshops

Every other year, EPA holds a workshop for Region 10 Title V permit writers to help train new permit writers and to discuss various issues. The location of the workshop changes each time, but unfortunately, we haven't been to Alaska! The workshop planning committee gathers ideas for topics then tries to find "volunteers" for those topics. As many of you know, Jill was on the planning committee for Lacey and "asked" some of you to be on the panels.

The presentations from these TV workshops can be found on the Title V page of the Permit Writers' Resource Center.

Title V

**Permit Application Forms**

- Title V
- LUCS

**Permitting Concepts**

- Applicable Requirements
- Emissions Unit
- Excess Emissions and Emergency Provision
- Insignificant Activities
- Compliance Demonstration
- Permit Shield
- CAM Applicability/Example
- CAM Frequently Asked Questions
- Alternative Operating Scenarios

**Title V Permitting**

- Title V Program
- Title V Process Overview
- Completeness Determination
- Permit Conditions
- Public Participation
- Oregon Title V Monitoring and Testing Guidance
- EPA and Affected State Review
- Renewal
- Renewal Flowchart
- Contested Permits

**Permit Modifications**

- Permit Modification Flowchart
- Permit Modification Types

**Inspection Report Examples**

- Ash Grove Cement, Durkee
- Flakeboard America, Albany
- Georgia Pacific, Wauna
- Jeld-Wen, Klamath Falls
- Northwest Pipeline, Oregon City
- Roseburg Forest Products, Riddle

**Title V Workshop Materials**

- 2011 Bellingham
- 2014 Spokane
- 2017 Boise
- 2019 Lacey

For some reason, they combined all the Lacey presentations into two files so you have to open the files to see what the topics were.

2019 Lacey

- Day 1
- Day 2

In past years, the presentations have been separated by topic, and we'll encourage them to do it that way in the future:

2017 Boise

- 2016 Municipal Solid Waste Landfill Rule
- 2017 Kaizen Presentation
- EPA Title V Oversight
- EPA Update
- Idaho National Laboratory Air Permitting Update
- Synthetic Minor Permitting
- Statement of Basis Content
- Title V 101

Jill volunteered us to host this year but it might be cancelled because of COVID. These workshops are very informative so I encourage you to attend if possible. We'll keep you updated on the next workshop.

## 34 – E-CFR Part 2

### How to best use the Electronic Code of Federal Regulations (E-CFR) Part 2

The 3<sup>rd</sup> Tip of the Week covered the E-CFR. For a high-level overview of how a digital version of the CFR is useful and how it can be used in relation to permitting (among other things), please go back and review the E-CFR Tip #3 from the Permit Writers' Resource Center. This tip is being provided because effective September 10, 2021, EPA finished an overhaul of the E-CFR system. The electronic versions of federal regulations are now housed within the Federal Register website. (If you'd like to quickly bookmark a new link right now and explore later, THIS ONE will take you to Title 40, Chapter I, Subchapter C which includes NSPS and NESHAP subparts; note that any E-CFR bookmarks you had will STILL WORK.)

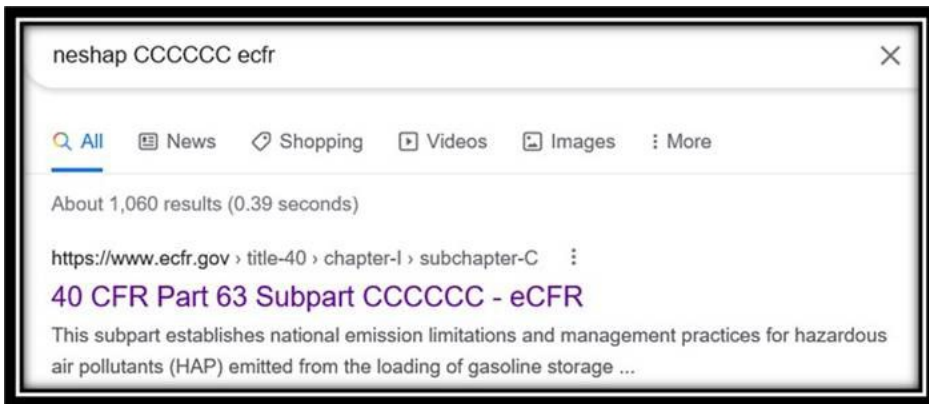
#### As a reminder (from Tip of the Week #3):

- The CFR, or Code of Federal Regulations, is where EPA publishes their final rules. For most AQ permitting purposes, this refers to NSPS and NESHAP standards.
- The e-CFR is an electronic version of the Code of Federal Regulations. This is updated frequently (often daily).
- The Environmental Quality Commission (EQC) typically adopts updated federal standards every two years.
  - This means that some of the information on the e-CFR will be different (newer) than what is effective as Oregon rule in our OARs.
- Some rule divisions define what 'C.F.R.' means. See Divisions [200](#), [230](#), [238](#), and [244](#), for example. [e.g., 340-244-0030(4) "C.F.R." means the July 1, 2020 edition Code of Federal Regulations unless otherwise identified.]
- If you're reviewing the default e-CFR page on September 21, 2021 you may be viewing regulations or information that is newer and not yet in Oregon rule.

There are many changes to explore on the new website- I would encourage you to click around and navigate to some of the regulations you often work with to see the differences firsthand. Below I have provided a few key things to be aware of and/or note that may be useful. Overall I believe this revised e-CFR is much more useful and I consider it a significant improvement. Two thumbs up from Dan.

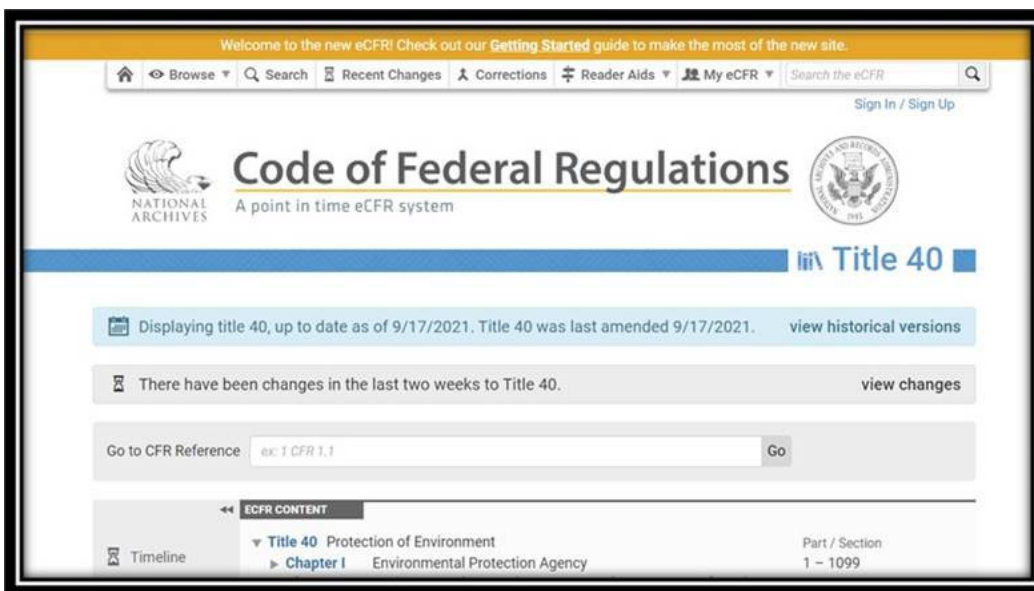
### Google Searches

If you use Google (or another search engine) to look for a regulation (e.g., search of 'NESHAP CCCCCC ecf'), the result which takes you to the 'www.ecfr.gov' link will automatically direct you to the updated page I'm discussing here.



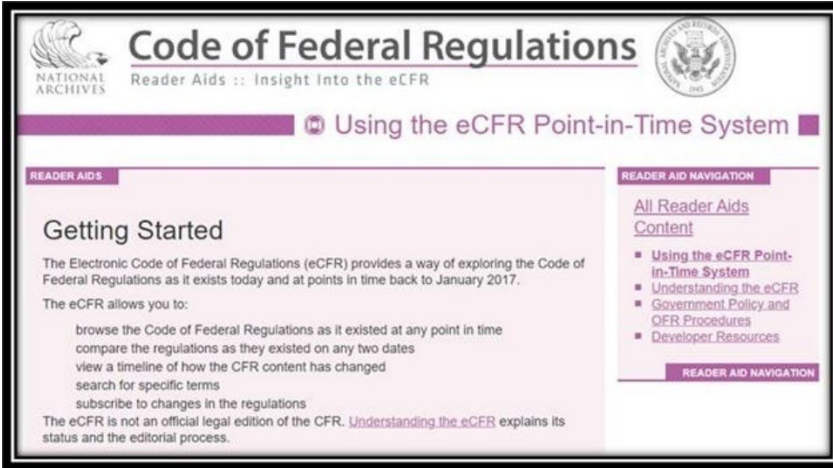
## New Look- Same (and more) Usefulness

If you use an old bookmark for a specific federal standard, you'll be taken to the new Federal Register web address- See below for the new look.



First, here are a few specific notes on the new 'home page'.

Note the banner across the top of the page which links to a 'Getting Started guide'. Generally, I didn't find anything SUPER helpful here but it is a good high-level overview if you're interested. The [Getting Started Guide](#) explains a bit about the CFR, the electronic CFR, and the 'point-in-time' system.



The 'search' feature works pretty well. You can quickly search for a specific federal regulation by keyword or subpart (e.g., searching 'plywood' and choosing 'Title 40' will bring up results which include NESHAP DDDD for



Plywood and Composite Wood Products).

The 'browse' tool (beside the search button) is a different way to navigate to specific federal

standards by agency- not as useful if you're always looking for EPA's regulations.

Here is the search for 'plywood'. I recommend organizing search results by 'hierarchy' instead of individual results. This lets you quickly navigate to the regulation you may be looking for. You'll notice that the 'hierarchy' approach starts with Title 40, then shows you the navigation to where your result is found in the CFR. In this case, CFR Title 40, Chapter I, Subchapter C, Part 63, Subpart DDDD.

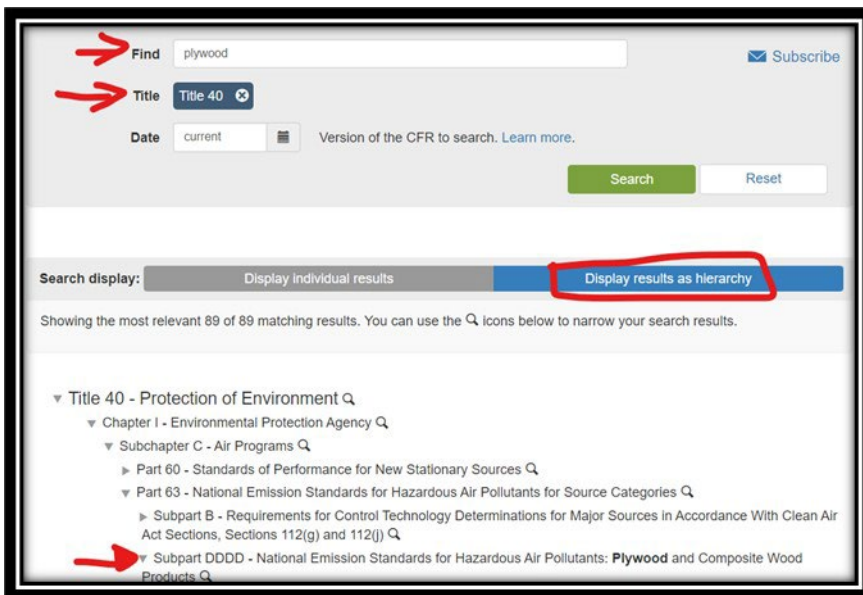
If you're searching for an NSPS or NESHAP standard, always include 'title 40' in your search.

## Historical E-CFR

You may recall that historical versions of the CFR are useful due to the lag time between EPA's promulgation of standards or updates and the EQC's adoption of said standards or updates. Note that the new system's 'historical versions' only goes back to January 2017- for most cases this should be ok since our adoption of federal regulations (at this time) is effective through July 1, 2020. You may reach out to AQ Ops staff if you

have an enforcement action for a source operating without a permit since before January 2017 and have questions.

If you're viewing a specific federal standard, the option to view historical versions of the regulation will be towards the top (See below).

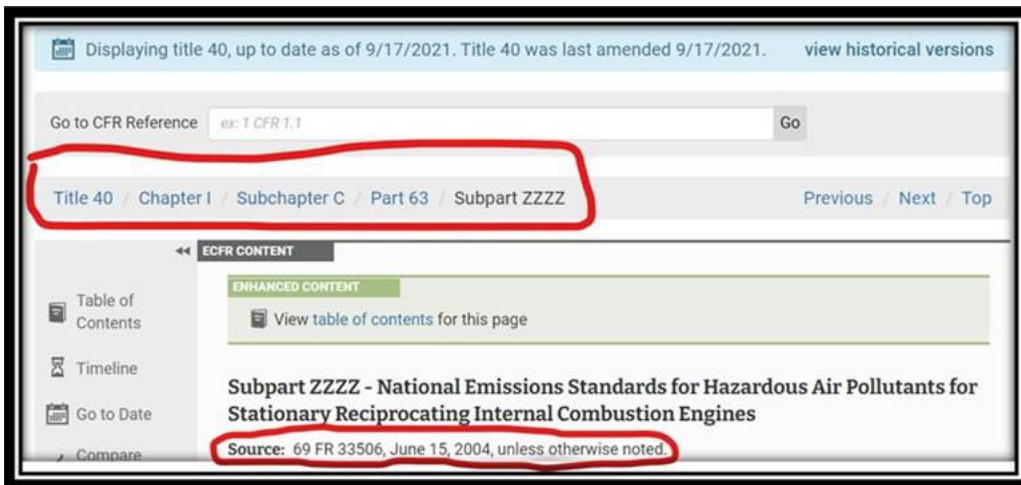


## Specific Subpart Major Differences

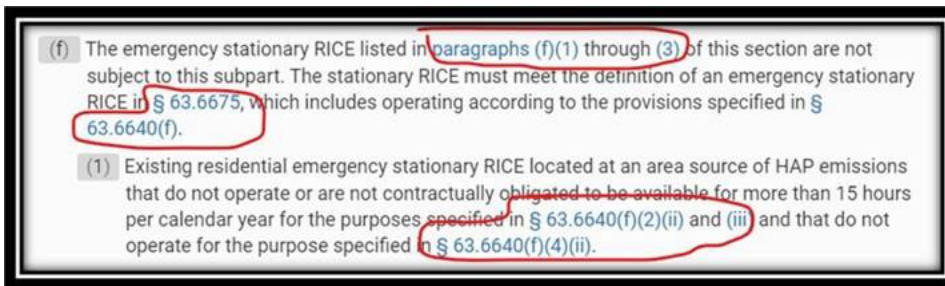
When you navigate to a specific NSPS or NESHAP in the new system, you will see a screen similar to what is below. I've marked a few key things to be aware of:

1. The top of the page clearly shows you where you are within the C.F.R. (Title, Chapter, Subchapter, Part, Subpart). This allows you to efficiently include an accurate CFR citation when you need it.
2. 'Source' clearly shows you the specific [Federal Register](#) citation that establishes the basis of the requirement- this can be useful if you'd like to explore the regulation's preamble which may further clarify EPA's intent of the rule.



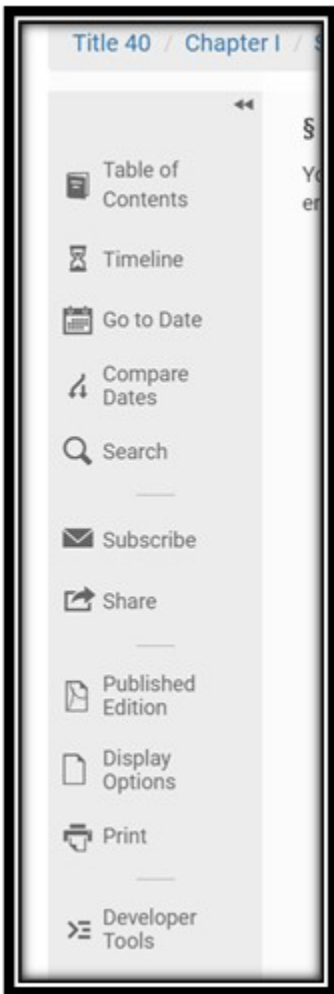


3. One of the BIGGEST things that is a wonderful change via this new system is that each reference to another rule/requirement of the CFR is a **HYPERLINK**. Yes! The language being referenced is one-



click away! To be honest- not *all* information is available in this system since it's still pretty new; but in my clicking around I found most of them worked. So you might get some 'error' notifications. I recommend right-clicking on the hyperlink and selecting 'open in a new tab'- this way you'll stay on your original page at the same location where you were reading and pop-up a new tab that has only the referenced CFR language you're trying to view.

4. There are also various tools that contain an array of useful information. See below- these are COOL!



**Timeline.**

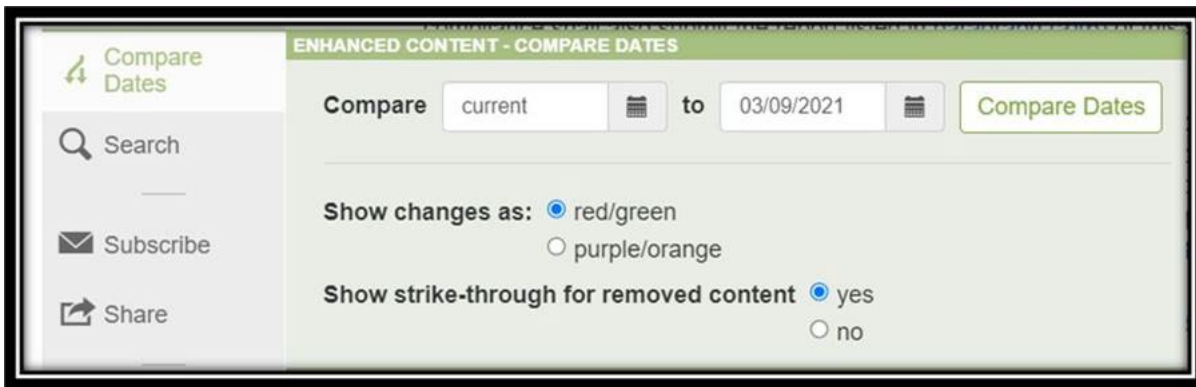
If you click on 'timeline' when reviewing a regulation, you have quick access to see exact dates of each change to this regulation.

ENHANCED CONTENT - TIMELINE				
Timeline	■ 3/11/2021	<a href="#">view on this date</a>	<a href="#">view change introduced</a>	
Go to Date	■ 1/19/2021	<a href="#">view on this date</a>	<a href="#">view change introduced</a>	<a href="#">compare to most recent</a>
Compare Dates	■ 11/19/2020	<a href="#">view on this date</a>	<a href="#">view change introduced</a>	<a href="#">compare to most recent</a>
	■ 1/14/2019	<a href="#">view on this date</a>	<a href="#">view change introduced</a>	<a href="#">compare to most recent</a>

**Compare Dates**

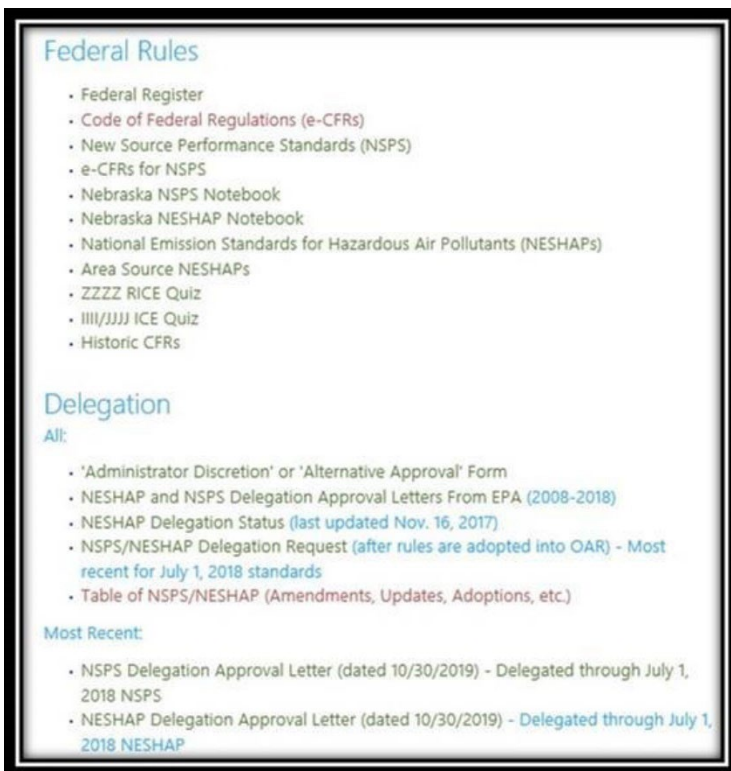
If you click on 'compare dates', you can use any other specific date (may be useful to refer to the 'timeline' changes shown above) to compare the changes right on this same page.

This one is a game-changer! 😊 Notice that you will be able to see the actual text differences- FINALLY!



## Wrap-Up

The Permit Writer Resource Center (PWRC) also has more detailed information; under the sub-page 'Rules, Regulations, Statutes', the right hand column provides useful links to federal regulation-related resources. Down on the right further are specific resources related to our delegation requests (where we request that EPA approve Oregon DEQ becoming the 'administrator' of specific regulations) for NSPS and NESHAP standards.



Hopefully this helps you start the process of becoming familiar with the new way EPA is sharing the Code of Federal Regulations digitally. If you have any questions about the e-CFR, adoption, delegation, or the PWRC resources, please let me know!

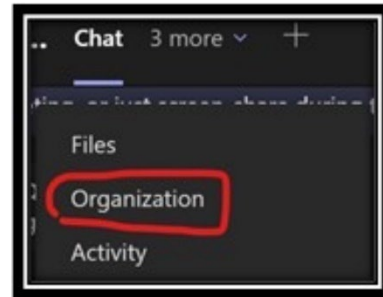
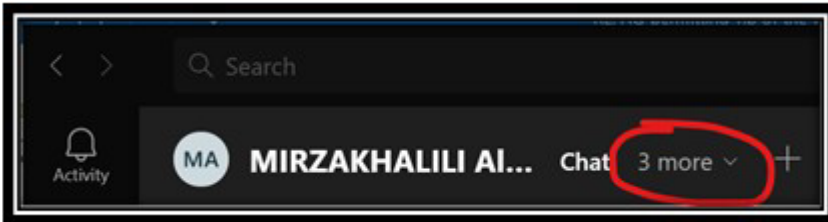
## 35 – AQ Organization

### Air Quality Program Organization

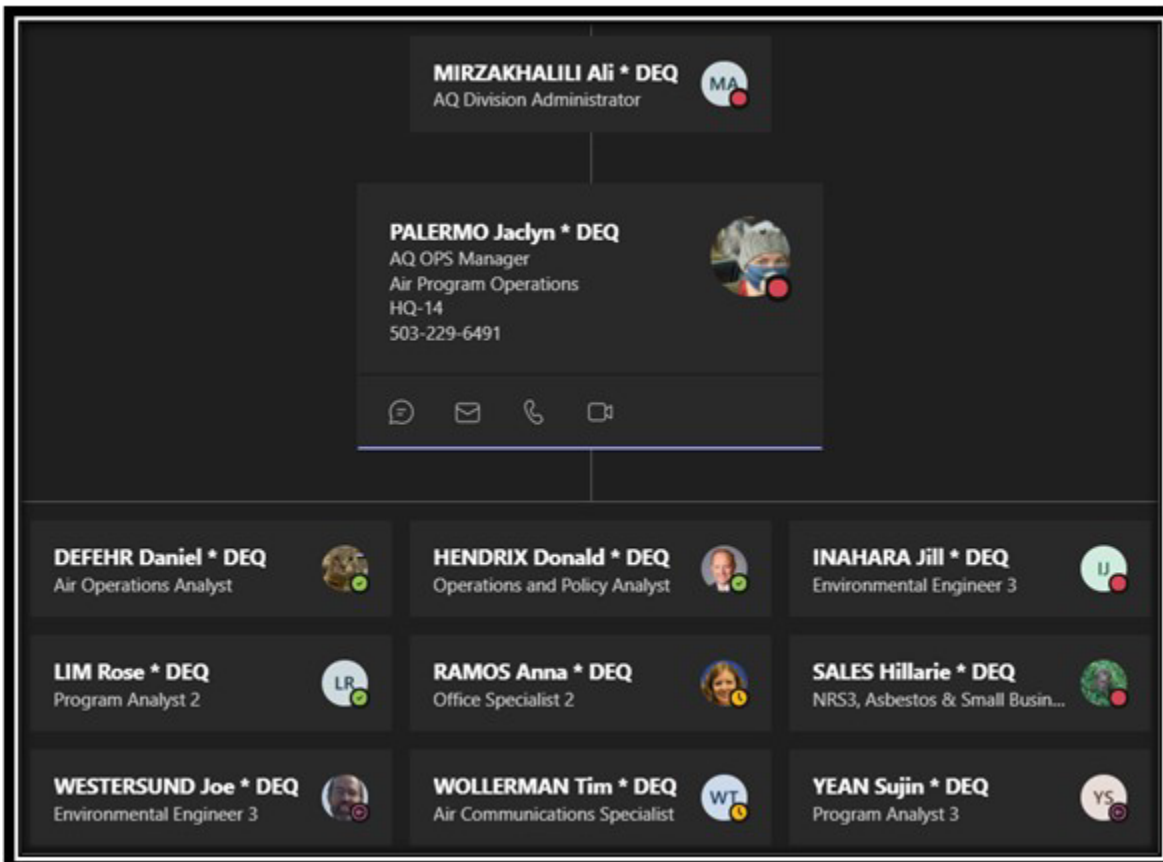
This tip is designed to share the 'organization' feature within Microsoft Teams and high level information about how the Air Quality Program is structured, by section.

#### Microsoft Teams Organization Tool

At a glance, you can use MS Teams to quickly see how a specific part of the agency is organized; MS Teams provides an option to view an individual in relation to the agency organizational chart. When you search for an individual in Teams, the top of your window will look like the picture below. There will be an ellipsis (...) or options for 'more' following their name. If you click on these options, you'll see 'organization'. Note that if your MS Teams window is the right size you may just see the word 'organization' beside the individual's name.



If you click on 'organization', you'll see how that individual fits into the agency organizational chart. Below is an example searching for 'Jaclyn Palermo', the Air Quality Operations manager. You'll see who that individual reports to (Ali) as well as who reports to them (all Operations staff).



## Organizational Structure

DEQ as an agency has a program for several different media (e.g., Air Quality, Water Quality, etc.). Each media has an administrator of the overarching program; for Air Quality, Ali Mirzakhali is the AQ Program Administrator. Within the AQ program, there are several different sections.



Full Section Name	Abbreviation/Short-Hand
Air Operations	Ops
Air Planning	Planning
AQ Technical Services	Tech Services
Cleaner Air Oregon	CAO
Vehicle Inspection Program	VIP
Eastern Region AQ	ER
Northwest Region AQ	NWR
Western Region AQ	WR

### Specific Sections:

**Regions:** Regional staff work under Regional AQ Managers, who report to Regional Division Administrators, who report to the Implementation Administrator. The regional staff are tasked with permitting, inspections, and oversight of almost all permitted sources.

**Operations:** The Ops team is primarily tasked with supporting air staff work in an array of ways: rulemaking, developing guidance/tools/resources, permit writing, process documentation, backlog support, small business assistance, invoicing, etc.

**VIP:** The Vehicle Inspection Program includes approximately 100 Full Time Equivalent (FTE) positions and operates seven Clean Air Station in the Portland and Medford metro-areas. The program tests nearly one third (1.3 million vehicles) of all registered vehicles in the State of Oregon. In addition to the Clean Air Stations, the program maintains an administrative office in Portland that houses maintenance, information technology, contract and procurement, accounting and budget, business operations and other administrative functions. More recently, the program's activities expanded to include the implementation of the registration and retrofit requirements of House Bill 2007, applicable to large diesel trucks.

**Planning:** The Planning section works on a large array of topics including: smoke management, State Implementation Plans, Clean Vehicle Rebate, Regional Haze, Volkswagen Grants, Clean Truck rules, among many others.

**CAO:** Cleaner Air Oregon is a program that regulates emissions of toxic air contaminants from industrial and commercial facilities based on local risks to health. Cleaner Air Oregon requires facilities to report toxic air contaminant emissions, assess potential health risks, and reduce risk if the level of risk posed by the toxic air contaminant exceed health risk action levels.

**Tech Services:** The Technical Services Section provides a variety of technical and analytical services to the entire Air Quality Program for the achievement of its goals. The range of services provided include:

- Emission inventory for criteria and air toxic pollutants for submittal to the National Emissions Inventory, and used in geographic areas with SIP Maintenance Plans;
- Air quality model development and modeling for determining if facilities or a geographic area exceed the National Ambient Air Quality Standards;
- Data system support through TRAACS maintenance and enhancements, and now the future development of 'Your DEQ Online' (YDO);
- Data analysis for policy making in AQ Planning such as evaluating the efficacy of gasoline dispensing stage II control systems on emissions or the impacts of increasing EV registration and use on mobile source emissions;
- Assessment of risk for the health impacts on Oregon's communities when exposed to varying concentrations of toxic air contaminants using EPA generated information such as the National Air Toxics Assessment (NATA)."

Operations is planning to send a future tip to provide more specific detail on 'who does what' within different air quality programs. Stand by!

### Other AQ Work To Be Aware of:

Office of GHG Programs	Colin McConnaha (Manager)
<ul style="list-style-type: none"><li>• Colin McConnaha is the manager of the 'Office of GHG Programs'. While this work has an air quality focus, it reports directly to the Office of the Director.</li><li>• The Office of Greenhouse Gas programs consists of a few different programs regulating emissions of greenhouse gases.<ul style="list-style-type: none"><li>&gt;The <b>GHG Reporting Program</b> requires annual reporting of emissions from all companies supplying fossil fuels (gasoline, diesel, natural gas, propane, etc.), large stationary sources with ACDP/TV permits and &gt;2,500 metric tons CO2 equivalent annually, as well as electricity suppliers.</li><li>&gt;The <b>Clean Fuels Program</b> requires annual reductions in the lifecycle emissions from transportation fuels, which is Oregon's largest sector of GHG emissions.</li><li>&gt;The <b>Climate Policy Team</b> is currently focused on developing a new program - Oregon's Climate Protection Program - that would establish enforceable and declining annual limits on emissions from nearly all fossil fuels used in Oregon.</li></ul></li></ul>	
EDMS/YDO	Angel Gillette (Project Manager)
<ul style="list-style-type: none"><li>• As the agency moves more fully toward 'Your DEQ Online' (YDO) previously known as the 'Environmental Data Management System' or EDMS, questions about the transition should be posed to the YDO project team (find <a href="#">Qnet page here</a>).</li><li>• The Qnet page for this effort has a lot of information. There is a '<a href="#">resources page</a>' with FAQs and a specific '<a href="#">help and training page</a>'.</li><li>• Air Quality permitting (ACDP, TV, ASR, etc.) is scheduled for Wave 3 with a planned 'Go Live' date of 11/15/2022.</li><li>• The project team hosts a monthly 'EDMS/YDO Forum' where you can learn more about the effort.</li></ul>	

<b>Payments/Invoices</b>	<a href="#">Revenue Section</a> or Donald Hendrix (Operations & Policy Analyst)
	<ul style="list-style-type: none"> <li>The '<a href="#">Revenue</a>' section of financial services handles questions about payments, invoices, and refunds. Ethel Gallares is the Accounting manager.</li> <li>You may also contact Donald Hendrix within AQ Operations for some questions as he generates invoices and tracks outstanding payments.</li> </ul>
<b>Website/Qnet</b>	<b>Communications Team</b>
	<ul style="list-style-type: none"> <li>Questions about the external website or Qnet should be directed to the Communications team.</li> <li>Harry Esteve is the Communications manager, and Lia Boyarshinova (Web Coordinator) or Michele Thompson (Web Publisher) can help you with a website or Qnet inquiry.</li> <li>AQ Operations staff maintain the several AQ-based SharePoint pages <a href="#">found here</a>. This includes the 'Permit Writers Resource Center'.</li> </ul>
<b>TRAACS</b>	<b>John Mathews (Air Quality Information Coordinator)</b>
	<ul style="list-style-type: none"> <li>Before the air quality program is fully transitioned into YDO, many staff will continue to use TRAACS.</li> <li>The air quality information coordinator, John Mathews, is the best resource for TRAACS-based questions or issues.</li> </ul>

**Hyperlinks from above:**

EDMS/YDO	Qnet Page.
	Resources Page
	Help and Training Page
Payments/Invoices	Revenue Section Qnet.
Website/Qnet	Ops-maintained SharePoint pages

**Disclaimer:** John Mathews is heavily involved with EDMS/YDO at this time; staff should use the DEQ Service Desk for IT-based inquiries or issues regarding TRAACS. AQ Operations staff may also be able to assist with some TRAACS questions as a first step. All of the information provided above is current as of September 2021.

**36 – EFSC and LUCS**

**EFSC and LUCS**

Sources that have crossover with the energy grid or a significant amount of backup power (data centers, solar projects, etc.) are often regulated by [Oregon Department of Energy](#) (ODOE). Some facilities are required to obtain a site certification; this is done via approval from the [Oregon Energy Facility Siting Council](#) (EFSC, or 'the Council'; acronym pronounced 'eff-seck'), which is directly associated with ODOE (similar to the EQC; the Council is appointed by the Governor and confirmed by the Senate). If you permit or work with these types of facilities (including processing Notices of Intent to Construct (NC)), feel free to review the linked ODOE and EFSC pages about siting. This tip will touch on the ODOE and EFSC certification process and how a site certificate from ODOE/the Council can sometimes be used to meet DEQ's Land Use Compatibility Statement requirements.

At a high level, to be used in lieu of a typical LUCS, a site certificate must clearly demonstrate that the proposed emissions unit/activity has received land use approval. Staff may elect to put the burden of demonstrating land use compliance back on sources (Requiring the applicant to highlight or point out specific sections of their certification), but this tip will help ensure you are familiar enough with this universe to conduct a thorough review of an application.

**Facility Siting and Site Certification**

Some sources are required to obtain a single site certification from ODOE/the Council for the project. The ODOE website includes a list of [the types of facilities that require a site certificate](#) if you're curious. Part of this site certification process includes a review of land use, statewide planning goals, and discussion/coordination with local land use zoning/planning authorities. Here is a bit of information directly from the ODOE website:

"A proposed energy facility must undergo a thorough review and meet the council's [siting standards](#) to receive a site certificate. Standards cover issues such as land use, environmental impacts<sup>1</sup>, noise concerns, and cultural and archeological artifacts. If the council approves a site certificate, the developer is authorized to construct and operate the facility. After issuing a site certificate, the council has ongoing regulatory authority over the construction and operation of the facility."

<sup>1</sup>Note that the environmental impacts portion of a site certification review addresses wetlands, water quality permits, and noise regulations based on DEQ rules, among others, but might not specifically address air quality permit requirements (see [ODOE Fact Sheet](#)): "Permits that the federal government has delegated to a state agency other than the Council are outside the Council's jurisdiction. For example, air emissions permits and some wastewater permits are federally delegated to the DEQ." ODOE staff has stated that the review process typically includes the question: 'what other permits are required?'. This will usually ensure the applicant has received/applied for any other required permits, including ACDP/TV.

ODOE's certification process includes consultation with many entities; one of these entities is the local government for where the source is proposed to be located. The local government is established as a Special Advisory Group (SAG).

"The governing body of any local government where a facility is proposed to be located is designated as a Special Advisory Group (SAG). The SAG has multiple responsibilities in the review process, including providing to EFSC applicable requirements from the local government's comprehensive plan and land use regulations that are required by the statewide planning goals and in effect on the date the preliminary application is submitted. The SAG can also review and provide input to EFSC on any other issue related to a Council standard that is of concern to the SAG."

**ODOE has clarified that the level of participation by local governments in the certification process varies widely. However, ODOE must abide by statewide planning goals for issuing site certifications similar to DEQ's permitting process. By [rule](#), ODOE must ensure that the project complies with statewide planning goals and may do so by ensuring the project is in compliance with the local acknowledged comprehensive plan (e.g., local LUCS approval).**

## Facilities and Site Certificate Applications

You can find a list of the facilities under EFSC jurisdiction [here](#); this includes applicants, issued site certificates, and terminated facilities. Clicking on a specific facility will take you to a page with a lot of information about that source. Below is an example of the page for 'Golden Hills Wind Project', AKA 'Golden Hills Wind Farm LLC' 28-0006 (in TRAACS); a source which has submitted an NC for emergency backup engines. The page includes lots of additional information and supporting documentation about the certification process, including in this case 'exhibit K' for land use. In the middle of this webpage under the header of 'Project Timeline' there is a section which links to all of the exhibits included in the 'complete application'. In this case we would navigate to 'Exhibits H-L' to find 'K'. *Note that these exhibits are large documents that take a little while to load.*



## Golden Hills Wind Project

- [ENERGY FACILITY SITING COUNCIL](#)
- [ENERGY FACILITIES](#)
- [FACILITIES UNDER REVIEW](#)
- [FACILITY SITING IN OREGON](#)

**Site Description:** Golden Hills Wind Project is a wind energy facility, currently under construction, to include 51 wind turbines and a maximum capacity of 200 megawatts, located within a site boundary of approximately 29,500 acres.

**Status:** Approved/Under Construction: The facility commenced Phase 1 construction (Operations and Maintenance Building) on June 8, 2020. The construction completion deadline is December 31, 2022.

**Location:** Sherman County, near the town of Wasco. [PDF Map](#) | [Online Map](#)

**Applicant/Certificate holder:**  
Golden Hills Wind Farm, LLC, a subsidiary of Pacific Wind Development, LLC (Pacific Wind), a subsidiary of Avangrid Renewables, LLC (Avangrid).

ODOE contact: [Duane Kilsdonk](#)

Applicant/Certificate holder contact: [Brian Walsh](#)

Contact the Facility Siting Team

503-378-4040  
800-221-8035  
[energy.siting@oregon.gov](mailto:energy.siting@oregon.gov)

Sign Up For Email Updates

[About the Site Certificate Process](#)

[Site Certificate Process Flowchart](#)

[Expedited Review Process Flowchart](#)

**Project Timeline**

Preliminary Application Received		07/01/2007
Complete Application	<a href="#">Exhibit AA-DD</a> <a href="#">Exhibit A-G</a> <a href="#">Exhibit H-L</a> <a href="#">Exhibit M-Z</a>	09/04/2008

**EXHIBIT FILES REFERENCE**

- Exhibit A: Applicant Information
- Exhibit B: Project Description
- Exhibit C: Property Location and Maps
- Exhibit D: Organizational Information
- Exhibit E: Permits Required
- Exhibit F: Property Ownership
- Exhibit G: Materials Analysis
- Exhibit H: Geology and Soil Stability

**EXHIBIT FILES REFERENCE**

- Exhibit A: Applicant Information
- Exhibit B: Project Description
- Exhibit C: Property Location and Maps
- Exhibit D: Organizational Information
- Exhibit E: Permits Required
- Exhibit F: Property Ownership
- Exhibit G: Materials Analysis
- Exhibit H: Geology and Soil Stability
- Exhibit I: Soils
- Exhibit J: Wetlands
- Exhibit K: Land Use
- Exhibit L: Protected Areas
- Exhibit M: Financial Analysis
- Exhibit N: Non-generating Facility Information
- Exhibit O: Water Requirements
- Exhibit P: Fish Wildlife Habitat
- Exhibit Q: Threatened and Endangered Plants and Animals
- Exhibit R: Scenic Aesthetic Values

If you navigate to the correct exhibit to find the land use documentation, you can find helpful information in regards to land use approval and review. The exhibits include all of the documentation that is included in a 'complete application' for a site certificate.

## What is Actually Approved?

In this example (NC submitted to DEQ for emergency engine installation and operation), the Land Use exhibit includes the following, which states that the local comprehensive plan was reviewed and the source was determined to be in compliance with it:

Pursuant to ORS 469.504(1)(B)(A) above, this Exhibit K demonstrates that the Project complies with the applicable substantive criteria from the Sherman County (County) acknowledged comprehensive plan and land use ordinances, with applicable LCDC administrative rules and goals, and with any land use statutes directly applicable to the facility. Pursuant to ORS 469.504(1)(b)(B) above, this Exhibit K also demonstrates that an exception to statewide planning goal 3, agriculture, is justified under ORS 469.504(2).

So the project is in compliance with the local comprehensive plan, but the NC submitted to DEQ was for backup power generation (engines). Are the proposed engines part of the approved site certificate and land use approval?

The land use, 'exhibit K,' also includes a clear description of the emissions units and activities that were considered when coming to the decision stated above. 'Related or supporting facilities' are typically the emissions units or other parts of the project or source that were approved by the site certificate. Sometimes this will be backup/emergency engines, unpaved roads, etc. In this example case for Golden Hills, the list of 'related or supporting facilities' does not include emergency backup power generation in any capacity.

#### **K.2.1 ENERGY FACILITY AND RELATED OR SUPPORTING FACILITIES**

The Project is a wind energy facility with a peak electric generating capacity of approximately 400 megawatts (MW) and an average electric generating capacity of approximately 133 MW. The project site is located in unincorporated Sherman County approximately 1- to 10-miles from Wasco, Oregon, on private land that has been leased by the Applicant to develop the Project. The Project will consist of:

- Up to 267 wind turbines that have an aggregate nominal nameplate generating capacity of up to 400 MW. The turbines will most likely consist of one of the following turbines:
  - 1.65 MW turbine with hub height of 78 meters and rotor diameter of 82 meters.
  - 2.5 MW turbine with a hub height of 80 meters and rotor diameter of 96 meters.
- Approximately 50 miles of newly constructed access roads and turnaround areas.
- Up to six permanent meteorological towers and a supervisory control and data acquisition ("SCADA") system.
- A 34.5-kilovolt (kV) power collection system linking each turbine to the next and to the project substation. The 62-mile long power collection system will be underground.

Based on this list of related or supporting facilities, it doesn't appear that the applicant ever discussed installing or operating backup engines on site within the application materials. As a final step, take a look at the actual final site certificate (or latest amendment) to determine what supporting facilities were included in the approval.

The facility page will include a final signed site certificate and each amendment thereto. Each of these final (or amended final) site certificates also includes a list of the approved 'related or supporting facilities.' In reviewing the latest amendment for Golden Hills, backup power generation/emergency engines are not listed. [Here is a link to the 6<sup>th</sup> amendment](#) of the final approved site certificate dated 1/22/2021; in this document, you'll find section 3.2 covering 'related or supporting facilities'.

### 3.2 Related or Supporting Facilities

Golden Hills proposes to construct the following related or supporting facilities:

- Power collection system
- Substation
- 230 kV transmission line
- Meteorological towers
- Supervisory Control and Data Acquisition (“SCADA”) System
- O&M facility
- Access roads
- Temporary laydown areas

Following this list of approved ‘related and supporting facilities’, there is a more detailed narrative-style description of each. Again, nothing listed here appears to relate to emergency engine installation or operation.

**Substation.** The facility would include one substation, located near the center of the Golden Hills site. The substation would occupy a graveled and fenced area about 5 acres in size to facilitate transformers, switching equipment and a parking area.

**230-kV Transmission Line.** An approximately 5-mile, 230 kV transmission line would interconnect the substation to the existing Hay Canyon 230 kV transmission line. From there, electricity would be transmitted using the existing Hay Canyon 230 kV line to the northernmost transmission pole structure near the existing Klondike Substation where up to approximately 700 feet of new 230 kV transmission line would be constructed along with associated structures and equipment necessary to interconnect the facility to Bonneville Power Administration’s (BPA’s) transmission structure located approximately 300 feet north of the Klondike Substation.

**Meteorological Towers.** The facility includes up to two permanent meteorological towers (“met towers”). The met towers would be unguyed tubular structures about 95 meters (312 feet) tall and set in concrete foundations.

## Determination

The land use-related exhibit in the complete application did not include emergency engines. The latest final amended site certificate also does not list emergency engines as an approved ‘related or supporting facility’. In this case, it does not appear that the site certificate can be used as proof of land use approval for the NC to install an emergency engine.

## Next Steps

To process an NC or permit application, DEQ needs confirmation of compliance with the acknowledged local comprehensive plan or statewide planning goals ([Division 18](#)). After our review and determination, the example source has two options:

- 1) Return to ODOE/the Council to apply for (and receive) an amendment which clearly demonstrates that emergency engines are an approved ‘related or supporting facility’ under the site certificate; or
- 2) Submit a LUCS form following the typical DEQ process in working directly with the local planning/zoning jurisdiction.

Sources which follow DEQ’s typical LUCS form and process (#2 above) are not relieved from working with ODOE to modify their site certificates as required by ODOE rules and requirements- for example, installing several emergency engines or establishing 5 miles of additional unpaved roads on site might actually *require* the applicant to apply for an amendment to their site certificate. However, this is just an FYI; it is not DEQ staff responsibility to determine when a source must amend their site certificate. It is only important to understand when you may rely on the site certificate to continue processing a permit or NC application in regards to land use compliance.

I hope this helps shine some light on the ODOE/EFSC site certification process and LUCS requirements!

## 37 – Economic Benefit

### New Economic Benefit Resources on AQ Permit Writers' Resource Center

Economic Benefit (EB) is the amount by which a party is financially better off due to not complying with an environmental law in a timely manner. DEQ is required to consider EB as part of its civil penalties by statute ([ORS 468.130\(2\)\(h\)](#)), rule ([OAR 340-012-0045](#) and [OAR 340-012-0150](#)), and by EPA pursuant to its delegation to DEQ to enforce the Clean Air Act. The purpose of including EB in a civil penalty (in addition to the "gravity-based penalty") is to remove economic savings a violator derives from noncompliance to level the playing field among all regulated entities.

When referring violations to the Office of Compliance and Enforcement (OCE) for formal enforcement, the permit writer/inspector preparing the Pre-Enforcement Notice (PEN) and referral is responsible for developing an estimate of the EB associated with the violation. EB information should be included in the referral form. Typically, this involves thinking through whether the source avoided or delayed any costs as a result of the violation, and then using the best information available to estimate those costs. OCE uses this estimate as an input into the [EPA BEN model](#) to calculate the Economic Benefit value that is included in the civil penalty (the BEN model takes into account factors such as the tax status of the responsible party, inflation, etc.)

Recent examples of EB calculations included in formal enforcement cases include:

- Cost estimates for avoided costs of pollution controls: If a source failed to install a pollution control device, an EB estimate might look like "to comply with the NSPS, the source should have spent \$1M to install a new pollution control device on 1/1/2010, and \$10k/year to operate it every year since." These cost estimates might come from the EPA Control Cost Manual or from the source's own submittals to DEQ (one EB estimate used the source's Regional Haze four factor analysis). Several permit writers have recently used these tools to estimate EB's that helped DEQ leverage important enforcement results.
- Cost estimates for avoided costs of labor: An inspector recently used the US Bureau of Labor Statistics website to determine the hourly wage of a steel mill worker to determine an avoided cost of failing to conduct opacity monitoring required by an NSPS. The extra monitoring would have taken approximately five extra minutes of labor per day, but avoided over 13 years, the avoided costs were estimated to be \$3,490!

Looking for guidance or resources to estimate Economic Benefit for a referral to OCE? There are some new resources on the Permit Writer's Resource Center! Look under "Enforcement" and the sub-heading "Economic Benefit" to find:

- Economic Benefit IMD – DEQ's policy (part of the Enforcement Guidance) on calculating Economic Benefit as part of civil penalties.
- EPA Control Cost Manual [by section](#) and as [a PDF](#) – This has been a useful resource in several recent enforcement cases where DEQ has assessed an economic benefit for avoided or delayed costs of installing pollution control devices.
- EB Resources (one pager) – A handy document that includes key considerations for preparing an EB estimate and links to additional resources for estimating EB (e.g., permit fees, labor costs etc).

A screenshot of how these resources appear on the PWRC is included below. Please let Jenny Root and Becka Puskas in OCE know if you have ideas for additional resources to add on this page.

## Enforcement

### DEQ

- HPV-FRV and Enforcement Template links ←
- [Step-by-Step Enforcement Guide](#)
- Enforcement Guidance for Field Staff
  - [Non Program Specific \(Default\) Violations Guidance \(Table 1\)](#)
  - [AQ Violations Guidance \(Table 2\)](#)
  - Appendix M -Formal Enforcement Action Document Production Process
  - OCE list of Enforcement Guidance ([appendices](#))
- [ACES AQ User's Guide](#)

### Economic Benefit

- Economic Benefit IMD
- [EPA Control Cost Manual by section and as a PDF](#)
- EB Resources (one-pager)

## 38 – Business Registry

### Oregon Secretary of State Business Registry

This tip will be focused on the OR Secretary of State page as a resource for staff and a little bit on the registration of businesses. For a variety of reasons, most businesses operating in Oregon register with the [Oregon Secretary of State \(SOS\) Corporations Division](#), but more on that later. For AQ work, this most often comes into play with permit issuance, renewal, or transfers of ownership. DEQ must issue permits to a legal 'person'. **Person is defined in Oregon Revised Statute chapter 468.005 as: "...individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the state and any agencies thereof, and the federal government and any agencies thereof."**

Staff reviewing an application must ensure the documents contain accurate information; part of this is determining if the legal entity name on a form is an entity to which DEQ can issue or transfer a permit.

### Which businesses have to register?

Some entities must register with the state, while some entities have the option. Here are two useful excerpts from the Secretary of State's webpage:

#### [Why register your business name?^](#)

The main reason to register your business name is to tell the public - and other businesses - who is doing business under that name.

The law requires people doing business in Oregon under an assumed name to register it as a public record with the Oregon Secretary of State Corporation Division. This registration lets the public know that the holder of the name intends to do business under that name. It both aids business owners in establishing their name with other businesses and gives the public contact information for legal proceedings. It's just like when you create a business, such as a corporation or limited liability company, the required organization documents must be filed with us.

Those who do business with an unregistered assumed business name may not have standing in court to pursue or defend legal actions. They also may find it difficult to do business, for example, getting licenses, opening bank accounts and entering into contracts.”

### [Are all businesses required to register and use an assumed business name? ^](#)

If the name of your business includes the "real and true" name of each owner, then you don't have to use or register an assumed business name.

A real and true name refers to your last name combined with your given name or initials. For example, if your name is Tom G. Sorenson, and you conduct business under the name Tom G. Sorenson Construction, you would not be required to register an assumed business name. For corporations, limited liability companies and other business entities, the business name registered with the Corporation Division is the real and true name of the business - no additional name registration is required. An Assumed Business Name (ABN) is only required for entities like corporations and LLCs if they are conducting business under a name other than the registered name for the entity.

## The Gist:

- Domestic Organizations (created in Oregon) must file their organizational document with the SOS before they exist (See 'types of registration with SOS' below; those acronyms which start with a 'D').
- Foreign Organizations (created in jurisdictions other than Oregon) must register with SOS before they can transact in the state.
- Individuals that use their name in an assumed business name do not have to register with SOS.

For permitting purposes: If the source is not an individual (or is not using their full name in their ABN), DEQ needs some documentation that confirms they actually exist. This is typically done by reviewing the Oregon SOS Corporation Division website linked above.

The reason to confirm legal existence is that DEQ will have a very difficult time pursuing enforcement actions on an illegally created, or otherwise nonexistent, entity in court. There are some legal precedents which shift liability to the person controlling an illegally created entity, but the enforcement process would be time-consuming and an inefficient use of agency resources when compared to verifying correct legal entity status prior to issuance or transfer. (e.g., The applicant "Deena Jackson, **Inc.**" must be issued a permit to this exact entity name; issuance of a permit to the similarly named "Deena Jackson, **LLC**" would create this legal and enforcement complication.)

- Permits must always be issued to a 'person' (see ORS definition above). The legal permitted entity must be an individual (full name) or an exact match to a listing within the SOS registry. If you have questions about an applicant's status as a 'person' under the ORS definition, reach out to the Office of Compliance and Enforcement (OCE) for assistance.
- Enforcement actions must always be issued to the permitted legal entity ('person'), never the plant or facility site name. When questions arise during the drafting of enforcement actions, it may be useful to

refer back to the SOS Corporations Division registry to find the entity name, associated entities, parent companies, etc.; OCE is always available to help with this step of an enforcement action if you have questions.

## The Oregon Secretary of State Page

The SOS corporations division webpage includes a simple 'search' function to find entities that are registered with the state. See below. The business name search field is relatively 'smart' in that if you search for 'Jacksons' it will default to showing you a variety of listings that may be relevant, like:

Jackson	Jackson's	Jackson-###	Jackson/###	All listings that include the word 'jackson' or 'jacksons' (e.g., DISABLED AMERICAN VETERANS AUXILIARY JACKSON COUNTY CHAPTER #8)
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The screenshot shows the 'Business Name Search' interface. At the top, it says 'OREGON SECRETARY OF STATE Corporation Division'. Below that are navigation links for 'Business Xpress', 'business name search', 'oregon business guide', 'license directory', 'business registry/renewal', 'forms/fees', 'notary public', 'uniform commercial code', 'uniform commercial code search', and 'documents & data services'. The main heading is 'Business Name Search' with the instruction 'Search for a Business Name in the Business Registry Database'. There are input fields for 'Business Name' and 'Registry Number', a 'Search for Business Name' button, and a 'Clear' button. There are also links for 'Search Help' and 'Other Government Databases'. Below the search fields, there are search method options: 'Business Name Availability Check' (radio button), 'Exact words in exact word order' (radio button), 'Exact words in any word order' (radio button), 'Sound-alike words in exact word order' (radio button), and 'Search for Active and Inactive businesses' (radio button).

The search page often looks like this:

1. Company			2. Facility Location		
Legal Name:			Name:		
Mailing Address:			Street Address:		
City:	State:	Zip Code:	City:	County:	Zip Code:
Number of employees (Corporate):			Number of employees (Facility):		

ACDP applications ask for a 'legal company name' and a 'facility location name'. A legal company name must be a 'person' according to Oregon statute- this is the entity to which the permit will be issued. Facility location name is unofficial but might also be registered with the SOS as an 'assumed business name' (ABN) but is not required to be. This might just be the way that the entity refers to a part of their operations (e.g., Medford Plant #2).

Upon receipt of a new permit application, staff should check the SOS website for a match of the legal name description provided on the application form (check with your AQ manager regarding where this step is completed (by the permit coordinator upon receipt or the permit writer later). Spelling and details of a listing are important because of potential enforcement actions, as stated above; the application form and subsequent

TRAACS entry should match the exact legal entity name. If the application does not list a 'person' per ORS 468, staff should communicate with the applicant to determine which legal entity is actually requesting the permit or permit action. Staff should not correct the legal company name on an application form on behalf of an applicant, but should request a new form be submitted with the correct information and a new signature (I know this is a hassle, but is important!). Remember, a legal entity name on an initial application form is the origin of a specific entity requesting coverage (and being subsequently responsible for compliance) of the permit.

- Assuming the permit was issued to a 'person' as required by ORS, permit mods and similar applications do not need to be compared to the SOS Corporations Division registry; final permit actions should reflect the same exact permitted entity name that was already 'vetted'.
- Permit transfers and name changes ('Administrative Amendment' for TV permits and 'Transfer Applications' for ACDP) must be checked to ensure DEQ is transferring the permit to a 'person'.

## Types of Registration with SOS

There are many ways to register with the state. Here is a page from the SOS website which explains each of the acronyms. I've included a few common ones here:

- DLLC: Domestic Limited Liability Company
- ABN: Assumed Business Name
- DLLP: Domestic Registered Limited Liability Partnership
- REG: Registered Name
- FBC: Foreign Business Corporation
- DBC: Domestic Business Corporation

## Example of SOS-listed Entity:

Below is an example of an entity registered with the Oregon SOS. This company has a registered Assumed Business Name of: "A TO Z PARTY RENTAL".

New Search		Printer Friendly		Business Entity Data			10-19-2021 08:43			
Registry Nbr	138923-91	Entity Type	ABN	Entity Status	ACT	Registry Date	03-31-2003	Next Renewal Date	03-31-2013	Renewal Due?
Entity Name	A TO Z PARTY RENTAL									
Foreign Name										
Affiliate?	N									
New Search		Printer Friendly		Associated Names						
Type	PFB	PRINCIPAL PLACE OF BUSINESS								
Addr 1	695 COMMERCIAL ST SE									
Addr 2										
CSZ	SALEM	OR	97302	Country	UNITED STATES OF AMERICA					
The Authorized Representative address is the mailing address for this business.										
Type	REP	AUTHORIZED REPRESENTATIVE								
Name	NIKE		PERLENFEIN							
Addr 1	695 COMMERCIAL ST SE									
Addr 2										
CSZ	SALEM	OR	97302	Country	UNITED STATES OF AMERICA					
Type	REG	REGISTRANT								
Of Record	134643-18		ALBANY RENTAL, INC.							
Addr 1	695 COMMERCIAL ST SE									
Addr 2										
CSZ	SALEM	OR	97302	Country	UNITED STATES OF AMERICA					

- In the **RED BOX** you can see that the 'entity type' is ABN, or assumed business name. The 'entity status' is active (ACT) as opposed to inactive (INA).
- In the **GREEN BOX** you can see the official name as filed and registered with the Secretary of State; the name this entity has registered with is 'A TO Z PARTY RENTAL'.



- In the **BLUE BOX** you can also see who the main contact is (authorized representative) and what mailing address you would use to communicate with this individual and entity.
- In the **ORANGE BOX** you'll see that this ABN is actually a registrant (REG) of another legal entity, "ALBANY RENTAL, INC."
  - ALBANY RENTAL, INC. is a DBC, Domestic Business Corporation. If you click on the 'of record' hyperlink showing their registration number (124643-18) you can see the SOS entry for 'Albany Rental, Inc.').
  - This means that ALBANY RENTAL, INC. may use the assumed business name 'A TO Z PARTY RENTAL in lieu of ALBANY RENTAL, INC. for purposes of business in Oregon. You might see a permit application for 'Albany Rental, Inc.' OR 'A to Z Party Rental'; both are valid entities to which DEQ may issue a permit.
  - This also means for enforcement purposes, 'A TO Z PARTY RENTAL' AND 'ALBANY RENTAL, INC.' are responsible for violations.

## 39 – Emission Inventory – Where Does All That Data Go

### Emissions Inventory

I have often wondered what "we" do with all the emissions data we get from permitted sources, so I asked the experts: emissions inventory staff in Jeffrey Stocum's Technical Services section (Brandy Albertson, David Broderick, Clara Funk, and Sue MacMillan). Below are the questions I asked of them and their responses:

**Question:** Does the EI team use the annual reports from permitted sources to report to EPA for the [National Emissions Inventory](#) (NEI)?

**Response:** We extract production/throughput information from the annual reports to recreate the sources' calculated emissions for the NEI using the emission factors from the permit detail sheets in TRAACS and the Air Toxics information from Air Toxics Emissions Inventories. This is essentially a QA/QC step as well as a way to manually get annual production/throughput information into TRAACS which recreates the emission estimates. The estimates in the annual report are compared against the re-created estimates in TRAACS. The throughput information are part of the data elements that are required reporting to the NEI. This information is manually keyed into TRAACS since it changes from year to year to get it into our system for electronic transfer to EPA's Emission Inventory System (EIS). We also extract continuous emissions monitoring (CEM) or material balance emission estimates from the annual reports to enter into TRAACS as well. TRAACS is the vehicle right now to get electronic emissions to EPA for the NEI. Very soon this responsibility will transfer from TRAACS to Your DEQ Online (YDO) where facilities will participate in annual reporting online.

**Question:** Does the EI team calculate emissions from Basic and General permittees to add to the NEI?

**Response:** No, Basic and General permit emissions are captured under the nonpoint category of the NEI which is calculated by EPA using their [Wagon Wheel tool](#). Wagon Wheel is an acronym for the following: Web-like Algorithm for the Generation Of Nonpoint inventories With Helpful Emission Estimation Logic even though it is not a web-based algorithm. It is an MS Access database with several input tables of national default data and calculation methods programmed into the interfaces to calculate emissions for various nonpoint categories. Each state is allowed to download the database and run their own estimates but EPA prefers the states/locals/tribes provide state and local data inputs in the form of excel spreadsheets for EPA to upload and run those estimates themselves. The excel spreadsheets with state/local/tribal local inputs are used to replace

national default data in the database in the event it is provided to EPA. These estimates are generally calculated at an emission category level, not down to individual facilities. For example, fuel combustion emissions from stationary sources use the national defaults from Energy Information Administration (EIA) for natural gas, fuel oil, wood usage at a state level. The fuel usage from point sources on Simple and Standard ACDPs and Title V permits are backed out of the nonpoint category to prevent double counting in emissions. We also provide some activity inputs specific to the state for gasoline dispensing facilities for which EPA runs the Wagon Wheel tool.

**Question:** What does EPA do with the NEI data?

**Response:** EPA publishes national emission trends, summaries, charts, and maps of emissions for the public using the NEI data. The data is used for various reasons: to develop regional haze regulations, to create new or adjust existing NAAQS, for NATA (National Air Toxics Assessment) /EJ Screen emission estimates, etc. This is just a few ways the NEI data is used to identify problem areas and pollutants of concern across the nation.

**Question:** Is EPA still doing [NATA](#)? If not, why not? If so, when do we send them data?

**Response:** NATA emission estimates are developed by EPA using information from the NEI and [TRI](#) (Toxics Release Inventory). NATA is generally reported triennially but now EPA wants to change it to annually for [EJ Screen](#). However, this is a point of contention with a lot of states because emissions data is not reported consistently on the off years (annually) due to the reporting requirements of EPA’s [Air Emission Reporting Rule](#) (AERR) for the NEI. The rule only requires Type A or larger facilities (see table below) with allowable emissions (PSELs) that exceed established criteria pollutant thresholds to be reported annually to the NEI. This is a much smaller subset of larger facilities reported annually. However, both Type A and B facilities (both large and small) with allowable emissions greater than 100 tpy for criteria pollutants are reported every three years by DEQ, which is a more complete list of facilities inventoried for the NEI. EPA will roll emissions forward from the previous triennial year for the NATA/EJ Screen where facilities are not required to report for the annual NEI. (NOTE: The status of this new NATA/EJ Screen process is still up in the air.)

<u>Pollutant</u>	<u>Type A (Annual Cycle)</u>	<u>Type B (Triennial Cycle)</u>
	(tpy)	(tpy)
CO	≥2500	≥1000
NOX	≥2500	≥100
NH3	≥250	≥100
PM10	≥250	≥100
PM2.5	≥250	≥100
SO2	≥2500	≥100
VOC	≥250	≥100

**Question:** Does your team review [TRI](#) data? If so, when?

**Response:** Tech Services does a data quality and completeness review of TRI data, and then interprets and summarizes the findings in an annual review report (although currently there is only a review report ready for 2018 TRI data). The Ten Most Emitted EPA Toxic Release Inventory Chemicals in Oregon in 2018 website can be found here. Tech Services pulls data from the TRI website and provides previous DEQ toxic air contaminant EI data for comparison to identify what is reported to TRI versus what our facilities report in the toxic air contaminant EI. Although the DEQ toxic air contaminant EI is fairly new, we will look at both data sets from this

point forward. The annual 2018 TRI review report contains information on percent decrease in TRI emission compared to other years; identifies permitted facilities that emitted the majority of risk-weighted TRI pollutants and also provides simple sums of the 10-20 most highly emitted TRI chemicals in Oregon and identifies the facilities emitting them; identifies Oregon TRI emissions from permitted facilities that might need a closer look; identifies TRI emissions from non-permitted facilities in Oregon; and identifies emitted TRI chemicals that do not have available toxicological information (which prevents discussion of potential health impacts from those chemicals). The information provided may change as needed and appropriate as future review reports are produced.

**Question:** What other EI work does your team do and how is it used?

**Response:**

- Competing source inventories for New Source Review/Prevention of Significant Deterioration ([division 224](#)) modeling,
- Emission inventories for SIPs/maintenance plans and regional haze,
- State-wide triennial Air Toxics Emissions Inventories
- Air monitors placement, and
- Mobile emissions projects (local/statewide).

EI data is also used by the [NW AIRQUEST](#) consortium to allow for predictions of daily ambient concentrations for ozone and PM forecasting, which are useful for Clean Air Action Day decisions. Every update of the NEI results in a need to update the inventory that is used in the predictive modeling. Emissions inventory data is also used for determining the need for, or the results of, policy changes. A good example of this is the requirement for Stage II controls at GDFs: do they have a net positive or negative impact on the emissions? Tech Services will do this analysis.

EI data can be made available to permit writers if it would help with writing permits or review reports/emission detail sheets and also looking at local issues that might involve your sources. It is also available to anyone outside the agency through public records requests. If you have a need for any EI data, please contact Brandy Albertson for criteria pollutants and Clara Funk for air toxics.

## **40 – Lumber Kiln Emission Factor Update and Implementation**

As you heard at the forum, a team of permit writers from DEQ and LRAPA worked on updating the lumber drying kiln emission factors. EPA Region 10 updated lumber drying kiln VOC and HAP emission factors in 2020 and recommended that all Region 10 air agencies adopt the new emission factors to provide consistency throughout the region. The data set of the emission factors consisted of small scale kiln source tests conducted at a variety of drying temperatures with a variety of wood species and is mostly the same data used in the 2012 emission factor development, with a few newer additional tests included since the 2012 compilation. Staff evaluated the new emission factors and methodology and recommend using linear regression with the simplified EPA Wood Products Protocol (WPP1) methodology for the VOC and formaldehyde and methanol HAP emission factors based on kiln operating temperatures and not applying a small-scale kiln correction factor. [Note: if the facility uses emission factors that were developed for the facility through small scale kiln tests, those emission factors may still be allowed.]

The Lumber Kiln page on the Permit Writers' Resource Center contains all of the needed documents for implementation.

## Lumber Kilns

2021 Lumber Kiln Implementation Plan & White Paper  
2021 Lumber Kiln Emission Factors - Summary  
2021 DEQ WPP1 adjusted EPA Region 10 Lumber Kiln EFs  
Implementation Timeline

### Affected Sources

Letter for Impacted Sources  
Letter for Non-Impacted Sources  
Lumber Kiln Permit Conditions

The emission factors are posted on our external website for [ACDP](#) and [Title V](#) sources here:



We also need to update AQ-EF02 Emission Factors for Wood Products to point to the new AQ-EF09, and that will be posted after it is reformatted.

## Potentially significantly impacted sources

DEQ is initiating work to incorporate the updated lumber drying kiln emission factors into all applicable DEQ air quality permits. Staff used the new emission factors in preliminary calculations to identify which sources would be impacted the most (see the More Impacted Sources sheet in the Affected Sources spreadsheet on the Lumber Kiln page). The spreadsheet can be used to track when meetings take place and when modifications are due. This format may need to change to allow you to use it and upload it back to SharePoint but it will be on this page, regardless.

HQ will send letters to these sources using the Letter for Impacted Source template and will cc permit writer as the contact person. The letters ask these sources to evaluate whether the new emission factors will change their status (major source or New Source Review) and asks them to call you within two weeks of receipt of the letter to set up a meeting to discuss.

- If the status of the sources changes as a result of the updated emission factors, the source will have to submit a permit modification application within a year of the meeting date. Staff add a reporting requirement to ACES to track this for compliance purposes
- If the status does not change, DEQ will initiate a permit modification to include the updated emission factors, temperature monitoring, corrective action for temperature excursions, and any other changes such as wood species and production volumes needed to ensure compliance.

See the Lumber Kiln permit conditions on the PWRC here. If the PSEL must be increased, a significant permit modification and public notice will be required. If the PSEL does not need to be increased, a minor permit modification will suffice.

## **Less Impacted Sources**

The preliminary calculations identified which sources would be impacted the least (see the Less Impacted Sources sheet in the Affected Sources spreadsheet on the Lumber Kiln page).

For most of these sources, permit writers will incorporate the revised emission factors at permit renewal. If a permit modification occurs before renewal, include the revised emission factors with the modification. HQ will send letters to these sources using the Letter for Non-Impacted Sources template and will cc the permit writer as the contact person. The letters ask these sources to verify that the new emission factors will not change their status (major source or New Source Review) and asks them to call you within two weeks of receipt of the letter to set up a meeting to discuss only if the status does change. Changes to PSEL will be handled at renewal and do not need to be sent to DEQ unless those changes trigger NSR or a permit type change.

## **General Permittees**

DEQ has not identified significant impacts for any permittees on the General Permit (AQGP-010) and those permittees will not be contacted at this time. The General Permit will be renewed on the existing permit cycle, with the permit expiration in 2027.

## **41 – Toxics Release Inventory**

### [Toxics Release Inventory \(TRI\)](#)

We will be requiring all Simple, Standard and Title V sources to submit TRI information with their applications (new and renewals). Some sources already do so. We started doing this because I remember at one public hearing, the public had TRI information and we didn't. It was not good! Tech Services has started comparing TRI reports to what sources submit to us (first with HAP data and now with CAO data) to make sure the inventories jive.

I have totally plagiarized this TOTW from EPA's TRI website! But it has good information that is easy to understand so I'm just taking the highlights for those who don't want to do a deep dive.

### **What is the Toxics Release Inventory?**

TRI tracks the management of certain toxic chemicals that may pose a threat to human health and the environment. U.S. facilities in different industry sectors must report annually how much of each chemical is released to the environment and/or managed through recycling, energy recovery and treatment. (A "release" of a chemical means that it is emitted to the air or water, or placed in some type of land disposal.)

### **Why was the TRI Program created?**

The TRI Program was created as part of a response to several events that raised public concern about local preparedness for chemical emergencies and the availability of information on hazardous substances.

On December 4, 1984, a cloud of extremely toxic methyl isocyanate gas escaped from a Union Carbide Chemical plant in Bhopal, India. Thousands of people died that night in what is widely considered to be the worst industrial disaster in history. Thousands more died later as a result of their exposure, and survivors continue to suffer with permanent disabilities. In 1985, a serious chemical release occurred at a similar plant in West Virginia.

In 1986, Congress passed the [Emergency Planning and Community Right-to-Know Act \(EPCRA\)](#) to support and promote emergency planning and to provide the public with information about releases of toxic chemicals in their community. Section 313 of EPCRA established the Toxics Release Inventory.

## Is TRI a mandatory program?

TRI is a mandatory program. [The TRI Compliance and Enforcement webpage has more information.](#)

## How is TRI different than other regulatory programs?

In 1986, TRI was part of a new approach to environmental protection. By making information about industrial management of toxic chemicals available to the public, TRI creates a strong incentive for companies to improve environmental performance. Information disclosure programs such as TRI are different than most federal environmental programs that are designed to achieve better environmental performance by setting standards and specifying how facilities must operate.

The TRI Program is also different because the data it collects are:

- **annual**, collected each July and made publicly available online;
- **multimedia**, reflecting chemical emissions to air, water and land; and
- **broad**, encompassing source reduction and other pollution prevention practices.

## How does TRI relate to other EPA programs?

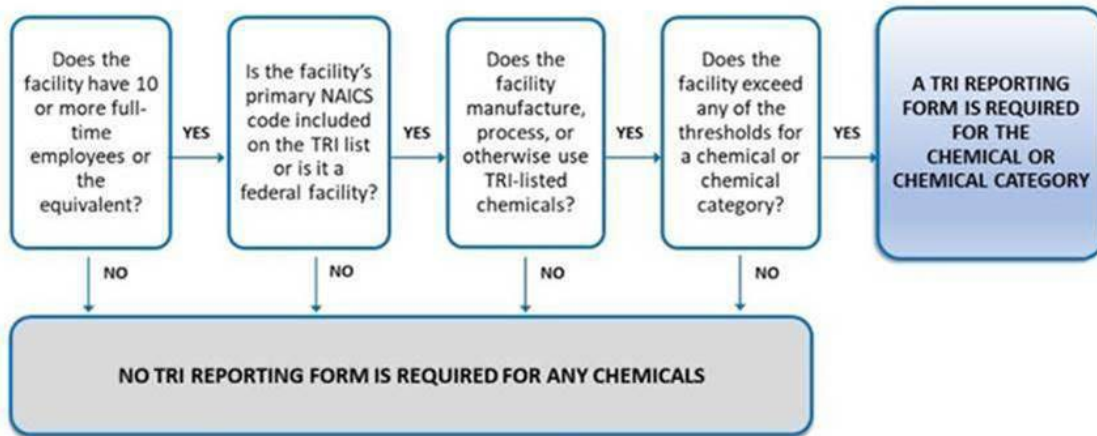
There is some overlap between the facilities that report to the TRI and those regulated by other EPA programs that collect information about chemicals and the environment. Users who want to find information that is not available in the TRI can check the databases associated with these other programs. For example, the National Emissions Inventory (NEI) can be used to find estimates of air releases for facilities that do not report to TRI or for mobile sources such as cars, which are not covered by TRI. These databases include:

- [RCRA Info](#): contains hazardous waste management information;
- [PCS and ICIS-NPDES](#): contains monthly measurements of chemicals released to water at facilities with discharge permits;
- [NEI](#): contains air release estimates for stationary and mobile sources;
- [RMP](#): contains risk management plans that state the amount of chemicals facilities have in on-site processes;
- [GHGRP](#): contains greenhouse gas emissions data from large direct emissions sources in the U.S.

This snip below is a very good summary of who has to report. Here is the [link](#) that is in the snip below that contains the TRI Reporting Forms and Instructions that gives more details on who has to report and what has to be reported.

# TRI Reporting Criteria

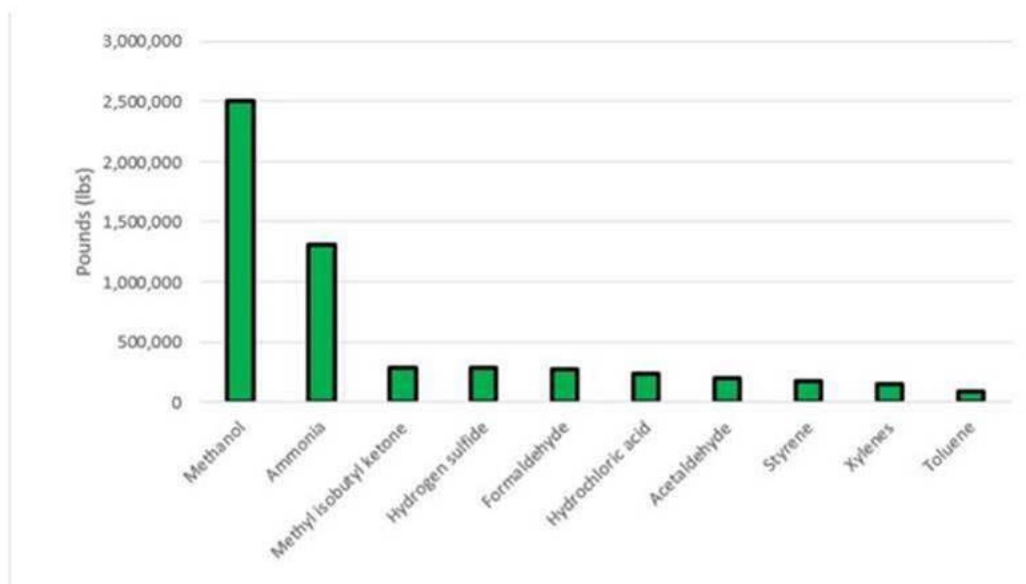
If a facility meets the employee, industry sector, and chemical threshold criteria, it must report to the TRI Program. For more details about the reporting criteria, [refer to the TRI Reporting Forms and Instructions](#).



DEQ created our own TRI website here that is titled **Ten Most Emitted EPA Toxic Release Inventory Chemicals in Oregon in 2018** (did you know methanol is the most emitted toxic?). This website has other information on DEQ's different toxics programs over the years. Thanks to Sue MacMillan and Tim Wollerman for putting together that website for us.

To get TRI data direct from EPA, the most user-friendly way is to go to [Envirofacts search](#), type in the facility address:

## 2021 summary of ten most emitted TRI Air Toxics in Oregon in 2018

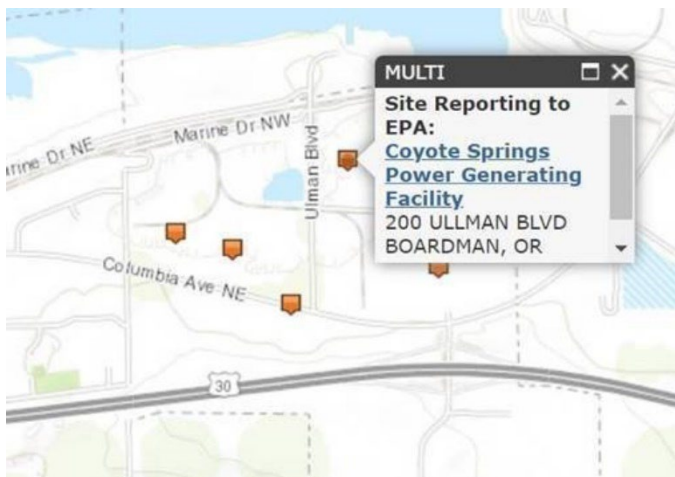




Then click "list and map facilities reporting in this view" so that the facility shows up on the map.



Then you can click on the facility and get a page with all the info.



[https://enviro.epa.gov/enviro/multisys2\\_v2.get\\_list?facility\\_uin=110000488847](https://enviro.epa.gov/enviro/multisys2_v2.get_list?facility_uin=110000488847)

That info is super long for some facilities, but you can hit Control-F in the browser and search for "toxic releases for reporting year."



**Toxic Releases for Reporting Year 1999**



Chemical Name	Tri Chem Id	Doc Ctrl Num	Total Release	Release Basis Est Code	Environmental Medium
0007664417	0007664417	1399130018106	5		FUGITIVE OR NON-POINT EMISSIONS
0007664417	0007664417	1399130018106	1400		STACK OR POINT EMISSIONS

In this example, the chemical name is confusingly given as "0007664417." It appears that means ammonia, which has a CAS number of [7664-41-7](#).

## 42 – Incorporating Regional Haze SAFOs Into Permits

### What is the regional haze program?

The Clean Air Act established visibility goals for "Class 1" areas like national parks and wilderness areas. DEQ tracks visibility in Oregon's 12 Class 1 areas, to make sure we're on the "glide path" towards improving visibility to "natural conditions" by 2064. EPA creates a "round" of regional haze rules every 10 years. This round of Regional haze rules regulates emissions of NO<sub>x</sub>, SO<sub>2</sub> and PM<sub>10</sub> because these are some of the pollutants that affect visibility. The agreement to shut down the PGE Boardman coal-fired power plant was the main result of DEQ's efforts in Round 1. Now, we're just finishing up Round 2, which looked at a broader set of Title V facilities. The regional haze rules are newly updated for this round and are found at [OAR 340-223](#).

### What were the results of this round of regional haze?

After several screening steps, 16 facilities signed a Stipulated Agreement and Final Order (SAFO) agreeing to decrease PSELS, install controls, or remove/replace equipment in order to meet regional haze requirements. The SAFOs were signed by DEQ and the companies, and will be submitted to the EQC as part of the SIP in January. DEQ was not able to reach agreement with one facility, Gas Transmission NW Compressor Station #13, so we issued a Unilateral Order to them and that order is in the contested case process. In addition, several facilities choose to preemptively reduce their PSELS ahead of this round of regional haze so that they didn't have to go through "4 Factor Analysis", a detailed review of potential control devices. More info on the SAFOs and order can be found here.

Overall, Round 2 is resulting in more than 11,000 tons of PSEL reductions, 6 facilities installing Continuous Emissions Monitoring Systems (CEMS), 6+ facilities installing control devices, and 1+ facilities replacing emissions units. The "+" is because many of the SAFOs give facilities options between PSEL reduction and controls, etc, and we don't know yet which option they will choose.

### What do permit writers need to do?

If you have a permit that received a SAFO, then the requirements of the SAFO or order are new applicable requirements that must be incorporated into the Title V permit. When you add a permit condition implementing the SAFO or order, you would cite the authority as in this example:

*[Stipulated Agreement and Final Order No. 01-0038, fully executed on August 9, 2021, entered under OAR 340-223-0110]*

The order number is found on the first page of the order. The date it's "fully executed" is the date the last person signed it (on the last page of the order). OAR 340-223-0110 is the part of the regional haze rules that says DEQ can enter SAFOs or issue orders.

Permit conditions from the unilateral order won't get incorporated into the permit until the contested case is resolved.

## When do regional haze conditions need to be incorporated into permits?

SAFO or order requirements are enforceable now, even before they're incorporated into the Title V permit. But, [OAR 340-218-0200\(1\)\(a\)](#) says that new applicable requirements need to be incorporated:

... A permit will be reopened and revised under any of the following circumstances:

*(A) Additional applicable requirements under the FCAA or state rules become applicable to a major Oregon Title V Operating Permit program source **with a remaining permit term of 3 or more years**. Such a reopening will be completed not later than **18 months after promulgation** of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to OAR 340-218-0130;*

The SAFOs were signed around 8/9/2021, so:

- if your TV permit has an expiration date before ~8/9/2024, then you can incorporate the new requirements at renewal.
- if your TV permit has an expiration date after ~8/9/2024, then you need to do a department-initiated modification and complete it before 2/9/2023
- if your TV permit has an expiration date very close to 8/9/2024, contact me and we can calculate the 18 month and 3 year dates for the exact signing date of your facility's SAFO.

## How do I incorporate regional haze conditions into my permit?

- A good start is to cut and paste the language from the "Final Order" section at the end of the SAFO/order directly into the permit.
- You may need to add additional details for monitoring, recordkeeping and reporting, especially if the SAFO requires them to install a CEMS or control device.
  - You can add these details to the permit as needed, even if they're not spelled out in the SAFO.
  - We purposely left these details out of SAFOs so that future minor changes to monitoring requirements, etc., don't require a SIP change.
- The SAFO may give the facility options (for example, to take a PSEL reduction or install controls). If the facility has committed to one option, it's OK to just include the conditions relevant to that option. If the SAFO lays out a decision point some years in the future, it's likely that the facility hasn't committed one way or the other yet. In that case, you'll need to include permit conditions that describe both options and the deadline for making a decision. In some cases it may make sense to require the facility, once they decide, to indicate that decision in the form of an application for a permit modification.
- If you're starting on a permit mod or renewal that will include regional haze conditions, please contact Michael Orman & Joe Westersund early in the process.
  - Some SAFOs may get amended due to EPA comments or typos that have been found.
  - We can help write permit conditions & confirm that the result matches the intent of the SAFO.

## What about the next round of Regional Haze?

Michael Orman and Karen Williams are already starting to think about how DEQ should approach the next 10-year cycle, Round 3. According to Michael Orman, "Round 3 will be more difficult than Round 2. Our inventory is shrinking. We committed to some actions to investigate over the next 10 years, which will help support Round 3, like reducing emissions from agricultural operations."

### Who do I contact for more information?

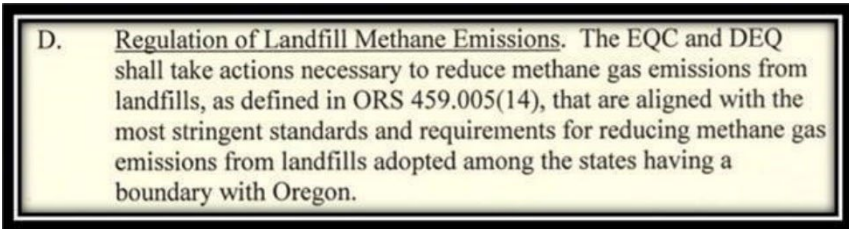
Please contact Michael Orman or Joe Westersund. The presentation from the 2021 Fall Forum can be found [here](#).

## 43 – New Landfill Rules

This tip is designed to address new landfill rules (10/4/2021) found at [OAR chapter 340 division 239](#). Affected sources are: existing permitted landfills, existing non-permitted landfills, and new landfills. This also includes non-municipal solid waste landfills; see [OAR 340-239-0010](#) for applicability.

### Why are there new Landfill rules?

Governor Brown's Executive Order 20-04 (EO) directed several state agencies to take action to reduce Greenhouse Gas (GHG) emissions across the state. One specific aspect of the EO directed DEQ and the Environmental Quality Commission (EQC) to adopt rules to reduce methane emissions from landfills. The overarching GHG reduction target established by the Oregon Legislature is to "at least 75% below 1990 levels" by 2050. Landfill methane reduction is one of many pieces necessary in achieving this goal. Ongoing data review by HQ and a big-picture rule review in October 2026 will help us determine how much methane has been reduced by implementing these rules.



D. **Regulation of Landfill Methane Emissions.** The EQC and DEQ shall take actions necessary to reduce methane gas emissions from landfills, as defined in ORS 459.005(14), that are aligned with the most stringent standards and requirements for reducing methane gas emissions from landfills adopted among the states having a boundary with Oregon.

Once DEQ staff began looking into a rulemaking for landfills, it was decided that it would be most efficient to engage in this rulemaking effort by combining the most stringent requirements of all existing landfill regulations (California rules as the most stringent neighboring state, NESHAP [AAAA](#), NSPS [XXX](#), Emission Guidelines [Cf](#) implemented in [Division 236](#)). This way, DEQ ends up with one rule division that applies to landfills. This means that, eventually (see below) staff and sources will only have to refer to one rule division for permit writing instead of multiple federal standards and state rule divisions.

The most stringent standards from neighboring states were found in California, and Heather Kuoppamaki (AQ Planning) was the lead rule writer for the new [Division 239](#).

### What do permit writers need to do and by when?

If you have an existing landfill permit, then the requirements of Division 239 are new applicable requirements that must be incorporated into the Simple ACDP, Standard, ACDP, and Title V permit. Existing landfill sources are listed on the Fall 2021 AQ Forum Landfill presentation [here](#) (slide 14; 2<sup>nd</sup> to last).

During implementation discussions, regional managers agreed to incorporate these new rules into permits as follows:

- The existing Simple (one source) and Standard (one source) ACDPs will have the new requirements incorporated into the permit by 10/1/2022.
- The TV permits will incorporate the new requirements according to the reopening rules of Division 218.

[OAR 340-218-0200\(1\)\(a\)](#) says that new applicable requirements need to be incorporated:

... A permit will be reopened and revised under any of the following circumstances:

(A) Additional applicable requirements under the FCAA or state rules become applicable to a major Oregon Title V Operating Permit program source **with a remaining permit term of 3 or more years**. Such a reopening will be completed not later than **18 months after promulgation** of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to OAR 340-218-0130;

The rules were adopted by the EQC on 10/1/2021, and were filed and effective with the Oregon Secretary of State as of 10/4/2021, so:

- if your TV permit has an expiration date before October 4, 2024, then you incorporate the new requirements at renewal.
- if your TV permit has an expiration date on or after October 4, 2024, then you need to do a department-initiated modification by March 2023.

## How do I incorporate conditions into my permit?

- A good start is to review the rules in Division 239. The rules are setup in a tiered manner based on the landfill's: waste in place, methane generation rate calculations, and surface emission monitoring results.

The 'tiers' are generally as follows:

- Less than 200,000 tons of waste in place, no permit requirement. Must only maintain cover to minimize emissions.
- Greater than 200,000 tons of waste in place requires a Simple ACDP. (OAR 340-216-8010 Part B #90).
  - These landfills have to calculate their methane generation rate annually. If they stay below 664 metric tons of methane per year, they may remain on a Simple ACDP and recalculate annually. Methane Generation Rate (MGR) calculations are based on OAR 340-[239-0800\(2\)](#).
- Greater than 200,000 tons of waste in place **and** over 664 metric tons of calculated methane emissions per year requires a Standard ACDP.
  - These landfills have to either install a Gas Collection and Control System (GCCS); or
  - Conduct quarterly surface emissions monitoring to demonstrate surface emissions are below 200 ppmv (not including background concentrations). This monitoring is ongoing for active landfills. If surface emissions monitoring later shows an exceedance of 200 ppmv (except for non-repeatable, momentary readings), the landfill must begin the process of installing a GCCS.

- Per OAR 340-239-0105, landfills with a design capacity of equal to or greater than 2.5 million megagrams or 2.5 million cubic meters are required to obtain a TV operating permit. There are no additional unique rule requirements in Division 239 to include for TV permits.
- Check out the Fall 2021 AQ Forum Landfill presentation here (Slides 11 and 12) for a high-level overview of the rules/requirements and main differences from current regulations.
- Review the Landfill SharePoint page for associated documents, templates, etc. Heather and Dan will be adding documents and resources to this page as we work further through the implementation process.
- Discuss the permit issuance plan with your manager and when your permit should be reopened for cause if you're not incorporating the requirements at renewal.

## **What are the next steps? How does this get easier over time?**

**Information Requests:** Heather and Dan are working on information request letters and outreach materials for both staff and external sources. However, a few permits will need to include these requirements before permit condition templates or other similar resources are created (the permits being drafted now or expiring very soon). These permit writers should review the rules (including references and information above), reach out to Heather and Dan with rule questions, and are encouraged to share when a permit with these rules is issued so other staff can use it as reference.

All landfills will be receiving an information request from DEQ; the first 'batch' of letters will be for unpermitted landfills. Template information request letters will be produced and made available to staff, along with a list of affected landfills. The letters are planned to be sent by HQ staff and go to sources before the end of 2021; information must be submitted by March 31, 2022. Questions you receive about the information request should be answered, if possible, based on resources on the Landfill SharePoint page; if there are questions you can't answer or if you need additional support, direct the caller to Heather K. at (503-407-7596).

The current plan is for HQ to receive the initial submittals, log data in SharePoint, and forward documents to regional staff when there is (or likely is) a permit required. In some cases, existing landfills that don't have permits will be required to obtain one (current data suggests somewhere around ~7/8 Simples and ~7/8 Standards). Permit coordinators will create distinct source files for this documentation since a permit application for a new permit will not be required until 10/1/2022. Before the new permit applications are due, HQ will have additional resources available for permit writers on the Landfill SharePoint page.

**Combining landfill regulations:** Moving forward, DEQ will ask EPA to approve Division 239 to act in lieu of NSPS XXX, NESHAP AAAA, and our State Plan for the Emission Guidelines at part 60 subpart Cf (current Division 236 rules). Once each of these three separate determinations and approvals have been received from EPA, permit writers will have to incorporate **only** Division 239 into permits for each landfill. Until then, permit writing will be a bit clunky and need to include all applicable requirements between each of these regulations and divisions. Until these approvals have been received from EPA, Division 239 are state-only enforceable requirements. The EPA review process can take a long time, but Region 10 has been focusing resources on these types of requests in recent years, so we're hopeful that the approvals will be completed in 2022.

When EPA approves state rules to work in place of a federal regulation, it's called an 'equivalency determination'. This means that EPA has officially signed off that if we implement our rules, their federal regulations will be satisfied. AQ Ops will ensure regional managers and staff are made aware of when this equivalency is received.

**Landfills installing a Gas Collection and Control System (GCCS):** The Materials Management (MM) program has agreed to work in conjunction with AQ staff in reviewing GCCS design plans for landfills. If you are working

with a landfill source that is going to need to install a GCCS or you have received a design plan already, contact Heather. Heather will work directly with the MM program to put you in touch with an MM engineer who will also review the plan and can discuss any issues or notes with you. Soon there will be an official "Coordination Plan" that details how MM and AQ staff work together on landfill related permitting.

## **Who do I contact for more information?**

Please contact Heather Kuoppamaki or Dan DeFehr. The presentation from the 2021 Fall Forum can be found here (AQCommon link).

## **44 – The Notice of Intent to Construct Clock**

### **Notice of Intent to Construct Applications for ACDP and Title V sources**

We have been getting questions on when the NC 'clock' starts, if it stops and how to handle incomplete NCs. As you all well know, Type 1 NCs default approve after 10 days of receipt of the NC application. With everyone's busy schedule, it can be hard to review a Type 1 NC in 10 days, but management has made that a top priority. If you are not able to review a Type 1 NC in less than 10 days, please talk to your manager ASAP to identify why this isn't possible and talk about reassigning work. For Type 2 NCs, the default approval happens 60 days after receipt of the NC application, much more manageable for staff!

**Question:** If an NC application is incomplete, when does the clock start?

**Answer:** For an NC application that is incomplete (e.g., missing the LUCS or emissions data, etc.), the 10/60-day clock doesn't start until **ALL** information is received, **but** the clock doesn't pause until we request this information. If we must ask for more information (this could be anything identified in OAR 340-210-0230), please be sure and include a date certain for when this information is due. The clock starts over when that information is **received**.

Based on the statutory language below, the 10/60-day clock should restart after we get all supplemental information requested:

**468A.055 Notice prior to construction of new sources; order authorizing or prohibiting construction; effect of no order; appeal.** (1) The Environmental Quality Commission may require notice prior to the construction of new air contamination sources specified by class or classes in its rules or standards relating to air pollution.

(2) Within 30 days of receipt of such notice, the commission may require, as a condition precedent to approval of the construction, the submission of plans and specifications. After examination thereof, the commission may request corrections and revisions to the plans and specifications. The commission may also require any other information concerning air contaminant emissions as is necessary to determine whether the proposed construction is in accordance with the provisions of ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.505 to 454.535, 454.605 to 454.755 and ORS chapters 468, 468A and 468B and applicable rules or standards adopted pursuant thereto.

(3) If the commission determines that the proposed construction is in accordance with the provisions of ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.505 to 454.535, 454.605 to 454.755 and ORS chapters 468, 468A and 468B and applicable rules or standards adopted pursuant thereto, it shall enter an order approving such construction. If the commission determines that the construction does not comply with the provisions of ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.505 to 454.535, 454.605 to 454.755 and ORS chapters 468, 468A and 468B and applicable rules or standards adopted pursuant thereto, it shall notify the applicant and enter an order prohibiting the construction.

(4) If within 60 days of the receipt of plans, specifications **or any subsequently requested revisions or corrections to the plans and specifications or any other information required pursuant to this section**, the commission fails to issue an order, the failure shall be considered a determination that the construction may proceed except where prohibited by federal law. The construction must comply with the plans, specifications and any corrections or revisions thereto or other information, if any, previously submitted.

(5) Any person against whom the order is directed may, within 20 days from the date of mailing of the order, demand a hearing. The demand shall be in writing, shall state the grounds for hearing and shall be mailed to the Director of the Department of Environmental Quality. The hearing shall be conducted pursuant to the applicable provisions of ORS chapter 183.

(6) The commission may delegate its duties under subsections (2) to (4) of this section to the Director of the Department of Environmental Quality. If the commission delegates its duties under this section, any person against whom an order of the director is directed may demand a hearing before the commission as provided in subsection (5) of this section.

(7) For the purposes of this section, "construction" includes installation and establishment of new air contamination sources. Addition to or enlargement or replacement of an air contamination source, or any major alteration or modification therein that significantly affects the emission of air contaminants shall be considered as construction of a new air contamination source. [Formerly 468.325; 1993 c.790 §4]

**Question:** Should DEQ deny an NC application if more information is needed?

**Answer:** Permit writers have two options. They can either ask for more information and just pause the clock or they can deny the application and start the clock over with a new application.

- Option 1:

If the NC is incomplete, ask for additional information within 10/60 days of receipt and identify all of the missing information. A date certain for submittal must be included in the request for more information. This option should most often be used when there isn't much missing from the application, or you otherwise expect to have all the necessary information to finish processing the NC within the 10/60-day clock. Note that this option means you must track the information requests and deny/respond to NC applications when additional information is not received within the 10/60-day clock.

- The permit coordinator should still log the NC application in TRAACS, per the normal procedure. A technical completion date should **not** be entered into TRAACS. Staff should consider briefly explaining the information request and the clock 'pause' in the comments field.
- When the source submits all the requested information, the technical completion date should be entered in TRAACS. This will restart the 10/60-day clock. A new default approval date should also be entered in TRAACS (again, consider providing clarifying details regarding the relevant dates in the comments field).
- Program Operations is currently developing a Word template letter that can be sent to the applicant for an incomplete application.

- Option 2:

If the NC is incomplete, return the **whole** NC application (by whatever mechanism was used for submittal, either by email or regular mail) within 10/60 days of receipt and identify all of the missing information. The "return" should have an explicit statement that the NC is disapproved for being incomplete and/or not complying with Division 210. This option will most often be used when the NC is submitted as a Type 1 or 2 but

does not qualify as that type, or the NC application is severely incomplete and missing several important elements.

- The permit coordinator should still log the NC application into TRAACS, per the normal procedure. A determination date and the withdrawn date should be entered into TRAACS for an incomplete application (consider briefly explaining that the withdrawal is a DEQ decision and not the applicant's in the comments field).
- When the source resubmits a complete application, it will be entered into TRAACS as a new application, and this will start the 10/60-day clock.
- Program Operations is currently developing a Word template letter that can be sent to the applicant for disapproving an incomplete application.
- Specifically for Type 2 NCs that require the \$720 application fee (Simple and Standard permittees and unpermitted sources), if your review is approaching the 60-day default approval, talk with your manager about an incomplete application and the process of refunding the fee before beginning the withdrawal process outlined above.
- The onus is on the source to comply with division 210 and make sure what they have submitted qualifies as Type 1 NC or a Type 2 NC. They don't get default approval if the NC doesn't qualify as a Type 1 or Type 2 or if the application is not complete. We would take enforcement in that case, depending on whether construction has started. If construction starts on day 11/61, and the application was not complete or does not qualify, then staff should start the enforcement process.

**Question:** If the permit writer gets a Type 1 NC twelve days after the DEQ receipt date, does that change anything? Do we need to deny immediately and ask for resubmittal?

**Answer:** Staff should not be receiving Type 1 NCs twelve days after the DEQ receipt date. If this is happening, please talk with your manager to see how to prioritize distribution of NC applications to permit writers.

Remember that [OAR 340-210-0230\(1\)](#) lists the information that must be included in a Type 1 or Type 2 NC. The first review should be able to be done quickly, simply to ensure that each of the required elements are included. The NC form was revised in 2021 to ensure each required element from Division 210 is listed on the form. Please make sure the new version of the form is being used (AQ104 for ACDP sources or MD901 for Title V sources). Permittees/applicants with questions about the NC process should be directed to the ACDP instructions or the Title V instructions, and *then* return to ask you any remaining **specific** questions. DEQ staff should not provide consultant-level services to sources.

## 45 – When LUCS is Not Available

### When a Source Can't Obtain a Land Use Compatibility Statement

There have been questions recently regarding how to process Notice of Intent to Construct (NCs from [Division 210](#)) applications (and/or permit applications) when the source can't obtain a Land Use Compatibility Statement (LUCS). This situation seems to be most prevalent when the proposed construction is on land that is under federal jurisdiction, but there may be other scenarios as well.

As a reminder, [Division 18](#) outlines the process by which DEQ ensures that permitting actions (including NCs) are in compliance with Statewide Land Use Goals. Most often, this is done by the source working with all applicable planning/zoning jurisdictions to receive an approved LUCS. Based on input from regional staff and



sources, local jurisdictions sometimes state that even though the project is within their county or city jurisdiction, the fact that it is located on land owned or under control of the federal government means they will not review the land use and provide a determination for the source.

## **Division 18: Deferring to a local jurisdiction**

The main rule that Division 210 relies on when requiring a LUCS is here:

[340-018-0040](#)

### **Compliance with Statewide Planning Goals**

(1) The Department shall to the extent required by law, achieve goal compliance for land use programs and actions identified in OAR 340-018-0030 by assuring compatibility with acknowledged comprehensive plans, except as provided in section (3) of this rule.

An 'acknowledged comprehensive plan' is a plan that a local planning/zoning jurisdiction submits to the Department of Land Conservation and Development (DLCD). DLCD will then approve the submitted plan, 'acknowledging' that the plan is in compliance with the overarching [Statewide Planning Goals](#). At this time, DEQ can use a locally-approved LUCS to ensure compliance with Statewide Land Use Goals since we know that the local plan has already been approved by DLCD.

### **So what are your/the source's options and how do we do this?**

You may have noticed that the rule citation above includes 'except as provided in section (3)'. Division 18 provides an alternative **when necessary**. Note that if a planning jurisdiction just takes a long time to approve a LUCS, or the source is in a rush for permit/NC approval, the alternative process is **not considered necessary** (more on this later).

[340-018-0040](#)

### **Compliance with Statewide Planning Goals**

...

(3) The Department shall assure statewide goal compliance when necessary through the adoption of findings pursuant to OAR 660-030-0065(3) through the following process:

- (a) The identification of applicable goals;
- (b) Request for advice from DLCD or the Attorney General's office when necessary;
- (c) Consultation with the affected local government; and
- (d) The adoption of necessary findings.

This rule alternative to the LUCS has been reviewed and researched, including consultation with DOJ. The source and DEQ can proceed without a LUCS by following these steps:

**Note that this information is available via the LUCS Requirements document on the PWRC.**

1. The applicant must review all [Statewide Planning Goals](#) and clearly identify those that are implicated by the project.
2. The applicant must review the Statewide Goal requirements (see '[guidelines](#)' associated with each Goal') and write-up findings to explain why and how the project complies with those goals. On federal lands, this should include documentation that a federal agency has authorized the project (This could be a contract, signed agreement, or many other things; discuss with your manager if you have questions).

3. The applicant must submit findings and associated materials from (1) and (2) above to DEQ.
4. DEQ staff will provide the finding and materials to DOJ (Paul Garrahan) and DLCD (Contact TBD) for review and a determination (compliant with statewide planning goals or not).
  - a. If the project is determined compliant by both DOJ **and** DLCD, DEQ staff will notify the applicant and continue processing the application.
  - b. If the project is determined noncompliant by DOJ **or** DLCD, DEQ staff will notify the applicant and stop processing the application pursuant to Division 18.
5. DEQ staff will retain findings, materials, and responses from DOJ and DLCD in the source file.

Note that some applicants may not be able to independently review and assess statewide planning goals sufficiently and may need to retain a consultant or attorney to assist with this effort. For projects on federal land, it is likely that the applicant has already retained this type of service to obtain approval for the project, thus this process will not be overly burdensome.

**The applicant is responsible for doing this body of work then submitting the documentation and supporting materials to DEQ in lieu of a LUCS. This alternative process is only necessary when the local jurisdiction is not going to provide a review of the LUCS for the proposed construction. Documentation of the local jurisdiction's inability and/or decision to not review the LUCS should be submitted as supporting materials.**

## **Your Experience and Moving Forward**

AQ Ops is interested in hearing how this process works or doesn't work and where we can provide more support or additional materials. The position for the DLCD contact that we would coordinate with regarding requests for compliance determinations is vacant as of now, but when the position is filled, DLCD will let me know and I will update the LUCS document on the PWRC. If you are working with a source that is beginning work on this alternative LUCS process, please make sure to let them know that it won't be a fast process; getting review completed by DOJ and DLCD will not be completed in a day or two.

### **Examples:**

1. DEQ is working on a permit application for the 'Grassy Mountain Mine' project in Eastern Region; this process of the applicant reviewing goals and submitting their findings was used in this case. The project is completely located on land which is under federal control via the Bureau of Land Management (BLM).
2. A mobile phone carrier may elect to install a cell tower on land managed by BLM that requires an NC application. These situations often are not able to get a completed LUCS from the local jurisdiction; these NC approvals should follow this alternative process.

## 46 – AQ Document Upload for Annual Reports

### AQ Document Upload and Annual Reports

Last year, IT rolled out AQ Document Upload (ADU), a website where facilities can submit electronic copies of certain air permit documents. Last year we used ADU for Semiannual Reports and Air Toxics Emissions Inventories. This year, we're asking facilities to submit the electronic copies of their annual reports using ADU. Facilities still have to submit a hard copy of their annual report, as required by their permit.

### What do I as a permit writer need to do?

- If a source asks you, encourage them to submit their electronic copy annual report on ADU at <https://www.deq.state.or.us/adu>, as well as their usual hard copy.
- If your sources have questions or trouble using ADU, direct them to [aqDocumentUpload@deq.state.or.us](mailto:aqDocumentUpload@deq.state.or.us)
- If you want to check whether your sources have submitted their 2021 annual reports on ADU, you can do that at <http://deqsql3/Reports/report/ADU/rptADUSubmittals>.
- If you have questions or need more info, let me know.

### How does the ADU system work?

1. Facility contact must have their email address listed in TRAACS as a "Facility", "Mailing" and/or "Site" contact for the permit
2. The ADU system emails a PIN to the facility contact
3. The facility contact visits <https://www.deq.state.or.us/adu>, enters their permit number and PIN, and uploads their annual report.
4. Facility contact gets an email confirmation from the ADU system letting them know the annual report was received.
5. Within a few days, the annual report will appear on AQ Permits Online.

### What are other people doing in the background?

- Permit coordinators have sent / are sending annual report reminder letters to let them know about ADU.
  - We didn't send reminder letters to Title V sources (because they already used ADU for Air Toxics Emissions Inventory/semiannual reports and are assumed to not need a reminder) or dry cleaners (because their annual reports are processed by land quality).
- I am having the ADU system email/re-email PINs to facilities this week and next. Facility contacts for TV, ST and SI permits already have their PINs, and this will be a reminder to make sure they have it on hand. For Basics and General Permits this will be the first time they have seen an ADU PIN.

### Troubleshooting

If your facilities have problems using ADU, please have them email [aqDocumentUpload@deq.state.or.us](mailto:aqDocumentUpload@deq.state.or.us).

As background info, here are some common issues sources might come across:

- I don't have a PIN!
  - Check that the email address is correctly entered into TRAACS for that permit. Permit Coordinators can edit the contact info in TRAACS if needed. I will generate/send any new PINs each morning.
- ADU doesn't recognize my PIN!
  - The PIN is paired to a particular email address. Make sure they're not using a PIN with the wrong email address. I can have the PIN re-emailed to them if needed.
- ADU doesn't recognize my PIN for this permit!
  - If a user is a contact for multiple sources, then their PIN will allow them to submit annual reports for all of those sources. (They don't need a separate PIN for each source or permit). If their PIN works for some sources but not others, check that their email address is listed as a contact for all the sources. Then, contact me to make sure their PIN covers all sources.
- ADU doesn't recognize my permit!
  - The permit number is a 13-character string like 00-0000-XX-00. Sometimes facilities are just entering the first part, like 00-0000.
- I need to make a correction to my annual report!
  - If the facility needs to resubmit their annual report to correct an error, they can just upload the new version on ADU. The new version will replace the old on AQ Permits Online.

## 47 – NESHAP 6H

### Overview

This tip is designed to provide an overview of how DEQ interacts with sources that conduct paint stripping and miscellaneous surface coating operations subject to NESHAP 6H and those that are submitting an exemption request form. [[40 C.F.R. Part 63 Subpart HHHHHH](#); Paint Stripping and Misc. Surface Coating Operations area sources]

### NESHAP Applicability

This NESHAP applies to many sources. Facilities conducting any of the activities in 63.11169(a-c) (see below) are subject to the NESHAP.

- a. **Paint stripping** operations that involve the use of chemical strippers **that contain methylene chloride** (MeCl), Chemical Abstract Service number 75092, in paint removal processes;
- b. **Autobody refinishing** operations that encompass motor vehicle and mobile equipment **spray-applied surface coating operations**;

- c. **Spray application of coatings containing compounds of chromium (Cr), lead (Pb), manganese (Mn), nickel (Ni), or cadmium (Cd)**, collectively referred to as the target HAP to any part or product made of metal or plastic, or combinations of metal and plastic that are not motor vehicles or mobile equipment.

You'll notice that the second listing, (b), does not specify use of a Hazardous Air Pollutant (HAP) containing coating, but rather simply applies to autobody refinishing operations in general (if they spray apply coatings). This includes all autobody refinishing operations (stationary, portable, or traveling to a customer's location). Because of this broad-reaching applicability to autobody refinishing sources, this NESHAP also includes a process for sources to submit a NESHAP exemption request.

## NESHAP Exemption Process

The NESHAP exemption process is explained at 63.11170(b), which applies to a specific subset of affected sources. Here is the text:

..."However, if you are the owner or operator of a motor vehicle or mobile equipment surface coating operation, you may petition the Administrator for an exemption from this subpart if you can demonstrate, to the satisfaction of the Administrator, that you spray apply no coatings that contain the target HAP as defined in [§ 63.11180](#). Petitions must include a description of the coatings that you spray apply and your certification that you do not spray apply any coatings containing the target HAP. If circumstances change such that you intend to spray apply coatings containing the target HAP, you must submit the initial notification required by 63.11175 and comply with the requirements of this subpart."

As referenced above, autobody refinishing sources that spray apply coatings are subject to the NESHAP by default. The exemption language above provides the source an opportunity to not be subject to the NESHAP if they don't have any coatings which contain a target HAP.

The exemption process is often called a 'petition' process since the NESHAP language states that the source may '**petition** the Administrator for an **exemption**'. Exemption and petition requests are processed by the AQ Operations section. Sources eligible for an exemption are only the sources that don't use methylene chloride (MeCl) and don't spray-apply a HAP-containing coating. Any owner/operator of a body shop or mobile surface coating operation can request an exemption from the federal paint stripping and surface coating standards.

The exemption forms and approvals/denials are logged in a central database retained by AQ Operations. Because we are working remote, hardcopy forms must be scanned and sent by email.

A copy of the exemption form can be found here: <https://www.oregon.gov/deq/aq/Documents/bap-exemption.pdf>

*What does the exemption form require?*

- Proof that none of their paints contain a target HAP (cadmium, chromium, lead, manganese, nickel).
  - We require a full list of all paints and coatings used by the source.
- Gallons of methylene chloride-containing paint stripper used per year.
  - Note that this must be zero for the source to be eligible for an exemption (see NESHAP applicability listed above 63.11169(a)).
- Number of vehicles painted per year.
  - For simplicity, if the source spray applies coatings to a vehicle (one bumper, for example) it would count as a vehicle painted.

- Gallons of coating used per year.
- An explanation of the operation and sources of emissions.

When the exemption application processing is complete, a letter of acceptance or denial is sent to the facility and the appropriate permit writer is provided a copy.

- Approved exemptions are ***always*** conditional. The approval letter will state that the source is 'conditionally exempt' based on the information that was provided and that if the source ***ever*** begins conducting activities that cause them to be subject to the NESHAP, they must be in immediate compliance (this includes submitting required 'Initial Notification' and 'Notification of Compliance Status').
- Denied exemptions may be subject to permitting or not (see below). If a source is denied an exemption the permit writer should promptly verify that the source is complying with the applicable requirements of the NESHAP.

## **No Permit Required? Wait! We still need to know about that source!**

In some instances, sources may be subject to the NESHAP but not require a permit. This is based on permitting language in 340-216-8010 table 1 (activities and sources). See Part B #53 and #59:

53. Motor vehicle and mobile equipment surface coating operations subject to an area source NESHAP under OAR 340 division 244, excluding motor vehicle surface coating operations painting less than 10 vehicles per year or using less than 20 gallons of coating and 20 gallons of methylene chloride containing paint stripper per year, mobile equipment surface coating operations using less than 20 gallons of coating and 20 gallons of methylene chloride containing paint stripper per year, and motor vehicle surface coating operations registered pursuant to OAR 340-210-0100(2).

59. Paint stripping and miscellaneous surface coating operations subject to an area source NESHAP under OAR 340 division 244, excluding paint stripping and miscellaneous surface coating operations using less than 20 gallons of coating and 20 gallons of methylene chloride containing paint stripper per year.

Generally speaking, either of these permitting categories could apply to a source subject to NESHAP 6H. But B.53 is oriented toward motor vehicle autobody refinishing operations, while B.59 is oriented toward all other miscellaneous surface coating and paint stripping operations that could be subject to NESHAP 6H. If you have questions about NESHAP or permitting applicability, remember that they are two distinct determinations:

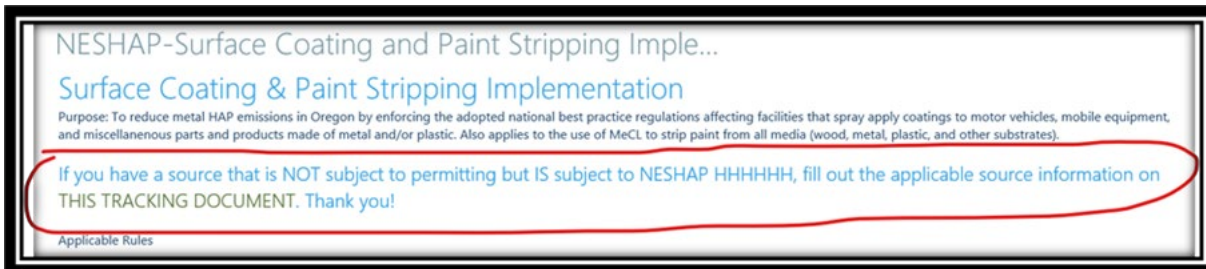
1. Is this source subject to the NESHAP?
2. Is this source subject to permitting?

You can think about these permitting thresholds like we do for the Gasoline Dispensing Facility permitting thresholds (340-216-8010 Table 1 Part B. #35). DEQ requires a permit at 10,000 gallons per month (120,000 gallons in a 12-consecutive month period). Sources below this threshold still have applicable requirements and are subject to the NESHAP, but don't require a permit.

If there is a source that does not require an ACDP, but is subject to 6H, DEQ must keep track of them and report this information to EPA. DEQ has adopted NESHAP 6H and has been delegated the standard by EPA. DEQ is the primary authority for implementation, the administrator. DEQ must retain information regarding all sources known sources subject to 6H, regardless of whether they require a permit or not. Permitted sources are

easy to track, they have permits! So how do we track sources that are below permitting thresholds but **are** subject to 6H?

A tracking sheet has been made available for expeditious data entry on the PWRC [HERE](#). It can be found by following this path: PWRC > Industry Specific Info – Industry Specific Websites > Surface Coating & Paint Stripping Implementation (screen shot below). Permit writers that are working with a source subject to NESHAP 6H but that doesn't require a permit will fill out the relevant information on this form. If you require assistance with this, please reach out to Hillarie Sales or Dan DeFehr.



The tracking sheet will ask for the information below. For sources subject to 6H but that don't require a permit, fill out whatever you know or have from the specific source:

- Basic Source information (address, name, facility contact information, etc.);
- Source number (if the source has one from a prior permit application or NC submittal);
- Confirmation (Yes or No) that the source is subject to NESHAP 6H;
- Whether DEQ has received an initial notification and notification of compliance status (and dates received if so);
- The date DEQ determined a permit was not required; and
- Whether the source submitted an AQ104 (notification of intent to construct), the date received, and the NC approval/denial date.

## 48 – New Permit Categories

This tip is addressing the new permit categories found in the table of 'activities and sources' at OAR 340-216-8010 [Table 1](#). There is a 'new' Basic ACDP at Part A #8 for 'other sources' and two new landfill categories at Part B #90 and Part C #8. **These three new permit categories are active/live in TRAACS and can be selected as the 'source category' when issuing a permit.**

### Background: New Basic ACDP

Basic ACDP #8. In September 2020 the EQC adopted rules which established an addition to Table 1 'Activities and Sources'. The addition was Part A #8, which is applicable to 'other sources that accept enforceable limits to remain below category B.85 permitting'. With a relatively new interpretation and confirmation of how permitting under B.85 should be assessed, it was determined that there should be a permitting option for relatively noncomplex sources instead of a Simple ACDP. That's where Part A#8 comes in. It reads as follows:

**8. Sources subject to permitting under Part B of this table, number 85 if all of the following criteria are met:**

- a. The source is not subject to any category listed on this table other than Part B number 85;
- b. The source has requested an enforceable limit on their actual emissions, if the source were to operate uncontrolled, to below Part B number 85 of this table as applicable depending on the source's location through one or both of the following:
  - i. A limit on hours of operation;
  - ii. A limit on production;
- c. Control devices are not required to be used or otherwise accounted for to maintain emissions levels compliant with 8.b above;
- d. The source is not subject to and does not have any affected emissions units subject to a 40 C.F.R. part 60, part 61, or part 63 standard (NSPS or NESHAP);
- e. The source is not subject to any specific industry or operation standard in OAR chapter 340 divisions 232, 234, or 236.
- f. DEQ has determined that the source is not required to conduct source testing and source testing for emission factor verification will not be required.

While the A.8 is a Basic ACDP, a large variety of operations and activities may elect to apply for this permit type. They may choose to do this because the Basic would be simpler than their current ACDP or because the fees are much less than Simple and Standard ACDPs. Because this specific Basic ACDP will be slightly more complex for staff to review and issue, DEQ and the EQC elected to adopt fees that are equivalent to a General ACDP Fee Class 1 ([see fee table](#)) for this permit type. The permit template for an 'A.8' or 'BS8' is available in MS Word with the other Basic ACDP templates.

While there is nothing regional staff need to do specifically regarding this fee differential, it is important to know that a new permit application (in most cases) must be submitted to DEQ with appropriate fees. A Basic ACDP has typically been submitted with \$180 initial permitting fee, \$562 first annual fee, \$151 CAO annual fee (Total of \$893). This new Basic ACDP#8 must be submitted with the fees in rule (340-216-8020 Table 2) as \$180 initial permitting fee, **\$1,469 first annual fee, \$302 CAO annual fee (Total of \$1,951)**. Everybody should ensure that an application is received with appropriate fees.

This permit category took a while to get into TRAACS. There were lots of back and forth, what-ifs, and general consternation regarding making a change like this to TRAACS; so thank you all for your patience! Additional HUGE thanks to Joe Westersund for helping get this TRAACS change across the finish line.

## **Background: New Landfill Permitting**

Part B #90 and Part C #8. In October 2021 the EQC adopted rules which established a new Division ([239](#)) and two additions to Table 1 'Activities and Sources'. The additions were Part B #90 and Part C #8. These two categories are applicable to landfills that are subject to the rules within Division 239. Tip of the Week #43 covers these landfill rules in more detail.

After much back and forth with IT folks about adding additional source categories, Joe Westersund again stepped up to the plate. He helped make sure these changes occurred in a timely manner after EQC adoption. As a reminder, Heather Kuoppamaki is the lead rule writer for this new Division; expect more communications as implementation work continues leading up to October 2022 when new permit applications will be due.



## 49 – Engines – Emergency and Nonemergency

### Overview

Engines Engines Engines! You're most likely in one of two camps: either super excited to see this tip or filled with dread. Either way, I hope it's helpful!

This tip is designed to address a few of the questions that have come up surrounding engines subject to [NESHAP ZZZZ](#), [NSPS IIII](#), and/or [NSPS JJJJ](#). Namely, there have been questions regarding what requirements apply to which engines and what category B.27 (OAR 340-216-8010 Table 1, Part B, #27) has to do with it.

1. Are the RICE regulations in Division 238 and 244 different in any way from the other regulations adopted by reference?
2. Can an engine be enrolled in PGE's Dispatchable Standby Generation (DSG) program and still be an 'emergency engine'?
3. Can an engine be used to provide power for use by the owner or operator at times other than loss of utility power and still be an 'emergency engine'?
4. What is the deal with the 50 and 100-hour limits? What's the difference and what are they for?
5. How do I determine which federal requirements apply to this specific engine? (Emergency vs. Non-emergency)
6. How does permit category B.27 affect the regulations for RICE (ZZZZ, IIII, JJJJ)?
7. Are there any other nuances to the RICE regulations I should know?
8. What do I do with engines that are Categorically Insignificant Activities?
9. Is there a unique WL/WLOC template for engines installed without an NC?
10. Can a source run their engines to power their plant during scheduled maintenance and remain emergency engines?

### **Number 1: Are the RICE regulations in Division 238 and 244 different in any way from the other regulations adopted by reference?**

Yes! But it's not TOO crazy.

340-238-0060

Federal Regulations Adopted by Reference

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

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

First, let me start by saying that DEQ has adopted all three of these federal regulations by reference into OAR chapter 340 divisions 244 and 238. This means that DEQ has taken each of these regulations and added them, as written, as an Oregon Administrative Rule (See previous Tip of the Week #21 for more information on the adoption and delegation process).

The differences are circled in the snippet below, they added caveats to the adoption by reference; DEQ did not want to implement these regulations for ALL engines across the state, but rather only for sources that require an air permit. This let the agency better control the workload associated with implementation of these standards.

*(Note for clarity: this means that DEQ does not implement/enforce the RICE regulations for sources ONLY subject to NC requirements for installing/constructing an engine; staff are encouraged to let applicants know that there may be applicable NSPS/NESHAP requirements that they must comply with, and they would do so by working with EPA, not DEQ).*

340-244-0220

Emission Standards: Federal Regulations Adopted by Reference

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

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

This means that DEQ is only implementing these regulations for the sources that trigger air permitting from OAR 340-216-8010 Table 1 (Most often Part B. 27, 85, 87. Could also be Part B. 84 or Part C. 2, 4, 5, 6, 7).

**Nothing else about DEQ's adoption or delegation of these regulations provides the agency a directive to implement requirements different than those established by the regulations.**

DEQ's adoption requests and delegation approval letters from EPA are available from the PWRC 'Rules, Regulations, and Statutes' page (lower right side of the page).

- Delegation Approval: 2018 NESHAP letter.
- Delegation Approval: 2018 NSPS letter.

- Delegation Request: 2020 NESHAP & NSPS letter from DEQ to EPA.

## Number 2: Can an engine be enrolled in PGE's Dispatchable Standby Generation (DSG) program and still be an 'emergency engine'?

Yes, if the source is not a major source of Hazardous Air Pollutant (HAP) emissions. Federal regulations provide **area sources** an option to remain an emergency engine while providing power to the grid if they comply with specific requirements. For example, see NESHAP ZZZZ at 63.6640(f), which states (emphasis added):

"If you own or operate an emergency stationary RICE, you must operate the emergency stationary RICE according to the requirements in [paragraphs \(f\)\(1\)](#) through [\(4\)](#) of this section. In order for the engine to be considered an emergency stationary RICE under this subpart, **any operation other than emergency operation, maintenance and testing, emergency demand response, and operation in non-emergency situations for 50 hours per year, as described in [paragraphs \(f\)\(1\)](#) through [\(4\)](#) of this section, is prohibited.** If you do not operate the engine according to the requirements in [paragraphs \(f\)\(1\)](#) through [\(4\)](#) of this section, the engine will not be considered an emergency engine under this subpart and must meet all requirements for non-emergency engines.

Paragraphs (f)(1) through (4) proceed to lay out the specific operational limitations for the engine to remain classified as 'emergency'.

(f)(1) There is no time limit on the use of emergency stationary RICE in emergency situations.

(2) You may operate your emergency stationary RICE for any combination of the purposes specified in paragraphs (f)(2)(i) through (iii) of this section for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraphs (f)(3) and (4) of this section counts as part of the 100 hours per calendar year allowed by this paragraph (f)(2).

(i) .....maintenance checks and readiness testing.....

(ii) .....emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies (incorporated by reference, see § 63.14), or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 .....

(iii) .....periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency. (***This strikeout is explained further below in #7***)

(3) Emergency stationary RICE located at **major sources** of HAP may be operated for up to 50 hours per calendar year in non-emergency situations\*. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in paragraph (f)(2) of this section. The 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

**\*Major HAP sources have 50 hours of non-emergency use per year, but CANNOT use their engines for PGE's DSG program, or demand response, income generation, peak shaving, supplying power to the electric grid, or otherwise supply power as part of a financial arrangement.**

(4) Emergency stationary RICE located at **area sources** of HAP **may be operated for up to 50 hours per calendar year in non-emergency situations.** The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in [paragraph \(f\)\(2\)](#) of this section. **Except\* as provided in [paragraphs \(f\)\(4\)\(i\)](#) and [\(ii\)](#) of this section,** the 50 hours per year for non-emergency situations **cannot be used for peak shaving or non-**

**emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity."**

**\*Note the 'except,' which means sources may use up to 50 non-emergency operational hours for 'peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement' if those 50 hours comply with (f)(4)(i) and (ii).**

Here is a table breakdown and examples of how these 50/100 hours may be used:

Total Non-Emergency Use	Two Types of Use Available	Example 1	Example 2	Example 3
<b>---100 hours total of non-emergency use available per calendar year</b> (Divided between the blue and yellow hours)	<b>Up to 50 non-emergency operational hours (MAX):</b>  -(all sources) Any non-emergency operation -(area sources) Peak shaving or non-emergency demand response -(area sources) Generate income for a facility to an electric grid -(area sources) Supply power as part of a financial arrangement	30 hours	10 hours	50 hours
	<b>Up to 100 hours non-emergency operational use (MAX):</b>  -(all sources) Maintenance check and readiness testing as recommended by a party identified in rule	70 hours	90 hours	unusable hours  20 hours

**Enrolling with PGE's DSG program means the engine will require a permit pursuant to OAR 340-216-8010 Table 1, Part B, #27 but does not change the classification of the engine from emergency to non-emergency.**

Further, under 63.6640(f)(4), the regulation specifies all the requirements for a source that is engaged in the supply of power as part of a financial arrangement with another entity, which are:

- Engine must be dispatched by the local balancing authority or local transmission and distribution system operator.
- The engine dispatch must be intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region.
- The engine dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines.
- The power is provided only to the facility itself or to support the local transmission and distribution system.
- The owner or operator identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine.
- The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine owner or operator.

For engines enrolled with PGE's DSG program, or looking to become enrolled, you may need to ask specific questions regarding these requirements. How are they planning to demonstrate compliance with these specific requirements? Is the local balancing authority keeping records on behalf of the owner/operator? If so, how much time should be provided for in the permit for the permittee to obtain and submit information requested by DEQ?

### **Number 3: Can an engine be used to provide power for use by the owner or operator at times other than loss of utility power and still be an 'emergency engine'?**

Yes! Like number 2, above, a source can use their engine for up to 100 hours in non-emergency situations and still be classified as 'emergency'. This requires the source to comply with all the criteria which establish allowable operations for emergency engines. This is 50 'discretionary' non-emergency hours and up to 100 M&R hours (but still limited to 100 total between the two). For example, maintenance and readiness testing must be recommended by one of the listed entities (see above), so if a source conducts additional M&R testing that is not recommended, the engine would be non-emergency.

Using their engine for purposes other than during emergencies or maintenance and readiness testing would trigger the permitting requirement of Table 1 Part B. #27 but wouldn't immediately change the engine to non-emergency unless the total of 100 hours was exceeded, or the source didn't comply with the applicable emergency engine requirements. Note that these hour limitations (50 and 100) are based on a calendar year as opposed to a rolling 12-consecutive month 'year'.

If a source already has a permit and then triggers permitting under Category B.27 (OAR 340-216-8010 Table 1, Part B, #27), the source may not need a separate permit. If the power production is supporting the main industrial group (SIC code), then a separate permit is not required because supporting emissions units are part of the same source. At next modification, renewal, etc. the permit documentation should be updated to reflect that the entity is subject to B.27, along with any other applicable permitting categories.

## Number 4: What is the deal with the 50- and 100-hour limits? What's the difference and what are they for?

See the blue and yellow table listed above for a visual example of how the hours of operation are divided. Each regulation specifies how/when the engine can be used and remain classified as an 'emergency' engine. NSPS IIII/JJJJ and NESHAP ZZZZ are all very similar and can be summarized as follows:

- **Emergency Use:** Unlimited operation allowed.
- **Non-emergency use:** 100-hour limit total.
  - **Maintenance checks and readiness testing:** 100-hour limit. These operations counts toward the 100-hour limit of non-emergency use. (Maintenance checks and readiness testing must be recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine).
  - **Other uses:** 50-hour limit. Owners/operators may elect to use the engine for other purposes they see fit for up to 50 hours. This operation counts toward the 100-hour total limit for non-emergency use.

If you're writing a permit for emergency engines, please be sure to review #7, below.

## Number 5: How do I determine which federal requirements apply to this specific engine? (Emergency vs. Non-emergency)

Staff should determine engine classification following the language in the applicable federal regulation. Sources that are complying with ALL the applicable requirements for emergency engines should have emergency-only conditions written into their permits.

Sources that deviate from the emergency-only requirements are **immediately** reclassified as non-emergency and must immediately comply with non-emergency requirements. This would require a permit modification application (assuming non-emergency requirements aren't already written into the permit). Sources that exceed their allowable hour limit and become non-emergency may be subject to enforcement; review the applicable regulation and determine applicable requirements based on the date the source exceeded the hour limitation or otherwise did not comply with the emergency engine requirements.

Permit writers should review the documents and resources available on the PWRC 'Emergency Engine' page. This includes example permit conditions, rule summary tables, information on the court vacatur, and EPA's regulatory navigation aid.

## Number 6: How does permit category B.27 affect the regulations for RICE (ZZZZ, IIII, JJJJ)?

Short answer: It does not.

These regulations were adopted and delegated to DEQ by EPA as written; the only difference is that DEQ does not implement or enforce any requirements for sources that don't require an air permit (and DEQ didn't adopt any NSPS requirements applicable to engine manufacturers).

Category B.27 only determines which sources require a permit. DEQ's determination that the emergency engine is involved in activities which require a permit (B.27 for electric power generation) does not change whether the engine is classified as emergency or non-emergency, only the source's activities will change that.

AQGP-018 was created to provide a General ACDP for 'electric power generation from combustion' under Table 1 Part B, #27. This permit was established in 2011 and expired in 2021. The permit revisions made in 2021 more fully incorporated the NSPS and NESHAP requirements for emergency engines. The GP-18 does NOT include non-emergency requirements in the permit, but a non-emergency engine could be eligible for assignment to the permit; the permit includes specific information regarding this point, but staff should consider communicating with sources as appropriate to provide technical assistance regarding any applicable non-emergency requirements.

By rule (340-216-0025), each source applying for assignment to a General ACDP gets a determination from DEQ on three points:

- (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.

If you have a source with applicable non-emergency requirements, discuss the situation with your manager. In some cases, the source may not be appropriately regulated by the General ACDP, and a source specific ACDP would more appropriately regulate the source by including all applicable requirements.

## **Number 7 Are there any other nuances to the RICE regulations I should know?**

Great question, and yes! A U.S. Court of Appeals (District of Columbia) issued a vacatur (vacatur is basically the court red-lining the rules and saying, 'this specific part of the rules no longer exist') for part of EACH of these three regulations on May 1, 2015.

The specific provisions that are vacated by the court are:

- NESHAP ZZZZ: 63.6640(f)(2)(ii)-(iii)
  - (f)(2)(ii): Emergency stationary RICE may be operated for emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies (incorporated by reference, see [§ 63.14](#)), or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3.
  - (f)(2)(iii): Emergency stationary RICE may be operated for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency.
- NSPS IIII: 60.4211(f)(2)(ii)-(iii)
  - Emergency stationary ICE may be operated for emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies (incorporated by reference, see [§ 60.17](#)), or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3.
  - Emergency stationary ICE may be operated for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency.

- NSPS JJJJ: 60.4243(d)(2)(ii)-(iii)
  - Emergency stationary ICE may be operated for emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies (incorporated by reference, see [§ 60.17](#)), or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3.
  - Emergency stationary ICE may be operated for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency.

EPA issued guidance regarding the court decision which basically says, 'Yeah, ok. Pretend those provisions don't exist'.

Remember, the RICE PWRC for 'emergency engine permit conditions' has links to vacatur and EPA guidance documents on this topic.

RICE regulations and permitting are complicated topics and many sources have engines, so this topic is wide-reaching across the state and affects many staff. If you have additional questions about RICE engines and how the rules should be incorporated into the permit for one of your sources, please reach out.

## **Number 8 What do I do with engines that are Categorically Insignificant Activities?**

Division 200 defines Categorically Insignificant Activities (CIA). This includes:

(uu) Emergency generators and pumps used only during loss of primary equipment or utility service due to circumstances beyond the reasonable control of the owner or operator, or to address a power emergency, provided that the aggregate horsepower rating of all stationary emergency generator and pump engines is not more than 3,000 horsepower. If the aggregate horsepower rating of all stationary emergency generator and pump engines is more than 3,000 horsepower, then no emergency generators and pumps at the source may be considered categorically insignificant;

While these engines are CIA, if the source requires an air permit, DEQ has adopted and been delegated these regulations (IIII/JJJJ/ZZZZ). As such, these requirements must be included in the permit regardless of CIA status. All applicable NSPS/NESHAP requirements must be included in the permit.

## **Number 9 Is there a unique WL/WLOC template for engines installed without an NC?**

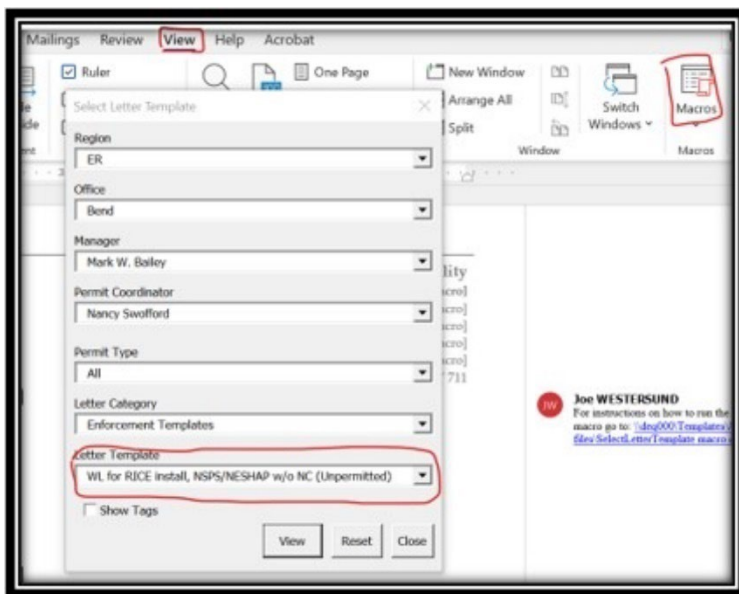
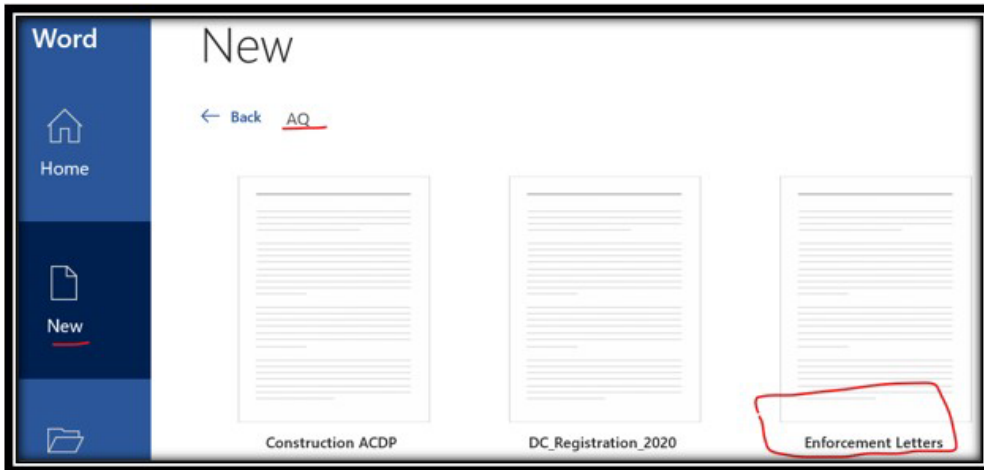
Yes! Great question! AQ Operations has added a Warning Letter template specific to a RICE (engine) install that was completed without submitting the required Notice of Intent to Construct (NC). These sources most likely have reporting requirements to EPA under the NSPS or NESHAP; since the construction is approvable as an NC and does not require an air permit, DEQ does not have to implement the federal RICE requirements.

This is specifically for a situation that meets these three criteria:

1. The source is unpermitted, and a permit is not required.
2. The source completed the install of an engine that is subject to NSPS JJJJ, IIII or NESHAP ZZZZ.
3. The source installed the engine without submitting the required NC.



However, as part of DEQ's ongoing coordination with EPA, DEQ staff should use this Warning Letter Template to ensure the source is aware of potential federal requirements. The template includes a CC line to EPA. You can access the template by opening the enforcement letters' and using the macro 'WL for RICE install, NSPS/NESHAP w/o NC (unpermitted)'. See below:



## **Number 10 Can a source run their engines to power their plant during scheduled maintenance or downtime and remain emergency engines?**

Yes, but it depends!

A source, under the federal regulations and state rule, can operate their emergency engines for up to 50 total non-emergency hours per calendar year and remain an emergency engine. If the source has planned maintenance or downtime in which they will disconnect from the grid or otherwise use their emergency engines to provide power to their operations, they may use each engine for this purpose for UP TO 50 hours per calendar year (assuming the engine's total hours still comply with the blue/yellow table above + unlimited emergency use).

*This may not be enough power production or time for the source to complete their planned maintenance or downtime. So, what are their options?*

The most straight forward option is for the source to submit a Notice of Intent to Construct and bring temporary engines onsite to provide power. Note that in this case the emissions from the temporary engines MUST operate within the source's PSEL. This may seem a bit wonky, but if the source uses their own stationary

engines for more than those 50 hours, they become nonemergency engines and are subject to additional requirements.

**A separate TOTW or factsheet on 100 hours versus 500 hours to calculate potential to emit from emergency engines will be coming out SOON.**

## 50 – Div 214 Requests for Information

### Overview: Request for Information

This tip is addressing DEQ's authority to request information from sources and applicants found in Oregon Administrative Rule (OAR) Chapter 340 Division 214. We'll cover what DEQ's rules allow staff to do and how this authority can be used to help expedite your work.

- Division 214 authority overview.
- New letter template for information requests.
- Email can be used for Division 214 information requests.
- Required elements of an information request.

### Background: What does Division 214 say?

Division 214 is the rule division titled 'Stationary Source Reporting Requirements'. OAR 340-214-0100 clarifies that -0100 through -0130 applies:

*"to all stationary sources in the state. Stationary source includes portable sources that are required to have permits under division 216."*

**Then, the information request authority comes from 340-214-0110** [emphasis added]:

#### Reporting: Request for Information

All stationary sources must provide in a **reasonably timely manner any and all information that DEQ reasonably requires** for the purpose of regulating stationary sources. Such information may be required on a **one-time, periodic, or continuous basis** and may include, **but is not limited to**, information necessary to:

- (1) **Issue a permit and ascertain compliance** or noncompliance with the permit terms and conditions;
- (2) **Ascertain applicability** of any requirement;
- (3) **Ascertain compliance** or noncompliance **with any applicable requirement**; and
- (4) **Incorporate monitoring, recordkeeping, reporting**, and compliance certification requirements into a permit.

As you can see, this authority is broad. It can be used to ask for more information regarding almost anything a permit writer/inspector is required to do: process a permit application, review and approve a Notice of Intent to Construct, process a permit renewal application, process a permit modification application, make permitting determinations for unpermitted sources, follow-up on a complaint, ensure compliance with opacity recordkeeping requirements, etc.

This authority can also be used ad-hoc for an existing permitted source. Below are a few examples:

- Does the annual report raise concerns and you'd like to receive monthly updates on a specific subset of data? *Division 214 has your back!*
- Did DEQ receive a complaint that leads you to think we should ask the source to provide a certification of compliance with their work practices or certification of proper operation of their control devices each day for the next week or two? *Division 214 can do that!*
- Did the permit application include incomplete information; or does some of the information submitted raise additional questions and the source has **not** been very responsive to your inquiries? *Division 214 can help!*

It is important to note that the language above (340-214-0110) requires the sources to submit the information in a '**reasonably timely manner**'.

## How can staff use Division 214?

First, you must decide that you will require more information from the source/applicant. In some cases, staff receive reasonable and timely responses from sources and applicants by simply calling or emailing the contact. If that's the case, you may not need to utilize the Division 214 authority. If you have significant (this is relative; discuss with your manager) delays when you ask for information or have other reasons to think you will need to establish a deadline for the information, you may elect to use the Division 214 authority.

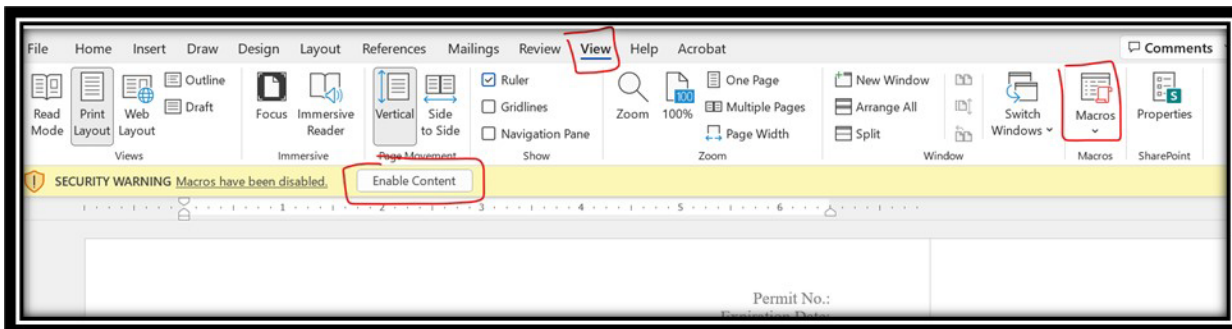
Next, decide how extensive the information request is (e.g., are you asking for information that will require an hour of data review/compilation **or** for something that will require several days' worth of data collection?). This will allow you to determine what a 'reasonably timely manner' is regarding the information request.

AQ Operations has developed a letter template that you can use for a generic information request. It can be found in the MS Word Templates folder with other Word templates (New>Shared>AQ>Permit Writer Letters:

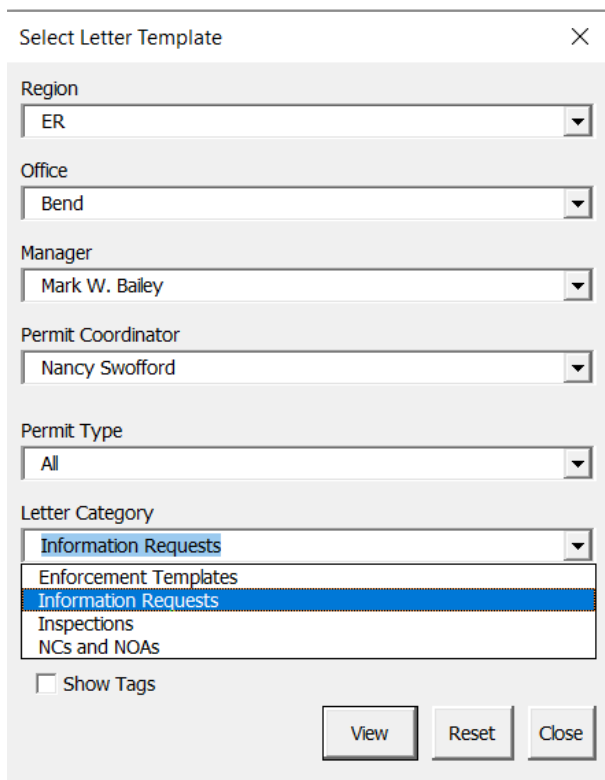


To use the template, open it in Microsoft Word following the path and image above. You may need to 'enable content' if you see a yellow bar across the top of your screen. Then select 'view' on the top ribbon of Word, then click on the 'Macros' towards the top right of the screen. Run the 'Select Letter Template' macro (instructions regarding macros can be found in the document).

Under the Letter Category dropdown, choose 'Information Requests'.



(Side note: if you're a permit writer and there are other letter templates you'd like to see here, let us know- it's easy to add them.)



Click the "View" button to put the contents of that template into the document, and click the "Close" button to close the macro and start editing the document. The macro fills in some of the info, and you'll need to further customize it in spots marked with brackets.

## Can I Email a Division 214 Information Request?

Yes!

If you have an email address for a facility contact (or, even better, multiple contact email addresses) that you believe is an effective means of communication with the source/applicant, you may officially request information via email. In this case, it is recommended that you copy the Word letter template language into an email and make changes as applicable for the email format.

**It is important to always include three things with an information request (email or hardcopy letter):**

1. Citation of, and reference to, DEQ’s Division 214 authority;
2. The specific date by which the information is due to DEQ; and
3. The specific information that the source/applicant must submit to satisfy the request.

**Information Request Extensions:**

The general information request letter template includes a specific date by which the information is required and clearly states that enforcement action will occur if the request is not satisfied. This same sentence also includes a reference to an extension request which must be approved by DEQ in writing (email is writing; save an email for the source file). This provides sources an opportunity to attempt to comply with the request and then ask for an extension for good cause if needed. Staff are encouraged to discuss extension requests and approvals with their manager. Since the first request from DEQ should be ‘reasonable’ and based on your assessment on how long the information collection will take, not many extensions should be requested but it is to be expected on occasion.

**51 – Emergency Engine Potential to Emit**

Emergency Engines – AGAIN!

This question keeps coming up: 100 hours or 500 hours to calculate emergency engine PTE???

**Use 100 hours/year to calculate the potential to emit from each emergency engine for Notice of Intent to Construct and permitting**

There is a one-page document on the Permit Writers Resource Center here discussing why we should use 100 hours and not 500 hours, as recommended by EPA. NOTE: EPA requires 500 hours (emergency & non-emergency) to determine if the source is major for Title V purposes.

The image is a screenshot of a webpage titled "Emergency Engine Permit Conditions". On the left side, there is a list of engine categories with their corresponding CFR references: "CI pre-2007 model year less than 10 liter displacement [40 CFR 60.4205(a)]", "CI pre-2007 model year 10 to 30 liter displacement [40 CFR 60.4205(a)]", "CI 2007 model year and later < 30 liter displacement [40 CFR 60.4205(b)]", "CI less than 30 liter displacement prior to model years in Table 4 - fire pump engines [40 CFR 60.4205(c)]", "CI less than 30 liter displacement during or after model years in Table 4 - fire pump engines [40 CFR 60.4205(c)]", and "CI greater than 30 liter displacement [40 CFR 60.4205(d)]". On the right side, there are four links: "Emergency Engine Potential to Emit" (highlighted with a red box), "EPA Tools and Guidance Compliance Requirements for Stationary Engines", "RICE Summary Table of Requirements Spreadsheet", and "RICE Navigation Tool".

## 52 – Permit Renewals with Modifications

### Permit Renewals with Modifications

When working on a permit renewal, there can be a lot of changes that need to be incorporated into the renewal, especially if the permit is backlogged. The question has come up about when is it just a renewal or when is it a permit modification that requires the source to submit an application and pay the applicable modification fee.

The following table summarizes the changes at renewal that do not require a modification and the changes at renewal that would require a permit modification application and payment of fees:

	<b>Modification<sup>1</sup>/Fees at Permit Renewal</b>		
<b>Modification Description</b>	<b>Modification Description</b>	<b>ACDP Modification</b>	<b>Title V Modification</b>
Adding any new applicable requirements (changes to state or federal rules) without any changes in equipment or method of operation	Adding any new applicable requirements based on new/modified equipment or changes in operation	simple or moderate technical modification	minor permit mod with simple or moderate fee
Any NCs that do not require a change to the detail sheets <sup>2</sup>	Incorporating a new emissions unit in the PSEL that is offset by decreases in other emissions units so the PSEL doesn't increase	simple or moderate technical modification	minor permit mod with simple fee
New emission factors based on source testing, DEQ updates, or a new technical bulletin	Any PSEL increase for new equipment or increases in hours of operation or production	moderate or complex technical modification	minor permit mod with moderate fee
Removing conditions for equipment that is shut down (ACDP)	Removing conditions for equipment that is shut down (Title V)	NA	administrative amendment with fee
Change to facility contact for Title V sources	Change the Responsible Official for Title V sources	NA	administrative amendment with fee
Minor language tweaks and changes	Any changes beyond the allowable renewal changes	Depends on change	Depends on change

Any changes to aggregate insignificant activities	NA	NA	NA
Changes based on DEQ permit template updates	NA	NA	NA
Any conditions or modified conditions DEQ determines should be revised to ensure compliance	NA	NA	NA

<sup>1</sup>The type of modification depends on the type of change.

<sup>2</sup> If the approved NC requires a change to the PSEL, this should be either a minor permit mod (Title V); or a moderate technical modification (ACDP); or an NC to construct **and** a permit mod before operation can begin.

## 53 – CARA: A Tool for Reviewing Public Comments

Have you worked on a permit or rulemaking that received a lot of public comments?

If there are only a few comments, then it can be pretty manageable to use Excel or Word to keep track of which comments you’ve read, and to make sure you addressed each point they made.

But it can get hard to manage if:

- you got dozens of different comments, with partially overlapping content, or
- each comment is long, with many bullet points, or
- there are multiple people reviewing the comments together. In some projects, that even includes folks outside DEQ, such as at a sister agency like OHA or ODF, or a contractor

If you’re in a situation like that, consider using the Comment And Response Application (CARA).

### What is CARA?

CARA is a web-based collaboration tool designed to help teams read and respond to public comments. It was originally developed for the Cleaner Air Oregon rulemaking but has now been used for 16 different rulemakings or permits in AQ and WQ.

Some ways CARA can help:

- Allows you to track which comments you’ve read and which you still need to read
- You only have to write a response to each “suggested change” once, even if many commenters made that point. CARA helps track which commenters made which point.
- You can batch import comments from Outlook, if your comments came in by email
- Your team can include anyone at DEQ, and also people at other state agencies or contractors if applicable. Whoever you are working with to read the comments and write responses.

- You and your team can all be logged in and working at the same time. It's not limited to one person at a time.

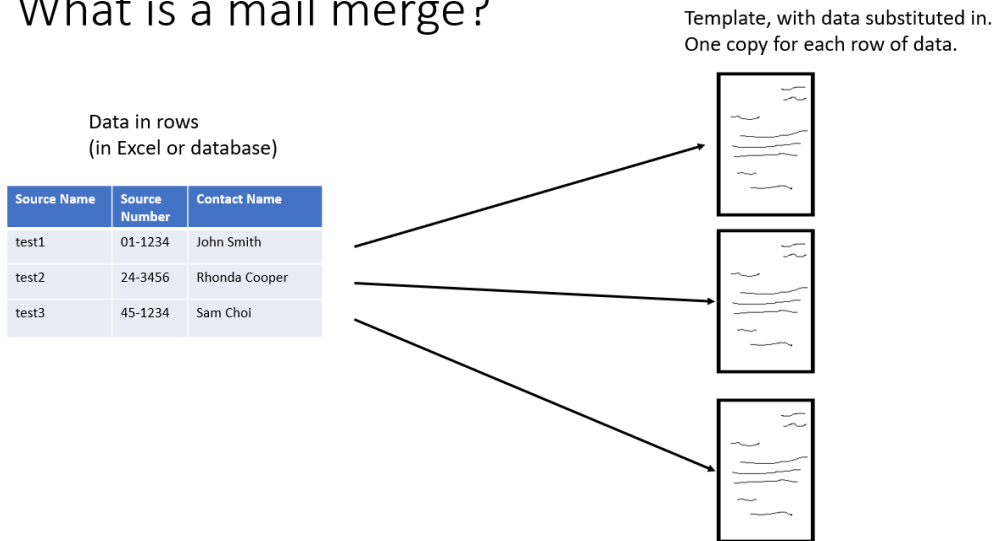
If you have a rulemaking or permit where you expect a lot of public comments, consider using CARA. It's free to use and easy to set up.

## 54 – Running a Mail Merge

### What is a mail merge?

Mail merge is a feature in Microsoft Word that is helpful if you have a document and want to make multiple, customized copies of it.

### What is a mail merge?



This can save you time if you (for example) need to:

- write a bunch of Warning Letters to facilities that all had similar violations, or
- send a reminder letter to a bunch of facilities that all have the same deadline, or
- contact a bunch of stakeholders to ask if they'd like to comment on a rulemaking or participate in an advisory committee

Anytime you have a Word document of some kind and want to fill in customized text in particular locations, a mail merge can make it easier.

### How can I learn to do a mail merge?

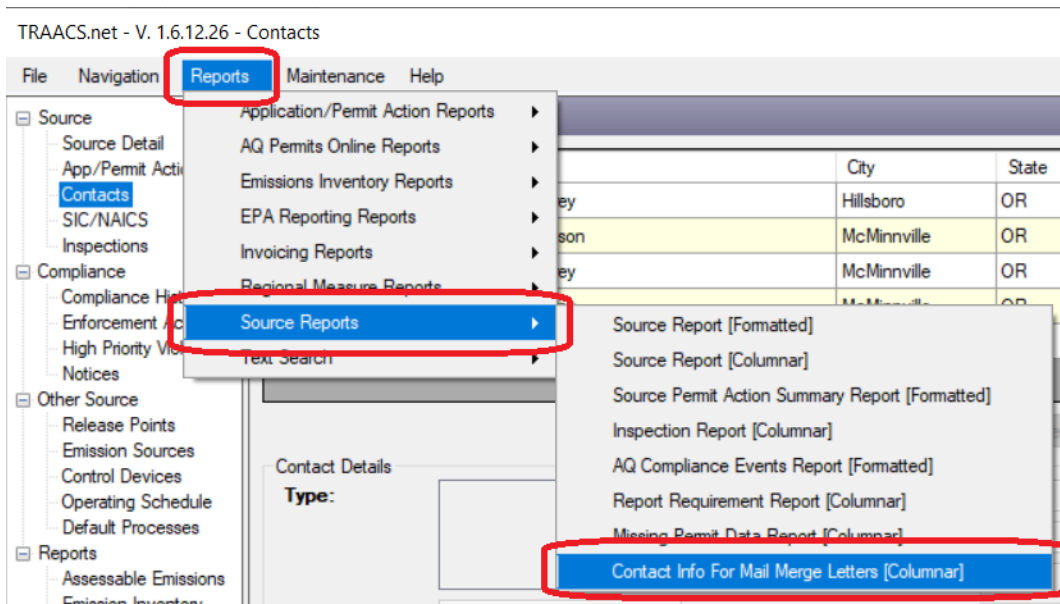
Check out this handy training video mail merge demo.mp4

The video walks through a full example, including creating a template, getting data from TRAACS, and then connecting the template to the data and running the mail merge.

### Where can I get the data for a mail merge?

There's a new report in TRAACS, which you can get to by going to Reports | Source Reports | Contact Info for Mail Merge Letters.





## 55 – Notice of Intent to Construct IMD

### Notice of Intent to Construct Internal Management Directive

The NC IMD was developed to promote consistent construction approval through the Notice of Intent to Construct/Notice of Approval (NC/NOA) process for sources permitted through Air Contaminant Discharge Permits and Title V permits, as well as new sources not otherwise required to obtain a permit. The following topics are discussed in the IMD:

1. Default approvals of NCs
2. When Land Use Compatibility Statements (LUCS) are required for Type 1 or Type 2 NCs
3. NCs requesting a change in the SIC/NAICS codes for a source

The NC IMD has been approved, final and effective as of 03/01/2022. This tip is intended to be an introduction to the detail that can be found within the IMD. Please consider reviewing the NC IMD in full at your earliest convenience. It can be found on DEQ's external website.

### Issue 1: Default Approval

The division 210 rules allow owners/operators to proceed with construction for Type 1 and Type 2 changes 10 days and 60 days after application submittal to DEQ, respectively, if DEQ has not otherwise denied or approved construction. This default approval rule was designed to ensure that backlogged work at DEQ did not delay approval of construction/modification for certain limited changes. This default pathway has caused the review of NCs to receive a lower priority resulting in many default approvals of Type 1 NCs and some Type 2 NCs.

#### Directive 1:

- Review all NCs upon receipt to ensure that they are complete. Approve or deny the NCs within the appropriate timeline and do not allow default approvals of Type 2 NCs at any time. Do not allow default approvals of Type 1 NCs whenever possible. Staff that receive NC applications and anticipate not being able to review/respond to the NC application should discuss default approval with their manager as soon as possible. Managers shall reassign the work to avoid default approvals.

## Issue 2: LUCS with NCs

In some cases, NCs were default approved when a new LUCS should have been submitted, and the source constructed without DEQ confirming compliance with statewide planning goals.

### Directive 2:

- Notify the source, within the appropriate timeline, that the construction/modification cannot be approved as a Type 1 or 2 NC if the required LUCS is not submitted when required. Staff should consult with their manager to determine whether the construction/modification is authorized by a previously submitted LUCS if the situation is not clear.

Note: The LUCS required for these NCs are for the specific changes, not the entire facility. The LUCS submitted with the original permit application would describe the entire facility or operations, and must include or attach findings made by the local government demonstrating compliance with the goals and compatibility with the acknowledged plan.

- Review the LUCS document on Permit Writer Resource Center.
- Keep all LUCS in the permit files going forward, not archived, just as all permits are kept in the permit file. If an archived LUCS is needed for a land use issue that arises, then the LUCS should be obtained from the archived files and kept in the permit file.
- Follow the steps outlined in the NC IMD when an applicant states that a local planning jurisdiction will not provide a completed LUCS review.
- Upon request by an applicant, review a final signed Oregon Energy Facility Siting Council site certificate (and any subsequent signed amendments) and make a determination regarding its equivalency of the LUCS requirements for the application. [See TOTW # 45 When a LUCS is Not Available]

## Issue 3: Change in SIC or NAICS

If the individual emissions unit/device/activity/process approved under the NC is not similar to an individual emissions unit/device/activity/process already included in the permit or is not used to support the major industrial grouping, then a change in Standard Industrial Classification (SIC) or North American Industrial Classification System (NAICS) codes may be required. In addition, the change in the SIC/NAICS code may require land use approval to ensure consistency with local comprehensive plans.

Although it is the source's responsibility to change their SIC/NAICS, permit writers should require the source to do so if the NC application is for something unlike individual emissions unit/device/activity/process already included in the permit and there is reason to believe that the source may now be "primarily engaged in" a process or activity different than what is listed in the permit. It may be appropriate to ask the source to confirm they are still primarily engaged in the same activity/process when reviewing the NC. Instead of an NC, a change to the two-digit SIC code or the addition of a new SIC code that includes changes to operations requires a new or modified permit, depending on the type of changes needed, and a new LUCS. The source number should stay the same for historical purposes.

### Directive 3:

- Notify the source, within the appropriate timeline, that a change in the primary SIC/NAICS code for a source or the addition of a new SIC/NAICS code cannot be approved under a Type 1 or Type 2 NC. Inform the source that it must:

- o Request a permit modification if the new SIC clearly supports the permitted major industrial group; or
- o Submit a new permit application if the new activity (i.e., different primary SIC/NAICS) does not satisfy the criteria of “source” in the current permit but keep the source number the same; and
- o Submit a new LUCS.

## 56 – Detail in Review Reports

### Detail in Review Reports

The Review Report that is written for Simple, Standard and Title V permits tell the “story” of the permit. It is better to put more detail into the Review Report than not. It shows all the hard work that went into writing the permit and makes it easier for everyone to understand.

The more complete a Review Report is, the easier it is for people to understand the permit, especially the permit writer who has to do the next renewal. The Title V rules actually mention the Review Report:

#### 340-218-0120 Permit Issuance

(1) Action on application:

(f) DEQ will provide a review report that sets forth the legal and factual basis for the draft permit conditions (including references to the applicable statutory or regulatory provisions). DEQ will send this report to the EPA and to any other person who requests it;

Below are snips of the Table of Contents for an ACDP and a Title V permit and as you can see, they are a little bit different. You can tailor the Table of Contents to your needs.

ACDP:	Title V
TABLE OF CONTENTS	TABLE OF CONTENTS
	INTRODUCTION .....4
PERMITTING .....3	PERMITTEE IDENTIFICATION.....5
SOURCE DESCRIPTION .....4	FACILITY DESCRIPTION .....5
COMPLIANCE HISTORY .....5	EMISSION LIMITS AND STANDARDS, TESTING, MONITORING AND
SPECIAL CONDITIONS .....5	RECORDKEEPING .....9
EMISSIONS .....6	PLANT SITE EMISSION LIMITS .....13
TITLE V MAJOR SOURCE APPLICABILITY .....8	HAZARDOUS AIR POLLUTANTS .....20
CLEANER AIR OREGON.....9	GENERAL BACKGROUND INFORMATION.....20
ADDITIONAL REQUIREMENTS.....11	COMPLIANCE HISTORY .....21
SOURCE TESTING .....14	SOURCE TEST RESULTS .....21
PUBLIC NOTICE.....14	PUBLIC NOTICE.....21
ATTACHMENT A – DETAIL SHEETS.....15	EMISSIONS DETAIL SHEETS .....22

### Equipment List

One of the most important things in the Review Report (and the permit) is the equipment list that includes all permitted equipment. If a piece of equipment is not on that list or has not been approved in a Notice of Intent to Construct, then that piece of equipment is not permitted, and some type of enforcement action should be taken.

A complete equipment list can help identify which rules apply to the source.

b. Emergency Engines

OR ANG has the following stationary emergency engines onsite:

Equipment ID	Manufacturer	Engine Model Number	Engine Serial Number	Engine Rated HP	Firing Type	Fuel Type	Engine Date of Manufacture	Applicable Regulation	Engine Displacement (L)	# of Cylinders
98-ICOM	KUBOTA	V3300-BG-ET01	8S2078	49	Compression	ULSD DIESEL	1/1/2008	40 CFR 60, Subpart IIII	3.3	4
155-ICOM	CUMMINS	QSL9-G2-NR3	74112974	364	Compression	ULSD DIESEL	3/15/2017	40 CFR 60, Subpart IIII	8.9	6
210-ICOM	CUMMINS	QSB7-G5-NR3	74595619	325	Compression	ULSD DIESEL	11/13/2019	40 CFR 60, Subpart IIII	6.7	6
251-ICOM	CUMMINS	4BT3.3G5	72046058	69	Compression	ULSD DIESEL	1/21/2019	40 CFR 60, Subpart IIII	3.261	4
252-ICOM	CUMMINS	4BT3.3G5	72050374	69	Compression	ULSD DIESEL	8/2/2019	40 CFR 60, Subpart IIII	3.261	4
253-ICOM	CUMMINS	4BT3.3G5	72046023	69	Compression	ULSD DIESEL	1/21/2019	40 CFR 60, Subpart IIII	3.261	4
254-ICOM	CUMMINS	4BT3.3G5	72050384	69	Compression	ULSD DIESEL	8/2/2019	40 CFR 60, Subpart IIII	3.261	4
265-ICOM	JOHN DEERE	6068HFG85	PE6068N004117	315	Compression	ULSD DIESEL	7/18/2017	40 CFR 60, Subpart IIII	6.8	6
302-ICOM	JOHN DEERE	6090HF484	RG6090L114934	422	Compression	ULSD DIESEL	12/18/2012	40 CFR 60, Subpart IIII	9.0	6
255F-FP-ICOM	CUMMINS	6BTA5.9-F1	44944575	208	Compression	ULSD DIESEL	11/16/1993	40 CFR 63, Subpart ZZZZ	5.9	6
381-FP-ICOM	CUMMINS	NT855-F3	18109719	300	Compression	ULSD DIESEL	7/16/1985	40 CFR 63, Subpart ZZZZ	14	6
255G-ICOM	JOHN DEERE	6414TF001	TO6414T179826	175	Compression	ULSD DIESEL	1/1/1980	40 CFR 63, Subpart ZZZZ	6.8	6
400-ICOM	JOHN DEERE	6076TF010	RG6076T174571	168	Compression	ULSD DIESEL	1/1/1995	40 CFR 63, Subpart ZZZZ	7.6	6
433-ICOM	CUMMINS	6CT8.3-9	44885307	207	Compression	ULSD DIESEL	6/7/1993	40 CFR 63, Subpart ZZZZ	8.3	6

And the equipment list can also show which emissions units have pollution control devices:

Emissions Unit	Control Device*	Constr./Mod. Date	Short Description	Capacity (acfm)	Mfg/Model	Type of Material
M-1 plywood 1	Cyclone, MC2A	1999	Collection of overs From Plywood 1 shaker screen	Unknown	Unknown	Chips
M-2 plywood 1	Cyclone, MC11	pre-1972	Dry hog and core saw plytrim to MC16	22,000	Unknown	Plytrim
	Cyclone, MC15	pre-1972	Skoogs and Skinner Saw to MC16	Unknown	Unknown	Plytrim
M-3 plywood 1	Cyclone, MC16	pre-1972	Transfer From Plywood 1 to Fractionator	Unknown	Unknown	Plytrim/Sawdust
	Baghouse BH22	1997	Collection of Sanderdust from Plywood 1 Sander	38,500	Western Pneumatics #460, 99.9997%	Sanderdust
	Cyclone, MC27	1977	Vent for Plywood 1 Core Stacker	Unknown	Unknown	Wood Dust
	Cyclone, MC32	1989	Dust Control, Chipper 3 at Plywood 1	Unknown	Unknown	Wood Dust
M-4 plywood 2	Cyclone, MC17	pre-1972	Transfer From Plywood 2 Cyclones to Fractionator	Unknown	Unknown	Plytrim

Descriptions of the equipment are also helpful and provides more detail than the table above:

## EMISSIONS UNIT AND POLLUTION CONTROL DEVICE IDENTIFICATION

### 7. Description of emissions units:

- 7.a. EUs Boiler 1 and Boiler 2: The boilers are Babcock and Wilcox (B&W) stoker boilers with sanderdust burners. The boilers are also capable of burning natural gas. Boiler 1 was installed in 1965 and Boiler 2 was installed in 1974. The boilers' heat input design capacity is 270 million Btu per hour each. The primary fuel for these boilers is wood waste material that includes hogged wood waste, sanderdust, and small quantities (less than 1% by volume) of other wood wastes such as dryer scrubber solids, dryer washdown solids, plytrim/blenderline wastes, and wood waste containing non-hazardous paint solids. In addition, waste oils such as used engine oil, hydraulic oils, and petroleum fuel/water mixtures removed from tank sumps are periodically added to the wood waste fuels and burned in the boiler. The waste oils have been tested in the past and meet the on-specification requirements of 40 CFR 279.11 and OAR 340 Division 100. Emissions from the boilers go through multiclones and ESPs before discharging into the atmosphere. The ESPs were added in 2015, replacing wet scrubbers.
- 7.b. EU Boiler 6: Boiler 6 is a B&W stoker boiler with a sanderdust burner. The boiler is also capable of burning natural gas. The boiler was installed in 1976. The boiler heat input design capacity is 400 Million Btu per hour. Like Boilers 1 and 2, the primary fuel for this boiler is wood waste material that includes hogged wood waste, sanderdust, and small quantities (less than 1% by volume) of other wood wastes such as dryer scrubber solids, dryer washdown solids, plytrim/blenderline wastes, and wood waste containing non-hazardous paint solids. In addition, waste oils such as used engine oil, hydraulic oils, and petroleum fuel/water mixtures removed from tank sumps are periodically added to the wood waste fuels and burned in the boiler. The waste oils have been tested in the past and meet the on-specification requirements of 40 CFR 279.11 and OAR 340 Division 100. Emissions from the boiler go through multiclones and an ESP before discharging into the atmosphere. The ESP was added in 2015, replacing a wet scrubber.

For Title V sources, it is important to document what equipment is included in the Aggregate Insignificant Activities list:

10. The emissions from the following activities are included in the aggregate insignificant emissions (see attached detail sheet for detailed emission estimates):

- 10.a. VOC from resin storage tanks (Plywood 1 & 2)  
 10.b. VOC from Melamine Presses  
 10.c. PM/PM<sub>10</sub>/PM<sub>2.5</sub> from 1 Dryer 1 fugitives  
 10.d. PM/PM<sub>10</sub>/PM<sub>2.5</sub> from Barker, Component Line PBBH76 (M-27), Planer BHs 8, 9, and 10 (M-23), MC36 Cyclone (M-26), and M-28 boiler ash baghouses.

Emissions Unit	Control Device*	Constr./ Mod. Date	Short Description	Capacity (acfm)	Mfg/Model	Type of Material
M-23	BH8	2007	Studline Planer	39,085	Donaldson RF484-10, 99.98%	Shavings
	BH9	2007	14' Planer	41,737	Donaldson RF484-10, 99.98%	Shavings
	BH10	2007	Trimsaws and Chipper	18,543	Donaldson RF232-10, 99.98%	Shavings/Fines
M-26	MC36	2002	Planer shavings	Unknown	Unknown	Sawdust
M-27	PB/BH76	2007	Shelving Line, Component line & Line C Press	50,593	W. Pneumatics WP630 99.999%	Furnish
M-28	BH37	2010	Boiler ash baghouse from Boilers 1,2	1850	Donaldson 72RFT8, 99.999% (0.002 gr/dscf)	Boiler ash
	BH38	2010	Boiler ash baghouse from Boiler 6	1850	Donaldson 72RFT8, 99.999% (0.002 gr/dscf)	Boiler ash

- 10.e. VOC from gasoline dispensing facilities

## Plant Site Emission Limits

Documenting changes to the PSEL, Baseline Emission Rate and Netting Basis for sources on Standard ACDPs and Title V permits is critical to determine if the source has triggered New Source Review.

**PLANT SITE EMISSION LIMITS**

33. The netting basis, and the current and proposed emission limits are shown in the following table. Emission calculations and anticipated emission rates for individual devices and emissions units at the proposed operation levels are found in the appendices.

Pollutant	Baseline Emission Rate (tons/yr)	Netting Basis		Plant Site Emission Limit (PSEL)	
		Previous (tons/yr)	Proposed (tons/yr)	Previous PSEL (tons/yr)	Proposed PSEL (tons/yr)
PM	1903	1079	674	903	505
PM <sub>10</sub>	1425	754	912	683	373
PM <sub>2.5</sub>	NA	596	597	559	249
SO <sub>2</sub>	56	117	56	112	49
CO	2880	3186	2880	3138	2833
VOC	1886	958	1009	976	1040
NO <sub>x</sub>	1601	1616	1600	1655	1452
Pb	0.13	0.13	0.13	0.5	NA
GHGs (CO <sub>2</sub> e) with biomass exemption	26,400	26,400	26,400	86,400	66,300
GHGs (CO <sub>2</sub> e) without biomass exemption	ND	ND	ND	1,003,759	1,001,900

**Additional Requirements**

Another important part of the Review Report is the Additional Requirements section which explains which rules are applicable to the source and which rules are not applicable:

**ADDITIONAL REQUIREMENTS**

**NEW SOURCE PERFORMANCE STANDARDS APPLICABILITY**

- 30. 40 CFR Part 60, subpart IIII (Standards of Performance for Stationary Compression Ignition Internal Combustion Engines), is applicable to OR ANG for the “new” (constructed on or after June 12, 2006) compression ignition emergency engines as listed in Condition 9.b.
- 31. 40 CFR Part 60, Subpart Dc Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units is not applicable to OR ANG because each of the natural gas fired boilers is less than 10,000,000 Btu/hour, the lower threshold for this subpart.
- 32. 40 CFR 60, Subpart K, Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978, outlines the required standards each facility must meet if the storage tank has a storage capacity greater than 40,000 gallons. These tanks are required to meet these standards if their construction or modification commenced after March 8, 1974 and before May 19, 1978, or between June 11, 1973 and May 19, 1978 for storage tanks with a capacity greater than 65,000 gallons. This standard states that if the true vapor pressure of the liquid is between 1.5 psia (pounds per square inch absolute) and 11.1 psia, the tank must be equipped with a floating roof, vapor recovery system, or their equivalents. The only tanks at OR ANG with a capacity greater than 65,000 gallons are the two tanks that store Jet-A fuel. Jet-A fuel has a vapor pressure of approximately 2 kPa or 0.3 psia, and the tanks were installed in 1993. Therefore, Subpart K is not applicable to OR ANG even though these tanks have internal floating roofs.

## Compliance History

The compliance history of the source is probably one thing that the public is most interested in so more detail here is important:

### COMPLIANCE HISTORY

47. Inspections of the facility were performed in 2018, 2016, and 2014. Since issuance of the last renewal permit, the following violations have been noted during inspections, excess emission reports, or in the semiannual compliance certification submittals:

Date	Description	Enforcement Action ID
4/30/2018	Operating the biofilter beyond the tested temperature limits and late reporting of deviation	2018-WL-3471
4/10/2019	Boiler ESP malfunction and operation without a pollution control device for 9.5 hours, resulting in opacity violations of NESHAP and state limits	2019-PEN-4397
5/15/2019	PB Green Dryer RTO changes without DEQ notification	2019-WL-4546
4/3/2020	Late reporting and notification of excess emissions	2019-WL-5445
6/9/2020	Late NESHAP biofilter compliance source test	2020-PEN-5579

## 57 – General ACDPs

### General Air Contaminant Discharge Permits

As many of you know, some General ACDPs have not been renewed, some are understood to have a future end date, and some are renewed with novel permit conditions that you haven't seen before. So, WHAT is really going on with General permits anyway?????

Well, this tip is designed to update you on the status of General ACDPs moving forward and share information about how and why some of these decisions are being made.

As a reminder, GPs are issued by DEQ and assigned to sources pursuant to Chapter 340 Division 216. These permits are issued for activities or industry categories generally and not altered or otherwise tailored for individual sources. According to the rules in Division 216, General permits may be issued and assigned by DEQ when:

#	Criteria
1	'Individual permits are unnecessary in order to protect the environment' as determined by DEQ;
2	There are 'multiple sources that involve the same or substantially similar types of operations';
3	'All requirements applicable to the covered operations can be contained in a General ACDP';
4	'The emission limitations, monitoring, recordkeeping, reporting and other enforceable conditions are the same for all operations covered by the General ACDP';
5	'The regulated pollutants emitted are of the same type for all covered operations'; and

6	'A General ACDP would appropriately regulate the source' (by rule this is regarding assignment for a specific source to a GP, but is an appropriate consideration through the context of #1 above);
---	---

By rule, GPs can be issued by DEQ for **no longer than** ten years. Historically, DEQ issued all GPs for 10 years. Moving forward, you will see variable expiration dates depending on a variety of factors. For example, the Gasoline Dispensing Facility (GDF) permits were only renewed for a five-year period because a rulemaking is expected to be completed before the expiration date. At that time, the permits will need to be revised and reassigned to sources.

When General permits approach expiration, DEQ staff and the Air Quality Division Administrator must determine whether a General permit for the activity or industry should be reissued. This determination includes consideration of a variety of factors.

### Factors of Renewal vs. Nonrenewal for General Permits

The decision to renew a GP or not remains the discretion of the Air Quality Division Administrator but is informed by input from Air Quality Regional Management Team (RMT), Regional Division Administrators, and air quality staff. Some factors and considerations include:

Applicable Criteria <sup>a</sup>	Factor or Consideration
1, 2, 3, 4, 5, 6	<ul style="list-style-type: none"> <li>Complexity and number of available compliance options</li> <li>Including variable equipment types, control devices, or compliance demonstration processes.</li> </ul>
1, 4	<ul style="list-style-type: none"> <li>Complexity and number of applicable requirements</li> <li>Including one complex state or federal requirement/regulation, multiple state or federal requirements/regulations, or compliance demonstration processes.</li> </ul>
2	<ul style="list-style-type: none"> <li>Number of sources assigned to the permit.</li> </ul>
2, 3	<ul style="list-style-type: none"> <li>Number of sources assigned to the permit with GP attachments.</li> </ul>
1, 6	<ul style="list-style-type: none"> <li>Estimate of activity/industry and process-based risk from the best available emissions and process data.</li> <li>Environmental risks and potential impacts of noncompliance.</li> </ul>
1, 5	<ul style="list-style-type: none"> <li>Types, amounts, and varieties of pollutants emitted.</li> </ul>
1	<ul style="list-style-type: none"> <li>Location of sources (environmental justice considerations)</li> </ul>
TBD <sup>b</sup>	<ul style="list-style-type: none"> <li>Feedback on any of the above criteria from DEQ staff.</li> </ul>



a See previous table for criteria references.

b Feedback may fall into any of the listed categories.

As shown from the table above, there is not one singular consideration; determining whether a GP should be renewed is a multi-pronged approach. Different criteria may be weighted differently based on the permit, activity, or operations. If there are less than 10 sources assigned to a General ACDP, there will be a deeper dive to determine whether it remains appropriate to renew the GP or require the few sources on that GP to get Simple ACDPs.

In some cases, DEQ will elect to renew a GP for a short period (e.g., one year) to provide sources sufficient time to plan and act on the information that DEQ will not be renewing the permit. In other situations, DEQ may communicate with sources before expiration that there will not be a renewal. Each permit that is not going to be renewed is discussed with the RMT. Each permit that will not be renewed has a memo generated to explain the decision-making process which is provided to the RMT for feedback. If you have information that you feel should be considered in the decision to renew a GP or not, please share that with Dan DeFehr or your regional manager.

As of 3/9/2022:

- GP-24 (wood preserving) will not be renewed after the coming expiration 12/1/2022 because there are only 4 sources assigned to this General ACDP; an activity-based risk screening of wood preserving operations shows that these sources may pose a significant risk to the surrounding community based on emissions of naphthalene, pentachlorophenol, and polycyclic aromatic hydrocarbons (the risk assessment is not source specific).
- GP-01 (hard chrome plating) and GP-02 (decorative chrome plating) will not be renewed after the coming expiration in 12/1/2022 because there are only 7 total sources assigned to these General ACDPs; four of the seven sources also conduct other HAP-emitting plating and polishing activities subject to NESHAP WWWWWW, creating a more complex source and compliance determination; the general activity-based risk screening showed that chrome-based electroplating and anodizing operations may pose a significant risk to the surrounding community via residential, child, and worker cancer risk.
- GP-28 (Paint stripping) was not renewed and is no longer available for assignment. There was one source assigned to this permit that applied for assignment under the revised AQGP-27. The GP-27 includes surface coating **and** paint stripping requirements; the GP-28 only contained paint stripping requirements. Both permits incorporated NESHAP HHHHHH and were determined to be duplicative.

Please be aware of any sources you have which are assigned to these permits as they will need to modify their operations or apply for a source-specific permit prior to permit expiration. Below is TRAACS data of the current sources:

Permit Number	Source Name	Site Address	City, State Zip	Assigned Inspector
09-0012-02-01, 09-0012-26-01	Bend Plating - PVD Coatings, LLC	550 SE BRIDGEFORD BLVD	BEND, OR 97702	Frank Messina
05-0007-24-01	Conrad Wood Preserving Co.	29175 DIKE RD	RAINIER, OR 97048-2212	Louis Bivins
06-0028-24-01	Allweather Wood, LLC dba Coos Head Forest Products	69015 HAUSER DEPOT RD	NORTH BEND, OR 97459-8660	Martin Abts
10-0121-24-01	Hoover Treated Wood Products, Inc.	303 DILLARD GARDEN RD	WINSTON, OR 97432	Martin Abts
03-0013-01-01, 03-0013-26-01	Hardchrome, Inc.	1152 NW COMMERCE CT	Estacada, OR 97023	Owen Rudloff
26-0051-01-01	Precision Equipment, Inc.	8440 N KERBY AVE	PORTLAND, OR 97217-1017	Owen Rudloff
26-0388-02-01, 26-0388-26-01	East Side Plating, Inc. Plant 4	310 SE STEPHENS ST	PORTLAND, OR 97214	Owen Rudloff
26-3036-02-01, 26-3036-26-01	East Side Plating, Inc. Plant #1, 2 and 3	8400 SE 26TH PL	PORTLAND, OR 97202	Owen Rudloff
26-9841-01-01	Donaldson & Landry Machine Shop	8916 NE VANCOUVER WAY	PORTLAND, OR 97211-1350	Owen Rudloff
24-0025-01-01	Capital Grinding Corporation dba Capital Chrome and Precision Grinding	1520 HICKORY ST NE	SALEM, OR 97303-4214	Peter Susi
15-0104-24-01	Allweather Wood, LLC	7893 PACIFIC AVE	WHITE CITY, OR 97503-3017	Wayne Kauzlarich

## Risk screening requirements

The other significant change you may have noticed in General Permits is that DEQ staff are reviewing GPs with a toxic air contaminant lens through Cleaner Air Oregon. This is done through a general activity-based risk screening and is not source specific. AQ Operations staff work in conjunction with AQ Tech Services and CAO staff to review past emissions data, estimate potential screening-level risk from permitted activities, and establish conditions determined to be appropriate for minimizing or otherwise limiting risk.

You can see how these limits are established via the AQGP-26 plating and polishing, AQGP-27 Surface Coating, AQGP-25 and -29 metal fabrication and finishing large and small.

### Example 1: AQGP-26 Plating and Polishing

After reviewing the permitted activities under the AQGP-26, it was determined that most of the risk was generated from nickel-containing plating tanks. Under the NESHAP and previous version of the permit, tank lids were optional for sources, and operators only had to use lids on their tanks if they already had lids. The risk-limit condition added to this permit states that any nickel-containing plating tanks must have lids by a future date and any new nickel-containing plating tanks must have a lid when they begin operation.

### Example 2: AQGP-27 Surface Coating

An activity-based risk screening of surface coating activities found the most risk would be generated from sources using coatings that contain chromium. Once an amount of chromium-containing coating was calculated out to a specified risk action level, staff were able to determine the amount of chromium-containing coating that a source would be allowed to use while remaining eligible for the General ACDP. This was established as a qualification criterion of the General ACDP, exceeding the threshold requires a source-specific permit. Based on available production/use information, all currently permitted GP sources on AQGP-27 should be able to operate within this limit.

### Example 3: AQGP-25 and 29 Metal Fabrication and Finishing

After reviewing the emissions associated with permitted activities under AQGP-25 and -29, it was determined that the most risk was generated from welding operations that utilize specific rod and wire. Permit conditions

were established with thresholds for several of these metals. This permit, however, did not establish a qualification criterion for it but instead established a capture/control requirement for sources that exceed any of the listed thresholds, which vary by metal.

Note that General ACDPs are elective; DEQ issues them in instances where the agency has determined that they are appropriate. Sources that do not agree with the risk-based limitations (or any other condition) established in the permit always have the option to apply for a source-specific permit (Simple/Standard ACDP). These sources are required to comply with their assigned General ACDP until DEQ takes final action on the SI/ST permit application.

## 58 – DEQ AQ History

### Air Quality History at DEQ

There is a page on the Permit Writers' Resource Center that houses documents about DEQ's Air Quality History.

#### Miscellaneous

- [Common GP Emissions Calculator](#)
- [Energy Conversion Tool](#)
- [Lead Permit Writers Committee Charter](#)
- [Headquarters Staff and Responsibilities](#)
- [DEQ Air Quality History](#) ←
- [DEQ Turns 50 - AQ History](#)
- [DEQ State Agency Coordination Program](#)
- [DEQ/EPA/LRAPA SIP Agreement: Early Engagement](#)

The page looks like this:

#### AQ History

[A Practical Emission Trading Program-1982](#)

[AQ History 05-13](#)

[Dave Bray's Oral History-Oregon's unique AQ program 10-12-11 Full Transcript](#)

[Dave Bray's Oral History-Oregon's unique AQ program 10-12-11 Highlights](#)

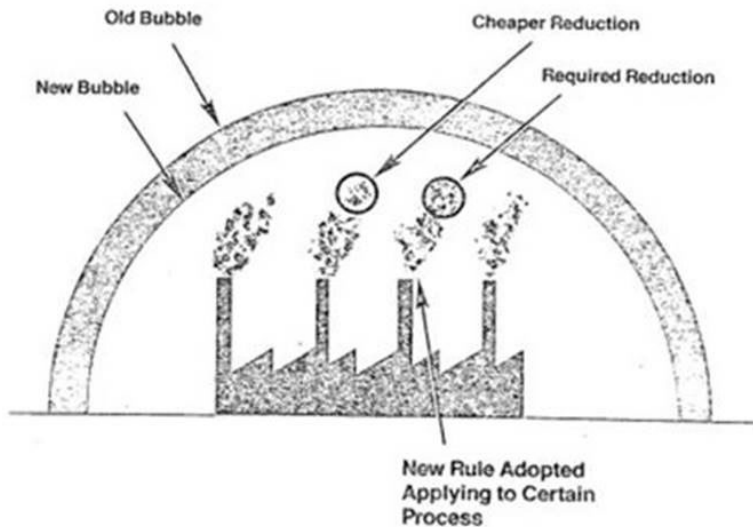
[Dave Bray's Oral History-Oregon's unique AQ program 10-12-11 audio](#)

[Dave Bray 12-02-10 conference call-DEQ NSR versus EPA NSR](#)

"A Practical Emission Trading Program-1982" explains the birth of our beloved Plant Site Emission Limit program. It's got some pretty good graphics for 1982! It explains the basic concepts that we still use today.

Figure 3: Compliance Bubble – Source May Comply by Controlling Most Cost Effective Process

12/7/02



"AQ History 05-13" explains how the air quality program started. Did you know that Oregon was one of the first states to begin a vehicle inspection program to maintain vehicle emission controls? And that Oregon wrote the first woodstove certification rules and some of the first emission limits for industrial plants?

In 1959, Oregon's air pollution control program was merged into the agency that controlled water pollution – the Oregon State Sanitary Authority. In 1969, the Legislature authorized the creation of a new agency to replace the Sanitary Authority and the Oregon Department of Environmental Quality was born. In addition to the air and water pollution control responsibilities, this fledgling agency - now commonly referred to as "DEQ" - was also tasked with protecting and cleaning up Oregon's land.

This document also explains why Lane Regional Air Pollution Agency exists....read it and find out! It talks about all aspects of the Air Quality program and even has a historical timeline. Obviously, this document needs to be updated since a lot has happened in the air program since May, 2013 but this tells our origin story!

For those of you who are wondering who Dave Bray is....Dave works for EPA Region 10. Currently he is the senior air quality special assistant to the director at EPA Region 10. Dave started at EPA in 1973, about when our Air Quality program got started. He's been there almost **50 years**, and he helped shape our air quality program. A lot of the fundamental things that we implement now were adopted in the late 1970s and early 1980s. He probably knows our program better than anyone and has probably forgotten more about our program than I will ever know! When he visited us, we asked him to give an oral history of our air quality program. You can either read the full transcript of his talk, the abridged version or you can listen to the audio file.

- "Dave Bray's Oral History-Oregon's unique AQ program 10-12-11 Full Transcript"
- "Dave Bray's Oral History-Oregon's unique AQ program 10-12-11 Highlights"
- "Dave Bray's Oral History-Oregon's unique AQ program 10-12-11 audio"

I highly recommend that you take some time to learn how program started. It made me really proud to know how far we have come over the years.

The last file, "Dave Bray 12-02-10 conference call-DEQ NSR versus EPA NSR," was transcribed from a conference call we had with Dave when we were adopting greenhouse gases and PM<sub>2.5</sub> as regulated air pollutants. It explains how we implemented those new pollutants into our program, including our New Source

Review program. You can learn about the nuances of our program and how it is different from the federal New Source Review program.

## 59 – Small Business Assistance

### DEQ's Small Business Assistance Program

This tip is designed to cover some of the important aspects of how DEQ interacts with small businesses in Oregon.

At this time, the agency's air quality Small Business Assistance role is housed in the Air Quality Operations section from Headquarters; Hillarie Sales is currently in this role. Typically, staff will work with the Small Business Assistance position when a permittee or future applicant of a small business (see below) has lots of questions about an application process, compliance, or avoiding DEQ permitting altogether. Sometimes a source can slightly change a process, device, or materials used and not be required to get a permit. Note that in many instances, small business assistance may involve coordination and consultation with technical staff in the regions.

The Small Business Assistance Program (SBAP) provides technical assistance to address and prevent air quality violations at unpermitted or small sources. The program helps small businesses understand what permitting requirements apply to their industry sector and find practical, cost-effective solutions to their environmental concerns.

A common industry that relies on support, insight, and assistance from the SBAP is automotive repair and painting operations. These sources may be subject to one of five permitting categories of OAR 340-216-8010 Table 1, a National Emission Standard for Hazardous Air Pollutants (6H), Portland area-specific rules, looking to demonstrate they're exempt from the NESHAP (6H), or have the option to obtain a Registration (Division 210) in lieu of an Air Contaminant Discharge Permit (ACDP).

All these decision points can be overwhelming for a small automotive repair facility. While permit writers sometimes help sources navigate the regulatory requirements, the SBAP is poised to orchestrate support in a variety of ways and help reduce the amount of regional staff time spent working with these sources so staff can ensure other priority work continues.

### What is a small business?

The small business assistance program is a requirement from the 1990 Clean Air Act Amendments. As part of the approval for a Title V Operating Permit program in Oregon, DEQ must use some of the TV fees to pay for a small business assistance program. The definition of "small business" varies, even in different Oregon agencies, so unfortunately there is no standard definition. However, it is usually determined by number of employees. Below are a few different ways that small business is defined.

The most important one for permit writers and inspectors to be aware of is the first listing, ORS 183.

Citation or Origin	Title	Definition of Small Business
ORS 183.310	Definitions for chapter (Administrative Procedures Act; Review of Rules; Civil Penalties)	<b>“Small business” means a corporation, partnership, sole proprietorship or other legal entity formed for the purpose of making a profit, which is independently owned and operated from all other businesses, and which has 50 or fewer employees.</b>
U.S. Code Title 42 – Clean Air Act	The Public Health and Welfare Chapter 85 – Air Pollution Prevention and Control Subchapter V – Permits Sec. 7661f	The term "small business stationary source" means a stationary source that <i>(must meet all<sup>1</sup>)</i> — (A) is owned or operated by a person that employs 100 or fewer individuals, <sup>1</sup> (B) is a small business concern as defined in the Small Business Act [15 U.S.C. 631 et seq.]; (C) is not a major stationary source; (D) does not emit 50 tons or more per year of any regulated pollutant; <b>and</b> (E) emits less than 75 tons per year of all regulated pollutants.
ORS 285A.010	Definitions (Economic Development I)	“Small business” means a business having 100 or fewer employees.
DEQ Small Business Assistance Program		100 or fewer employees
TRAACS		Tracking of ‘50 or fewer employees’

1: “(must meet all)” was included for clarity and is not included in the U.S. Code.

### **Bottom Line for Small Business Thresholds:**

DEQ’s Small Business Assistance Program [website](#) refers to small businesses having 100 or fewer employees; this aligns with the federal definition because the small business program is funded by the TV Program in association with CAA requirements as mentioned above.

DEQ’s air quality permitting database, however, elects to track sources with more or less than 50 employees because ORS 183 (the Administrative Procedures Act) sets the threshold at 50 and this statute governs how DEQ conducts rulemakings. DEQ rulemaking staff use this information in TRAACS to determine the proposed rule’s impact on small businesses and must use 50 employees to comply with ORS 183.

### **Important to know about applications and data in TRAACS:**

The 50 or fewer employees should be marked regarding 'corporate-wide' as opposed to a specific plant site's number of employees.

If the permit application is for a 'Fred Meyer' or 'Costco' gasoline dispensing facility, the '50 or fewer employees' box should almost certainly **not** be checked. This checkbox is intended to align with the ORS 183 definition above.

## Rulemaking and TRAACS

Many agency decisions are informed by small business considerations. In each rulemaking, DEQ staff and the Rules Advisory Committee (RAC) must consider how many small businesses will/may be affected by the proposed rules, what the impacts will be, and if there are alternatives to accomplish the goals of the rulemaking while minimizing the impacts to those small businesses. These considerations are guided mostly by the information DEQ has available regarding which permittee is a small business in TRAACS. See the screen shot below:

The screenshot shows the TRAACS.net Source Detail form for PCC Structural, Inc. (Source Number: 03-2674). The form includes fields for Plant Site, County, Region, Source Name, Regional Office, Ownership Type, Assigned Inspector, and Plant Start Date. A red circle highlights the 'Over 50 Employees' checkbox, which is checked and set to 'Yes'. The 'LUCS Received' checkbox is also checked. The 'Comments' field contains the text: 'SMALL PARTS FOUNDRY. Application numbers don't match up because it was misloaded. From #14546 to #15145. Reassigned from David Graiver to Weston Li on 7/17/20.' The form is titled 'PCC Structural, Inc. 03-2674' and includes a 'Find Location' button. The bottom of the form shows 'Last Updated: Dec 20 2021 5:29PM (JSTOWIT)' and 'Cancel' and 'Apply' buttons.

This shows the TRAACS (air quality permitting database system) screen which indicates whether the permittee told DEQ on their application that they have 50 or fewer employees. All permit application documents ask the source to indicate yes or no to this question. Additionally, as application forms are revised, they are also including one more question: whether there are 50 or more employees corporate-wide. This helps DEQ further assess the different types of small business and ensures that the TRAACS data used for rulemakings aligns with the Oregon Revised Statute requirements in 183.

*For example, a cardlock (with no regularly onsite employees) gas station is a source with less than 50 employees, but it may be owned and operated by a nationwide entity with 5,000+ employees. This information helps DEQ understand the differences that may exist between the sources that are 'small businesses' with a more nuanced lens.*

This additional information, as it is collected and reported, will help the agency make more informed decisions about how policy and rule changes may impact small businesses.

**Ask of you:** if you are in TRAACS working on a source and notice that the 'over 50 employees' box is not checked but should be (or vice versa), please make those changes as appropriate. If you think that the checkbox is incorrect, please consider asking the source the next time you are in communication with them.

## **Future State of Small Business Tracking**

As the agency transitions into to Your DEQ Online (YDO, previously called EDMS), the small business indicator like what is shown above in TRAACS will be important and is still needed. It is unclear whether the information will be input by inspectors or by the sources themselves. Stay tuned!

## **CAO and Modeling Requirements: Small Business Assistance**

With the relatively new Cleaner Air Oregon (CAO) requirements, some sources may be looking for assistance regarding their modeling or risk assessment requirements as well. These processes and requirements are almost all handled by CAO and modeling staff as opposed to AQ Operations, so below is some information from CAO and modeling staff regarding small business assistance:

### **1. How does a business request assistance?**

Currently a small business initiates a request for small business technical assistance through email. However, DEQ is about to switch to using a registration form (AQ503) instead, and about to publish a webpage explaining the program (expected to be live a few weeks from now). Any facility is welcome to fill out the registration form if they think they may meet the criteria. For the purposes of CAO, a small business is defined as a business which is independently owned and operated from all other businesses, and which has 50 or fewer employees.

### **2. Who should the business contact for assistance?**

Marissa Meyer is the contact for CAO small business technical assistance (Marissa.Meyer@deq.oregon.gov). The webpage and form will ask facilities to contact cleanerair@deq.oregon.gov to submit the form and ask any questions. Regional staff can also share Marissa's email with specific facilities as needed.

### **3. What types of assistance are available?**

Small business assistance will vary widely from providing extra guidance to conducting work for the facility. It is important to note that technical assistance does not include any fee waivers. Small business assistance can include minor (extra guidance with a Level 1 analysis) all the way to DEQ conducting the modeling, technical document creation, discussions regarding modeling protocol requirements, or creating an industry specific tool to conduct a risk assessment (as was done with Air Curtain Incinerators). The level of assistance will vary based on a variety of factors, including but not limited to what the source needs, whether the source has an environmental consultant, whether they need help with the entire process or specific parts, etc.

Facilities approved for technical assistance can receive support throughout the whole CAO process. This is flexible based on the needs and capabilities of the facility. Small business technical assistance aims to reduce the time, effort, and technical expertise required for a facility to perform a risk assessment, and potentially reduces consultant fees. Facilities are still required to meet all fee and document deadlines.



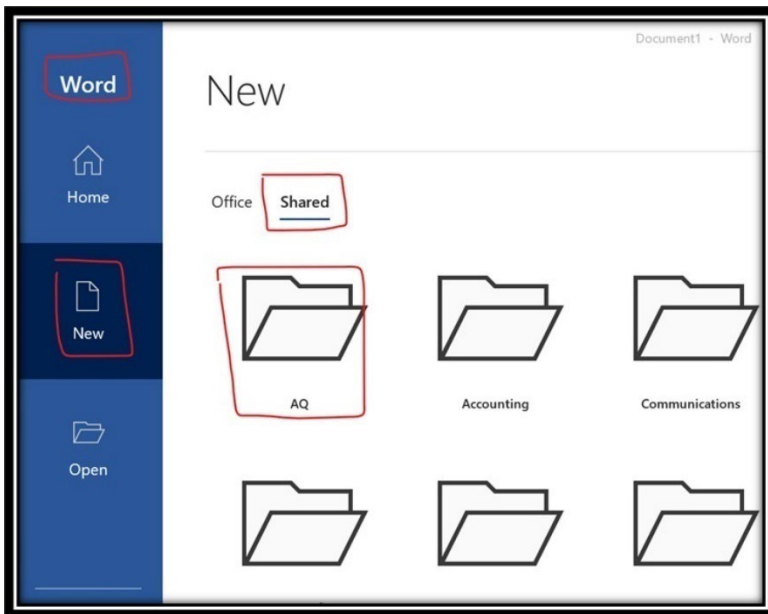
## 60 – MS Word Templates

### Microsoft Word Template Letters and Documents

This tip is designed to cover the various template letters that are available for your use in Microsoft Word. Ops has added many of the letters that Permit Coordinators regularly send out, and now we have a separate MS Word Template document for several letters that permit writers typically use (two different templates: "Permit Writer Letters" & "Permit Coordinator Letters")! **It's relatively easy to add a new letter to the list of templates. If you have a letter that you find yourself sending and are tired of recreating it (or copying it from a letter you have saved) please let us know!**

The biggest agency gains in using Microsoft Word Templates for letters and documents is increased consistency across the state and the savings of staff time. A permit writer in Bend and a permit writer in Medford will send letters to their respective sources that look very similar, and with minimal effort. This helps maintain a level playing field and ensures that your valuable time is spent on other high priority work, like the backlog, Your DEQ Online, permit mods, construction notices, etc. As you know, the list goes on and on!

You can find the templates by opening MS Word, navigating to 'new', 'shared', then the 'AQ' folder, where all the past AQ permit-related templates have been found.



Then, simply scroll down until you find the new template titled 'Permit Writer Letters' and click on it:



## Using Macros to Access the Templates

You will need to know how to access Microsoft Word macros to use the templates. If you don't know how to access the macros, please see this instructions document.

Once you view the macro you will see a list of various dropdowns (see below).

Select the appropriate options for your situation. Region, manager, letter category, and the specific template you want to use.

When you're done, click 'view'. This populates the Word document with the selected letter type.

Then click 'close', which closes the macro but leaves the Word document open for further edits.

Now you should see the template letter, ready for use!

A screenshot of a dialog box titled "Select Letter Template" with a close button (X) in the top right corner. The dialog contains several dropdown menus and a checkbox. The dropdowns are: Region (ER), Office (Bend), Manager (Mark W. Bailey), Permit Coordinator (Nancy Swofford), Permit Type (All), Letter Category (Enforcement Templates), and Letter Template (PEN Template). At the bottom left is a checkbox labeled "Show Tags" which is currently unchecked. At the bottom right are three buttons: "View", "Reset", and "Close".

## Available Letters

As of now, there are four (4) permit writer template categories with eight (8) total letters available.

1. Enforcement Templates include:
  - a. PEN
  - b. WL for RICE Install, NSPS/NESHAP, without NC (Unpermitted)
  - c. Warning Letter
2. Information Request Templates include:
  - a. Information Request Letter
3. Inspections Templates include:
  - a. Inspection Letter for Compliance
4. NCs and NOAs Templates include:
  - a. Approval Letter
  - b. Denial Letter
  - c. More Info Letter

As I said, it is not too difficult to create new template letters. If you have an idea for a new letter to add, don't be shy about asking. It doesn't have to be a letter you send out all the time. If you have a letter that you typically send once per year or every other year, other staff across the state likely do the same. The agency could save significant time in using a template for that letter. So please consider checking your local computer's files, your regional shared drive, or any other places you store documents to find copies of letters you've sent and provide them to Ops (email link: Jill, Joe, and Dan).

I think the first place I see opportunity to add new letters is probably in the 'enforcement category'. WLOC for not submitting an annual report? WLOC for not submitting an NC? WL for submitting an NC after the project is done? These are all things that can come up and the enforcement and corrective actions will be similar. If you've done one and have a letter you'd like to share, please do! We're happy to create a useful template for it.

To recommend a new template letter, please consider the following:

1. The letter will need to be in a category (either a new or existing one). If it's not obvious based on the letter, please consider recommending one.
2. The letter will need a specific name ('Late annual report courtesy reminder', 'WL for not submitting an NC', etc.). Again, if it's not obvious from the letter, please consider recommending one.
3. An example of the letter that has been sent would be **very** helpful but is not required.

The one thing to know about using a macro permit template is that the letter must be all text. We can't include formatting like bullet points, text within boxes, bold, italics, comment bubbles, etc. Either way, don't let that dissuade you from recommending a new letter idea as we can **always** figure out a way to make it work for you.

## Using a Template Letter:

After you select the regional options and letter type, you'll see a generic version of the letter. This one is the information request letter.

April 8, 2022 |

[SOURCE\_CONTACT\_NAME] —  
[SOURCE\_NAME] —  
[SOURCE\_ADDRESS\_LINE\_1] —  
[SOURCE\_ADDRESS\_LINE\_2] —

CERTIFIED MAIL NO.: #####

Re: Official Information Request  
Source Number [SOURCE\_NUMBER] —  
[COUNTY\_NAME] —

Attention: [Contact Name] —

The purpose of this letter is to inform you of an official information request from DEQ regarding [insert overarching concept of request; i.e., the activity, source type, application, etc.] related to [proposed] activities and operations at [street address] in [city], Oregon. This letter is being sent to your facility to request information pursuant to Oregon Department of Environmental Quality's authority under Oregon Administrative Rule (OAR) chapter 340 division 214. Division 214 provides DEQ

The date will automatically populate based on the date you create the letter (change this as needed).

All parts of the template that need to be altered for your specific source will be found in brackets [like this].

Please check to make sure all brackets are resolved before sending the final letter.

If you need to change information or text outside of brackets for your letter, that's ok! These letters are a tool to help YOU do your work more efficiently and you obviously don't need to ask AQ Ops to make a change before you send it!

But!

Ops staff would be very interested to hear about changes you make, and why. We can quickly edit these templates (in minutes!), so please let us know if you have language in the template that you feel should be updated or modified.

## 61 – Category 85 IMD

The Category 85 IMD was developed to provide direction to staff to ensure consistent interpretation of permit applicability under Part B, Category 85, of OAR 340-216-8010 Table 1. The new Category 85 Basic ACDP, adopted by the EQC in September 2020, will be issued to sources with emissions that require permitting under Category 85 but that accept a small number of enforceable limits and conditions so a Simple or Standard ACDP is not required. The sources that would qualify for a Category 85 Basic ACDP may emit low levels of criteria pollutants that do not significantly contribute to exceedances of the National Ambient Air Quality Standards but may emit toxic air contaminants as well. Regulatory oversight is needed to ensure monitoring, recordkeeping, and reporting activities are conducted to ensure compliance with the permit limit and prevent adverse air quality impacts.

### Directive

To determine if Category 85 requires a source to obtain a permit, staff must do the following:

- Evaluate PTE using the definition in OAR 340-200-0020(124)(a), assuming 8,760 hours/year of operation without add-on controls or limits on hours of operation. Secondary emissions are not considered in determining PTE.
  - If emissions are less than the Category 85 thresholds, and enforceable conditions are not required to keep a source under those permitting thresholds, a permit is not required. A Notice of Intent to Construct application will be required and may be approved.
  - If emissions are greater than the Category 85 thresholds:
    - If the source has submitted an NC, staff must notify the source within the time deadlines described in OAR 340-210-0240 (depending on the type of NC submitted) that the NC is denied, and that they must apply for a permit; and
    - If the source meets the criteria, they can submit a Category 85 Basic ACDP application that will include enforceable conditions on operation that will limit emissions to less than the Category 85 thresholds. In addition, the permit will include recordkeeping and annual reporting requirements, (e.g., limiting annual fuel usage, requiring recording of monthly fuel usage, and reporting annual fuel usage); or
    - If the source is not willing or able to take enforceable limits to stay under Category 85 permitting thresholds, the source must apply for a Simple or Standard ACDP.

### Implementation Schedule

1. Implementation of this updated interpretation of Category 85 will begin immediately for new sources and unpermitted existing sources that should be permitted as they are discovered.
2. The SIC and NAICS codes for these sources that will be permitted under the Category 85 Basic ACDP will be entered into the TRAACS (Tracking, Reporting and Administration of Air Contaminant Sources) database.
3. Beginning in 2022, the Small Business Assistance staff person will create a project plan that evaluates sources on Simple ACPDs that may be eligible for a Category 85 Basic ACDP. The plan will include

conducting a statewide search for all unpermitted sources with the same SIC and NAICS codes in the database to determine where additional permits may be required. The plan will also include contacting these sources to obtain information to determine if a Category 85 ACDP or the alternative Basic ACDP is required.

4. For sources that have previously been constructed pursuant to the NC process but should have been permitted, DEQ will use its enforcement guidance based on the facts of each case. If the source had submitted a Notice of Intent to Construct, which DEQ either concurred with or was "default approved", then DEQ will request, in writing, that the source submit a permit application by a date certain. If the source fails to submit a permit application by the date requested, DEQ will follow the enforcement guidance to issue the appropriate enforcement response (WL/OC or PEN).

## **Implementation Materials/Software**

- Headquarters staff have updated application forms and approval templates to clarify the procedures for implementation of Category 85.
- 10% of NC applications submitted between 2015 and 2020, will be audited to determine if a significant number of sources should be permitted under a Category 85 ACDP based on this IMD. If a significant number of sources will require a permit, then RMT will agree on an additional review iteration. Upon identifying a source requiring a permit, then regional staff will contact these sources and require permit applications as follows within 45 days of confirming a permit is required.

## **Training**

This implementation plan is available in the Category 85 IMD. For questions regarding Category 85, staff should contact Dan DeFehr at 503-229-6442 or by email at Daniel.DEFEHR@deq.oregon.gov.

## **Outstanding Issues**

Rulemaking is being pursued to complement this plan.

- OAR 340-216-8010 Table 1 Part B, Category 85 may be clarified to require calculation of emissions using capacity to emit rather than relying on actual emissions definition; and
- Notice of Intent to Construct rules in OAR 340-210-0205 through 340-210-0250 may require clarification.

## 62 – Excel Tips and Tricks: Do you know all 12?

### Excel Tips and Tricks

Excel is a great way to do calculations and process data. Do you know all 12 of these useful tricks?

[click on a description to skip down to it]

1. Some Excel terminology
2. Skip to the end of a column or row
3. Select a whole row or column
4. Filter a table of data
5. Sort a table of data
6. "Double-click the Plus" to apply a formula to all cells in that column
7. Subtract two dates to find out how many days were in between
8. IF statements
9. Use \$ in formulas, to control which parts of a formula change when you copy it to a new cell
10. Use named cells and ranges to make calculations easier to check
11. COUNTIF and SUMIF
12. Look up a value from another table with INDEX and MATCH

### Some Excel terminology

Some Excel terminology that will help us later:

- Workbook = an Excel file
- Worksheet = a tab in a Workbook
- Cell = one rectangle in a Worksheet
- Range = a set of adjacent Cells

### Skip to the end of a column or row

*["Ctrl" key + keyboard arrow key]*

If you have a lot of data, it can be tedious to scroll to the end using the mouse or the keyboard arrow keys. If you hold down the "Ctrl" key and then press one of the keyboard arrow keys (up, down, left or right), it will skip to the end of the data in that direction.

### Select a whole row or column

*["Ctrl" key + "Shift" + keyboard arrow key]*

Need to select all the data in a row, or paste a formula into a whole bunch of blank cells? If you hold down the "Ctrl" and "Shift" keys and then press one of the keyboard arrow keys (up, down, left or right), it will select all of the data in that direction.

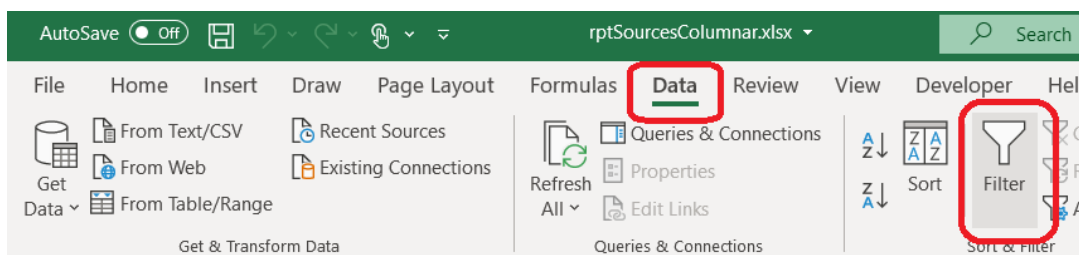
## Filter a table of data

[In Excel menu, click "Data" and "Filter"]

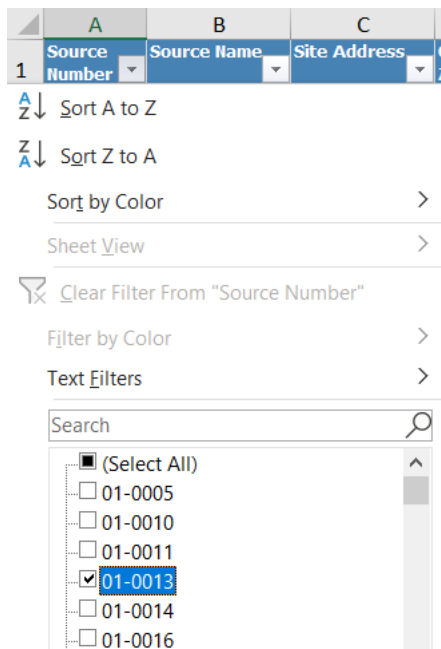
Filtering a table of data in Excel allows you to temporarily hide some rows, which can be very helpful for looking through the data.

To turn on filtering:

- Select all the rows and columns in your worksheet that have data, including the column headers. Hint: use Tip #3!
- In the Excel menu, click on "Data" and "Filter"



- Now, "down arrows" appear in the column headers. If you click a "down arrow", you can use checkboxes to filter the data. Checked = visible, unchecked = hidden. Here, I've clicked on the "Source Number" header and set it so that only rows with Source Number = "01-0013" will be visible.



To turn off filtering, go to the Excel menu and click on "Data" and "Filter" again.

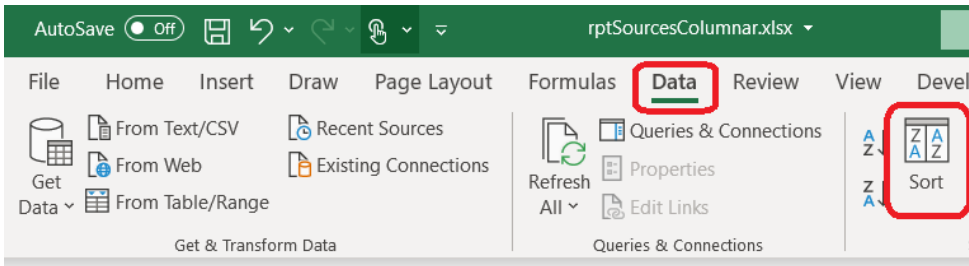
## Sort a table of data

[In Excel menu, click "Data" and "Sort"]

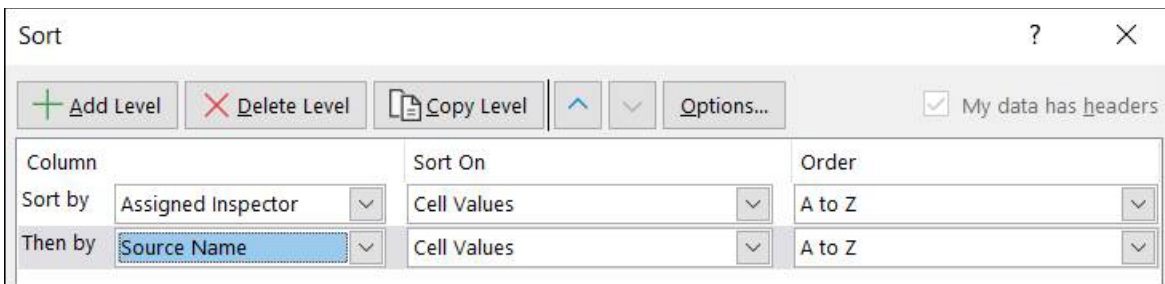
One way to see organize data or see outlier values is to sort it.



- Select all the rows and columns in your worksheet that have data, including the column headers. Hint: use Tip #3!
- In the Excel menu, click on “Data” and “Sort”



- In the “Sort” menu that pops up, choose a column in the “Sort by” dropdown. Here, I’m sorting this data by the inspector’s name, and then by the source name.



**NOTE:** it’s important that you select all the data columns in your worksheet. If you sort some columns but not others, your rows of data will be all garbled up!

### “Double-click the Plus” to apply a formula to all cells in that column

*[Enter a formula into a cell. Right-click in the bottom right-hand corner of that cell]*

If you click into the bottom right-hand corner of a cell, the cursor turns into a “plus”, something like the screenshot below. If you double-click the plus, it will fill that cell’s value or formula down that entire column.

Month	MMBtu	lb/MMBtu	lb
1	123	12	1476
2	234	12	
3	345	11	
4	456	14	

### Subtract two dates to find out how many days were in between

If you enter dates into two cells, and then subtract them, it will tell you how many days were in between. This factors in the number of days in each month, leap days, etc.

4/7/2022	end date
1/1/2022	start date
96	end date - start date = elapsed days

### IF statements

*[IF(A1>0, “value if true”, “value if false”)]*

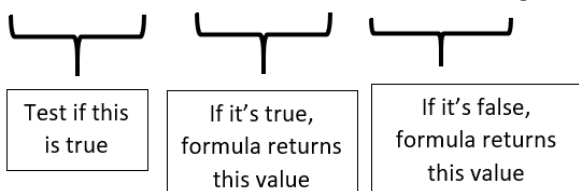
Sometimes it can be useful to have an IF statement in a formula. As a contrived example, let’s say my permit has a boiler, and there is a different, higher emissions factor that applies when the boiler is operating above 5 MMBtu/hr.

Here's a way that could be programmed into my spreadsheet:

	A	B	C	D
1	Month	Average Load (MMBtu/hr)	Emission Factor (lb/MMBtu)	
2	1/1/2022	5.80	2.34	
3	2/1/2022	4.54	1.23	
4	3/1/2022	5.74	2.34	
5	4/1/2022	4.62	1.23	
6	5/1/2022	4.56	1.23	
7	6/1/2022	4.24	1.23	

An "IF statement" has three parts, separated by commas:

**=IF(B2>5,2.34,1.23)**



## Use \$ in formulas, to control which parts of a formula change when you copy it to a new cell

[different ways to refer to cell A1: "A1", "\$A1", "A\$1", "\$A\$1"]

Let's say you're in the cell C1. You give it the formula "=A1 + 1".

	A	B	C	D	E
1	5		6		
2	12				

C1 contains a "relative" reference, in effect "take the value of the cell two columns to the left of me, and add 1". If you copy that formula down to C2, the formula in C2 will update:

	A	B	C	D	E
1	5		6		
2	12		13		

Note that the formula in C2 is still "take the value of the cell two columns to the left of me, and add 1".

If instead you want an "absolute" reference, that doesn't change when you copy the formula to a new location, you can add dollar signs to the formula.

Example formulas:

=A1 relative reference.

=\$A\$1 absolute reference. Always refers to cell A1, even if you paste this to another cell

=\$A1 mixed reference. Always refers to a cell in column A, but the row can change

=A\$1 mixed reference. Always refers to a cell in row 1, but the column can change

## Use named cells and ranges to make calculations easier to check

[select the cell or cells you want to name, and type a name into the box just to the left of the formula bar]

If you have a complicated formula with many parts, it can be hard to check that each part refers to the cells you think it does.

Here's an example where I'm calculating monthly emissions, using emissions factors in cells A1 and A2. I can have formulas referring to "\$A\$2"

The screenshot shows an Excel spreadsheet with the following data:

	A	B	C	D
1	1.234	Emissions Factor (lb NOx/MMBtu)		
2	2.345	Emissions Factor (lb PM2.5/MMBtu)		
3				
4	Month	Natural Gas Use (MMBtu)	NOx (lb)	PM2.5 (lb)
5	1/1/2022	1000	1234	2345
6	2/1/2022	1072		
7	3/1/2022	1081		
8	4/1/2022	1040		
9	5/1/2022	1026		

Or, I can name cells A1 and A2. To name a cell, select it and then type into the textbox just to the left of the formula bar. Here, I've given the name "PM2.5\_EF" to cell A2.

The screenshot shows the same Excel spreadsheet as above, but with the name 'PM2.5\_EF' entered in the name box to the left of the formula bar. The formula bar now shows '2.345'.

	A	B	C	D
1	1.234	Emissions Factor (lb NOx/MMBtu)		
2	2.345	Emissions Factor (lb PM2.5/MMBtu)		
3				
4	Month	Natural Gas Use (MMBtu)	NOx (lb)	PM2.5 (lb)
5	1/1/2022	1000	1234	2345
6	2/1/2022	1072		
7	3/1/2022	1081		
8	4/1/2022	1040		
9	5/1/2022	1026		

Now, I can use that name in formulas:

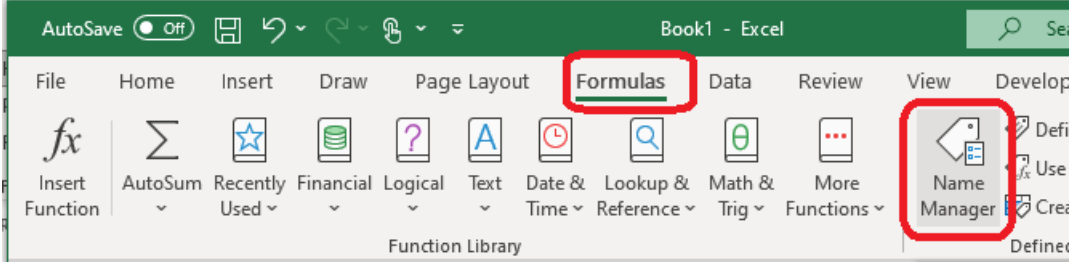
	A	B	C	D	E
1		1.234 Emissions Factor (lb NOx/MMBtu)			
2		2.345 Emissions Factor (lb PM2.5/MMBtu)			
3					
4	Month	Natural Gas Use (MMBtu)	NOx (lb)	PM2.5 (lb)	
5	1/1/2022	1000	1234	2345	
6	2/1/2022	1072			
7	3/1/2022	1081			
8	4/1/2022	1040			
9	5/1/2022	1026			

You can also give a name to a contiguous range of cells. Here, I've given the name "monthly\_PM2.5" to cells D5:D9.

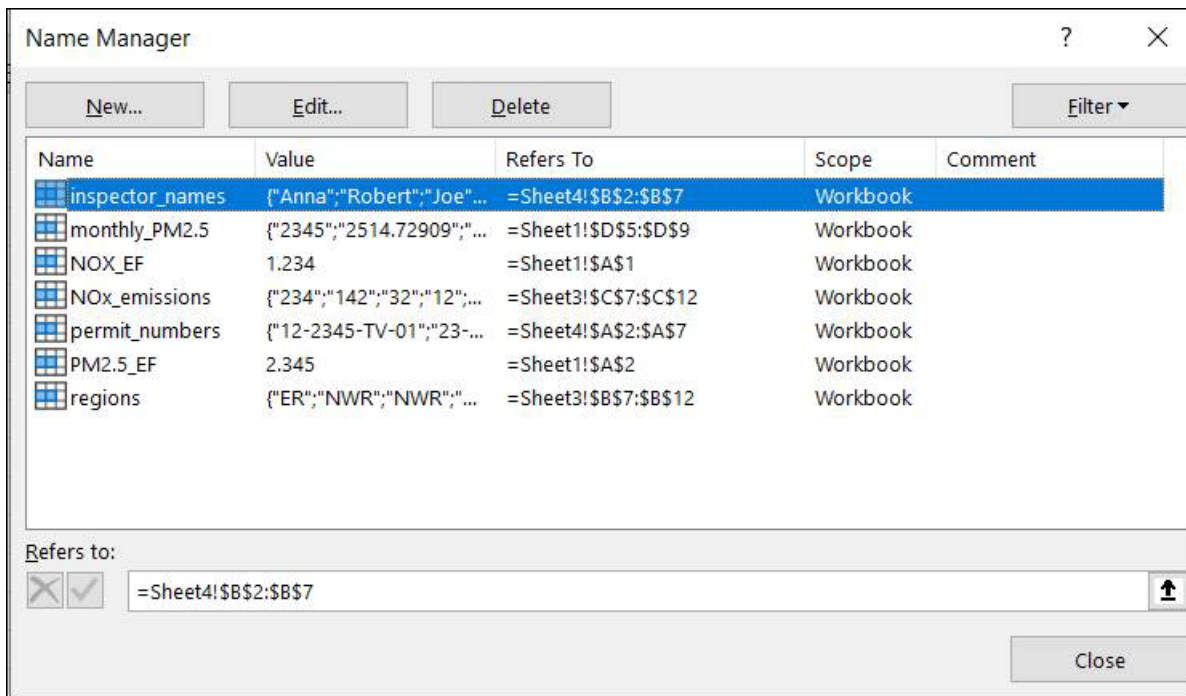
	A	B	C	D	E	F
1		1.234 Emissions Factor (lb NOx/MMBtu)				
2		2.345 Emissions Factor (lb PM2.5/MMBtu)				
3						
4	Month	Natural Gas Use (MMBtu)	NOx (lb)	PM2.5 (lb)		
5	1/1/2022	1000	1234	2345		
6	2/1/2022	1072	1323.3	2514.73		
7	3/1/2022	1081	1333.7	2534.38		
8	4/1/2022	1040	1282.8	2437.71		
9	5/1/2022	1026	1266.1	2406.03		

And now I could have a formula like "=SUM(monthly\_PM2.5)". That can be a lot easier to understand than "=SUM(\$D\$5:\$D\$9)".

If you want to see all the named ranges and where they point to, in the Excel menu go to Formulas | Name Manager.



Here, you can see all the named ranges I have set up in my example Excel file, and where they point to.



## COUNTIF and SUMIF

*[=COUNTIF(range, criteria)]*

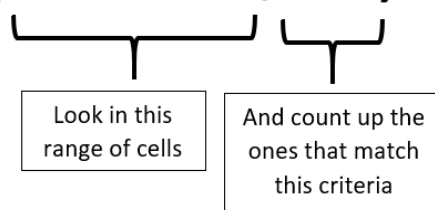
*[=SUMIF(range, criteria, sum\_range)]*

You may have used Excel functions like COUNT (to count the number of rows) and SUM (to add up the contents of a group of cells).

What if you only want to count the ones that meet some criteria? Let's say you have a list of permits, and want to count the number of permits that are in Eastern Region?

Here, we can use the COUNTIF function.

# =COUNTIF(B7:B12,B2)



In this case, COUNTIF is counting up all the cells in B7:B12 that match the value "ER", and the answer is 2.

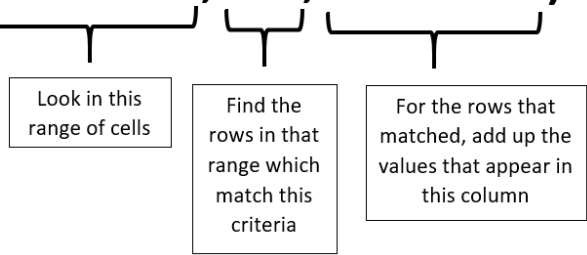
		=COUNTIF(B7:B12,B2)	
	A	B	C
			COUNTIF(range, criteria)
1			Number of Permits
2		ER	Total Emissions
3		NWR	3
4		WR	1
5			
6	Permit	Region	NOx Emissions (tpy)
7	12-2345-TV-01	ER	234
8	23-3453-ST-01	NWR	142
9	11-5433-ST-01	NWR	32
10	34-4231-TV-01	WR	12
11	02-5631-SI-01	NWR	53
12	22-5341-TV-01	ER	123

		Number of Permits	Total Emissions
	ER	2	357
	NWR	3	227
	WR	1	12
Permit	Region	NOx Emissions (tpy)	
12-2345-TV-01	ER	234	
23-3453-ST-01	NWR	142	
11-5433-ST-01	NWR	32	
34-4231-TV-01	WR	12	
02-5631-SI-01	NWR	53	
22-5341-TV-01	ER	123	

Now, how about if we wanted to add up all the emissions for those permits in ER?

For that, we can use the SUMIF function.

**=SUMIF(B7:B12,B2,C7:C12)**



In this case, SUMIF is finding the rows in B7:B12 that match the value "ER". That is rows 7 and 12. Next, it's looking at those rows in column C. It adds up the values in C7 and C12, and the answer is 357.

SUM

	A	B	C	D
1			Number of Permits	Total Emissions
2		ER	2	=SUMIF(B7:
3		NWR	3	227
4		WR	1	12
5				
6	Permit	Region	NOx Emissions (tpy)	
7	12-2345-TV-01	ER	234	
8	23-3453-ST-01	NWR	142	
9	11-5433-ST-01	NWR	32	
10	34-4231-TV-01	WR	12	
11	02-5631-SI-01	NWR	53	
12	22-5341-TV-01	ER	123	

		Number of Permits	Total Emissions
	ER	2	357
	NWR	3	227
	WR	1	12
Permit	Region	NOx Emissions (tpy)	
12-2345-TV-01	ER	234	
23-3453-ST-01	NWR	142	
11-5433-ST-01	NWR	32	
34-4231-TV-01	WR	12	
02-5631-SI-01	NWR	53	
22-5341-TV-01	ER	123	

These functions work well with named ranges- see Tip #10.

SUM

	A	B	C	D
1			Number of Permits	Total Emissions
2		ER	2	regions,B2,
3		NWR	3	227
4		WR	1	12
5				
6	Permit	Region	NOx Emissions (tpy)	
7	12-2345-TV-01	ER	234	
8	23-3453-ST-01	NWR	142	
9	11-5433-ST-01	NWR	32	
10	34-4231-TV-01	WR	12	
11	02-5631-SI-01	NWR	53	
12	22-5341-TV-01	ER	123	

If you have multiple criteria and want to get even fancier, check out COUNTIFS and SUMIFS.

## Look up a value from another table with INDEX and MATCH

[=INDEX(inspector\_names, MATCH(A2,permit\_numbers,0))]

Whew, last one! Now we're getting fancy.

Let's say you've got data on two different worksheets, and you want to combine them somehow. Let's say that on Worksheet #1, you have a list of permits that haven't submitted their annual reports yet. On Worksheet #2,

you've got a list of all the permits and inspectors, downloaded from a TRAACS report. Is there a way to look up the inspector info in Worksheet #2, and show it in Worksheet #1?

Yep! Here's one way to do it.

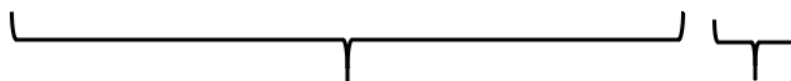
First, it'll be simpler if you name the ranges on Worksheet #2. (See Tip #10). Here, cells A2:A7 are named "permit\_numbers" and cells B2:B7 are named "inspector\_names".

	A	B
1	Permit Number	Inspector
2	12-2345-TV-01	Anna
3	23-3453-ST-01	Robert
4	11-5433-ST-01	Joe
5	34-4231-TV-01	Joe
6	02-5631-SI-01	Anna
7	22-5341-TV-01	Robert

	A	B	C	D
1	Permit Number	Inspector		
2	12-2345-TV-01	Anna		
3	23-3453-ST-01	Robert		
4	11-5433-ST-01	Joe		
5	34-4231-TV-01	Joe		
6	02-5631-SI-01	Anna		
7	22-5341-TV-01	Robert		

We're going to use two Excel functions, INDEX and MATCH. First, let's look at them separately:

**=MATCH(A2,permit\_numbers,0)**

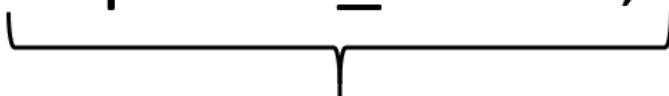


Find the first cell in the range "permit\_numbers" that matches the value in cell A2, and return its index. (If it's the 5<sup>th</sup> cell in that range, return 5.)

Always put a zero here, for "Exact match"

**Note:** it's important to include the zero at the end of the formula when you use MATCH. The zero is the code for "exact match". If you leave out the zero, MATCH will still return results, but it may not be what you want.

**=INDEX(inspector\_names,5)**



Return the value in the 5<sup>th</sup> cell of the range "inspector names"

Now, let's combine them:

**=INDEX(inspector\_names,MATCH(A2,permit\_numbers,0))**

This means, "find the first cell in the range 'permit\_numbers' that matches the value in cell A2, and remember its index. Return the value of the cell in 'inspector names' that is at that index."

That's a mouthful, so let's go back and apply this to our example.



We set up named ranges called "permit\_numbers" and "inspector\_names" in Worksheet #2. Now we're in Worksheet #1, and we want to look up the inspector for each permit number, using the named ranges we set up in Worksheet #2.

To evaluate the formula "=INDEX(inspector\_names,MATCH(A2,permit\_numbers,0))":

- Excel finds that the value in cell A2 is 02-5631-SI-01.
- MATCH finds that permit 02-5631-SI-01 is the 5<sup>th</sup> cell in permit\_numbers,
- INDEX returns the value of the 5<sup>th</sup> cell in inspector\_names, which is Anna.

	A	B	C	D	E	F
1	Permit with Late Annual Reports	Inspector				
2	02-5631-SI-01	MATCH(A2,				
3	22-5341-TV-01	Robert				
4	34-4231-TV-01	Joe				

Permit with Late Annual Reports	Inspector
02-5631-SI-01	Anna
22-5341-TV-01	Robert
34-4231-TV-01	Joe

There are other functions you can use to do this, like VLOOKUP, but I recommend INDEX + MATCH because it doesn't require things to be sorted, etc.

Hopefully the tips above gave you some ideas for cool, time-saving things you can do with Excel. A Google search with the terms and phrases from the tip can help you find more info and examples. Or, feel free to contact me with your questions.

## 63 – Primary and Secondary SIC-NAICS Codes

### Primary SIC/NAICS codes

Use of the SIC/NAICS codes has two primary purposes. First, to make sure that all activities at a single facility that result in air emissions are regulated as part of the source. That is achieved by defining the source to include emissions from the primary activity and all supporting activities. Second, is to make sure that a facility has demonstrated land use compatibility—to prevent one source that is consistent with land use requirements from morphing (perhaps without having to go through land use review because no significant construction was needed to make the change) into a different source that would not be consistent with land use requirements.

The definition of a source says:

(166) "Source" means 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 air contaminant 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.

As you can see, the two-digit SIC code is very important in how we define a source. We include SIC and NAICS codes in all permits and review reports:

### ACDP cover page: Title V cover page:

Source(s) Permitted to Discharge Air Contaminants (OAR 340-216-8010):

Table 1 Code	Source Description	SIC/NAICS
Part , <#>		

Nature of Business	SIC	NAICS
	Primary	
	Secondary	

### ACDP and Title V review report cover page:

SIC	
NAICS	

SIC/NAICS codes are not required when a business registers with the Corporations Division. The OR Small Business Assistance program said SIC/NAICS codes are used for tax purposes. Sources that report to EPA's Toxics Release Inventory must report their NAICS or SIC code each year. All that said, even though it's the source's responsibility to keep their SIC/NAICS codes up to date, if you feel that the SIC/NAICS code does not match the source's primary business activity, require the source to update their SIC/NAICS code. If the two-digit SIC/NAICS code changes, a permit modification or possibly a new permit is required, especially if new applicable requirements apply to the new SIC/NAICS code. The source number should stay the same for historical purposes. And remember the Notice of Intent to Construct IMD talks about SIC/NAICS codes and the NC process.

## SIC Website

The following is from the SIC code website:

SIC Codes are industry classification codes that are self-selected based on a company's primary line of business. It is important to select the correct SIC Code for your business for many reasons including: government statistical purposes, taxation, classification, state and federal registration, contracting, and proper identification for your business.

What is a Primary SIC Code?

Every company has a primary SIC Code. This number indicates a company's primary line of business. A company's primary SIC Code is determined by the code definition that generates the highest revenue for that company at a specific location in the past year. An establishment may only have one (1) Primary SIC code. An establishment that operates in more than one (1) activity may have additional Secondary SIC Codes. Here is a graphic presentation of a SIC code:



### SIC versus NAICS Background

SIC Codes were established in 1937 and updated numerous times until 1987. The planning of NAFTA as a Free Trade economic community between the U.S.A, Mexico, and Canada led to a new approach for a classification system for the member countries. SIC codes required an update and were in need of more specific classifications. In the interest of the member countries, a new system (NAICS) was established in 1997. The SIC system still remains the most popular industry classification system, as its use by data and marketing companies has been firmly entrenched and developed for over 40 years.

There is a website where you can search for a NAICS if you only know the SIC code and vice versa: SIC TO NAICS CROSSWALK

### SIC/NAICS for regulatory purposes

SIC/NAICS codes are also important because sometimes the NSPS and NESHAP list the codes that are regulated. This is the list for the Plywood and Composite Wood Products NESHAP:

Regulated Entities. Categories and entities potentially regulated by this action include:

Category	Rule	SIC code <sup>a</sup>	NAICS code <sup>b</sup>	Examples of regulated entities
Industry	NESHAP	2421	321999	Sawmills with lumber kilns.
		2435	321211	Hardwood plywood and veneer plants.
		2436	321212	Softwood plywood and veneer plants.
		2493	321219	Reconstituted wood products (particleboard, medium density fiberboard, hardboard, fiberboard, and oriented strandboard plants).
		2439	321213	Structural Wood Members, Not Elsewhere Classified (engineered wood products plants).
Effluent Guidelines		2436	321212	Softwood plywood and veneer plants.
		2493	321219	Reconstituted wood products (particleboard, medium density fiberboard, hardboard, fiberboard, and oriented strandboard plants).

<sup>a</sup> Standard Industrial Classification.

<sup>b</sup> North American Industrial Classification System.

## Secondary SIC/NAICS codes?

Some permits/review reports have multiple SIC/NAICS codes without indication of primary or secondary. Some have "other" SIC/NAICS codes identified.

Below are the SIC/NAICS codes in the permit for Roseburg Forest Products Dillard (no primary or secondary classification):

<u>Nature of Business:</u>	<u>SIC:</u>	<u>NAICS</u>
Particleboard Manufacturing, 10,000 or more ft <sup>2</sup> /hour, ¾" finished product basis	2493	321219
Sawmill & Planing Mill, greater than 25,000 BF/shift	2421	321113
Softwood Plywood & Veneer Manufacturing	2436	321212
Hardwood Plywood & Veneer Manufacturing	2435	321211
Fuel Burning Equipment, 10 million or more Btu/hour heat input, wood fired	4961	221330

and for Georgia-Pacific Wauna (primary and "other" classification):

Nature of Business:		
Primary SIC:	2611	Kraft Pulp Mill
Other SICs:	2621	Paper Mill
	4961	Fuel Burning Equipment Outside AQMA, greater than 30 million BTU/hr

As you can see, we have not been consistent in identifying primary and secondary SIC/NAICS.

Below is the source description for a hospital because of the boilers. Traditionally we have included the SIC for the equipment that a source is permitted for, not necessarily the primary business of the source. The hospital SIC is 8069 Specialty Hospitals, except Psychiatric and the NAICS is 622110 - General Medical and Surgical Hospitals. These hospital SIC/NAICS codes are more descriptive of the source and should be included in the permit and review report.

Table 1 Code	Source Description	SIC/NAICS
Part A, 4	Natural gas and propane fired boilers (with or without #2 diesel back up) of 10 or more but less than 30 million Btu per hour heat input, constructed after June 9, 1989.	4961/221330

## Changing Primary SIC Code and PSELs

In OAR 340-222-0090 Combining and Splitting Sources and Changing Primary SIC Code, it addresses how to distribute the PSEL and netting basis if a source changes their primary SIC code:

- (2) When one source is split into two or more separate sources, or when a source changes its primary activity (primary 2-digit SIC code):
- (a) The netting basis and SER may be transferred to one or more resulting source or sources only if:
- (A) The primary 2-digit SIC code of the resulting source is the same as one of the primary or secondary 2-digit SIC codes that applied at the original source; or
- (B) The resulting source and the original source have different primary 2-digit SIC codes but DEQ determines the activities described by the two different primary 2-digit SIC codes are essentially the same.
- (b) The netting basis and the SER for the original source are split amongst the resulting sources as requested by the original permittee.
- (c) The amount of the netting basis that is transferred to the resulting source or sources may not exceed the potential to emit of the existing devices or emissions units involved in the split.

## TO DO for new sources and permit renewal/modification

- When a source applies for an air quality permit, ask the source to identify a primary SIC code that generates the highest revenue for that company. The other SIC/NAICS codes that describe the business should be included as secondary codes, including 4961: Steam and Air-Conditioning Supply, if applicable.
- If the source wants to add or change a SIC later, require the source to:
  - Confirm what is the primary SIC (primary line of business / primary revenue source) and what are the secondary SICs for supporting activities.
  - Provide a new LUCS when there is a change in primary SIC, but not for a change in a supporting activity if there is no intensification of the use / expansion onto additional property or a net significant emission rate increase.

- If the source is changing its primary SIC, it may be a new “source” that requires a new permit. Discuss with your manager and consult with CAO staff to determine if the source should be considered a new source under the CAO program. If the source is adding or changing a secondary SIC and the secondary activity clearly supports the major industrial group, the source should apply for a permit modification to incorporate the new secondary SIC.
- Include all applicable requirements for the new SIC/NAICS.

The rules require an SIC for an ACDP and Title V application but there is no underlying requirement for compliance with an SIC code in the permit. The SIC code is not a permit condition but a point of administrative information. The SIC code is something we use to categorize a source.

In addition to the information below, if the source’s primary SIC changes and there are no permit conditions that must be modified in light of the change, the source must still submit a permit modification application. For ACDP sources this may be a ‘non-technical permit modification’ and for TV sources this may be an administrative amendment.

## 64 – EPA Resources

### EPA Resources

This tip is intended to share information and resources that are available from EPA. The hyperlinks to EPA’s external website are most likely useful for staff working on Standard ACDP and TV permits, but the information should be useful for most permit writers and inspectors.

### EPA Contacts:

EPA’s website has a [staff directory](#) to search for email and phone numbers for any EPA employee. If you have questions about a federal regulation, process, requirement, etc. you can always ask AQ Operations staff. In some cases, you may want to ask EPA directly when it involves a specific question about a federal regulation or process.

Within EPA Region 10, questions about Title V, NSPS, NESHAP, or implementation of a federal regulation, or the SIP in Oregon can be directed to:

**Geoffrey Glass.** 206-553-1847. Glass.Geoffrey@epa.gov (NSPS/NESHAP Questions)

**Bryan Holtrop.** 206-553-4473. Holtrop.Bryan@epa.gov (NSPS/NESHAP Questions; general federal regulatory questions)

**Doug Hardesty.** 208-378-5759. Hardesty.Doug@epa.gov (Title V/New Source Review Questions)

**Kristin Hall.** 206-553-6357. Hall.Kristin@epa.gov (State Implementation Plan questions)

\*Note that Doug Hardesty is expected to retire summer of 2022 but is very knowledgeable regarding the Title V Operating Permit program. If you have TV-related questions, ask them now! Geoffrey Glass is currently (May 2022) in the acting branch chief role.

### EPA External Website:

- 1) TV permits and policy/oversight decisions: <https://www.epa.gov/title-v-operating-permits/title-v-operating-permit-policy-and-guidance-document-index>
- 2) New Source Review (NSR) Policy Oversight decisions: <https://www.epa.gov/nsr/new-source-review-policy-and-guidance-document-index>

- 3) Title V (TV) petition database: <https://www.epa.gov/title-v-operating-permits/title-v-petition-database>
- 4) Environmental Appeals Board (EAB) decisions:  
[https://yosemite.epa.gov/oa/EAB\\_Web\\_Docket.nsf/Board+Decisions?OpenPage](https://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/Board+Decisions?OpenPage)
- 5) Technical Air Pollution Resources: <https://www.epa.gov/technical-air-pollution-resources>

Each of these links contains many documents that can provide insight into EPA's oversight and applicability of different requirements. If you are working through an NSR or TV question, the EPA contacts listed above may be able to help narrow your focus to specific documents found in each of these databases that will most efficiently answer your question. In addition, the Technical Air Pollution Resources provides a central location to find helpful information on an array of air quality-focused topics, from pollution control technologies to modeling and monitoring.

It is important to remember that some processes function differently within Oregon based on Oregon Administrative Rules (OAR). Namely, it is important to be aware of the differences in federal New Source Review and DEQ's New Source Review program (see [OAR division 224](#)).

## **65 – Reviewing Annual Reports**

### **Reviewing Annual Reports**

Today's tip is brought to you by David Graiver- thank you, David!

Sections:

- Accessing Report and Determining Date of Receipt
- Basic ACDP Annual Report Review
- General ACDP Annual Report Review
- General ACDP Annual Report Review (GDFs)
- Simple ACDP, Standard ACDP, & Title V Annual Report Review
- Simple ACDP – Low Fee Determination and TRAACS Input
- Title V Annual Report Review (additional TV-specific items)
- ACES – All Annual Reports
- Deadlines, Follow-up, and Enforcement (for NWR)

## 66 – Capacity vs. Potential to Emit

### Definitions:

Capacity and Potential to Emit (PTE) are defined in [division 200](#):

(19) "Capacity" means the maximum regulated pollutant emissions from a stationary source under its physical and operational design.

**What this really means:** Capacity is calculated assuming 8,760 hours/year of operation at 100% of maximum throughput or 100% of the

equipment rating. Add-on controls or limits on hours of operation are not included when calculating emission at capacity.

(124) "Potential to emit" or "PTE" means **the lesser of:**

(a) The regulated pollutant emissions capacity of a stationary source; or

(b) The maximum allowable regulated pollutant emissions taking into consideration any physical or operational limitation, including use of control devices and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, if the limitation is enforceable by the Administrator.

(c) This definition does not alter or affect the use of this term for any other purposes under the FCAA or the term "capacity factor" as used in Title IV of the FCAA and the regulations promulgated thereunder. Secondary emissions are not considered in determining the potential to emit.

Notice that in the definition of PTE, it says "capacity" **OR** maximum allowable emissions taking into consideration any physical or operational limitation, including use of control devices and restrictions on hour or operation or "throughput." The two-part definition of PTE has caused confusion, especially with people who have come from different agencies and are used to PTE meaning capacity.

As you know, most sources are not permitted at capacity because they can probably never operate at 100% of maximum throughput or 100% of the equipment rating for 8,760 hours/year. They need to shut down for annual maintenance or maybe there just isn't demand for that much of their product. Or maybe they have taken limits to avoid triggering New Source Review or being a major source for Title V. So PTE can be established at whatever level the source wants to be permitted. For example, this could be requested permit conditions that limit the source to two shifts instead of three, or conditions that limit the source to 80% instead of 90% of capacity). These limitations can be used in the determination of PTE as long as there are clearly enforceable permit conditions which support these limits and as long as the source complies with all applicable requirements and conditions.

**What this really means:** PTE = Capacity OR less than capacity if the source requests enforceable limiting conditions in their permit. Keep in mind that Plant Site Emission Limits are federally enforceable limits on PTE, so when someone says "PTE," they typically mean PSEL (or at least I do!).



## Implementation after November 2022 rulemaking:

There will be an important distinction between capacity and PTE if the AQ Permitting updates 2022 are adopted by the EQC in November 2022. Since Generic PSELs may be eliminated in that proposed rulemaking, DEQ is giving sources the choice of setting PTE at capacity or at any level below that. Permitting a source at capacity will reduce the number of permit modifications that may be needed in the future, since the source would have to do some type of construction (e.g., adding new equipment, debottlenecking, etc.) in order to increase emissions above capacity. That construction will require at least an NC, if not a permit modification; it depends on how the permit is written.

Change	NC	Permit Mod
Add equipment	If no PSEL increase is requested or no new applicable requirements must be added	PSEL increase requested or new equipment has applicable requirements that are not included in the permit

If the source chooses to be permitted at some level of PTE and if they request an increase in their PSEL, it will require a permit modification along with fees (PSEL increases always require a permit modification). The choice of being permitted at capacity or some level of PTE also requires the source to comply with all applicable requirements. If permitting at capacity triggers Title V applicability, the source may want to take a limit on PTE to be a synthetic minor, rather than being permitted at capacity.

[NOTE: A few sources may have PSELs below the generic PSEL level that cannot be changed due to the regional haze rules passed in August 2021 (OAR 340-223-0110 Options for Compliance with Round II of Regional Haze).]

## 67 – Construction vs. Standard ACDP

### Construction vs. Standard ACDP

There have been questions on when a Construction ACDP should be issued instead of a Standard ACDP. Rules for Construction ACDPs are in OAR 340-216-0052 Construction ACDP. The main points for Construction ACDPs are:

- 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. **[NOTE: we are proposing changes to clarify that the rules that will allow Construction ACDPs for Type 4 construction– 11/2022 adoption.]**
- The Construction ACDP includes requirements for the construction or modification and does not allow operation. A new or modified Standard ACDP or new or modified Title V Permit is required to allow operation.
- A Construction ACDP may be used for the following situations:
  - For complex construction that requires 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 are not included in the permit.

- For Title V sources, the Construction ACDP may include all applicable requirements and include EPA and affected state review so that the requirements may later be incorporated into the Title V 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.
- Construction ACDPs may not be renewed.

## Other Rules Regarding Construction ACDPs

### 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.

### OAR 340-210-0230 **Notice of Construction and Approval of Plans: Notice to Construct**

...

(2) Any person proposing a Type 3 or 4 change must submit an application for either a construction ACDP, new permit, or permit modification, whichever is appropriate.

### OAR 340-210-0240 **Notice of Construction and Approval of Plans: Construction Approval**

(1) Approval to Construct:

...

(c) For Type 3 changes, the owner or operator must obtain either a Construction ACDP or a new or modified Standard ACDP in accordance with OAR 340 division 216 before proceeding with the construction or modification.

(d) For Type 4 changes, the owner or operator must obtain a new or modified Standard ACDP before proceeding with the construction or modification. Type 4 changes may also be subject to OAR 340 division 224, New Source Review requirements.\*

(2) Approval to construct does not relieve the owner of the obligation of complying with applicable requirements.

(3) Notice of Completion. Unless otherwise specified in the construction ACDP or approval, the owner or operator must notify DEQ in writing that the construction or modification has been completed using a form furnished by DEQ. Unless otherwise specified, the notice is due 30 days after completing the construction or modification. The notice of completion must include the following:

- |   |
|---|
| <p>(a) The date of completion of construction or modification; and</p> <p>(b) The date the stationary source, device, activity, process, or air pollution control device was or will be put in operation.</p> |
|---|

\*This rule is proposed to change 11/2022 to allow Construction ACDP for Type 4

There are 7 Construction ACDPs currently visible on AQ Permits Online.

## Bottom Line

For Title V sources:

- A Construction ACDP must be issued for Type 3 construction. A Title V permit modification is required before operation can begin.
- A new or modified Standard ACDP must be issued for Type 4 construction.
  - If any of these permits approving construction for a Title V source is written to directly incorporate it in the Title V permit as an administrative amendment and EPA and affected states had the opportunity to comment on the permit, DEQ can approve operation through an administrative amendment. [Note: External review for EPA and affected states can take longer so it's up to the permittee whether they want to do that up front or get started on construction and apply for the significant permit modification later.]
  - If any of these permits approving construction for a Title V source is **not** written to directly incorporate it in the Title V permit as an administrative amendment and EPA and affected states have not had the opportunity to comment on the permit, DEQ must approve operation through a permit modification.

For ACDP sources:

- A Construction ACDP may be issued for Type 3 construction. A new or modified Standard ACDP must be issued to allow operation. Because of this two-step process, a Construction ACDP for ACDP sources is not recommended unless the source is in a hurry for construction approval.
- A new or modified Standard ACDP may be issued for Type 3 or Type 4 construction. Separate approval for operation is not required.

Fees for these permits are:

<b>Part 1. Initial Permitting Application Fees: (in addition to first annual fee)*</b>	
Construction ACDP	\$14,400.00
Standard ACDP	\$18,000.00
Standard ACDP (Major NSR or Type A State NSR)	\$63,000.00

\*There are no annual fees for Construction ACDPs.

## 68 – Short-Term NAAQS Implementation (Updated)

Since the original short-term National Ambient Air Quality Standard (NAAQS) TOTW was distributed in 2022, DEQ has updated the processes and incorporated new rules, which went into effect on 03/01/2023. The rules require short-term NAAQS compliance demonstration for Type 2 and Type 3 Notice of Construction (NC), in addition to other requirements listed in the Short-Term NAAQS Compliance [Internal Management Directive](#) (IMD).

Since the implementation of short-term NAAQS IMD, areas of confusions have been identified, especially around the roles and responsibilities of permit writers in short-term NAAQS and Cleaner Air Oregon (CAO) program analyses. The table below summarizes the key differences:

	Short-term NAAQS	CAO
Pollutants of Interest	1-hour NO <sub>2</sub> and SO <sub>2</sub> , and 24-hour PM <sub>2.5</sub>	Toxic Air Contaminants
Who reviews emission calculations and writes permit conditions?	Permit writers	CAO staff
Outlined in rule?	Partially	OAR 340-245

On 11/29/2023, the refresher training on short-term NAAQS was presented to permit writers and their managers. The slide deck and recorded video clip are available at Short-Term NAAQS page under Permitting Concepts at Permit Writers' Resource Center SharePoint page.

### Short-Term NAAQS

#### IMD and Implementation

- Short-Term NAAQS Internal Management Directive
- Short-Term NAAQS Internal Management Directive FAQs
- Short-Term NAAQS Implementation Plan and Permit Condition Procedures
- NAAQS Requirement for Sources Not Covered by IMD
- Permit Modification Scenarios and Fee for Short-term NAAQS Call-in Sources

#### Calculating Short-Term Emissions

Example Calculations of Short-Term Emissions

#### Permit Conditions

- Permit Condition for Calling in a NAAQS-subject Source
- Short-Term NAAQS Conditions Process Flow
- Short-Term NAAQS Example Permit Conditions

Modeling Status

#### Modeling Procedures

- Recommended Procedures for Air Quality Dispersion Modeling
- Short-Term NAAQS Quick Guide
- ACIs and Short-Term NAAQS
- Short-Term NAAQS Modeling Review Fee
- Modeling Process Flow – New Facility

#### Significant Emission Thresholds

Development of SETs

#### Training

- 2023 Short Term NAAQS Refresher Training
  - Slides
  - Notes
  - Video

2022 Spring AQ Forum – NAAQS TOTW

2022 Spring AQ Forum – NAAQS Q&A Session

#### Oregon DEQ Notice to Construct Screening Tool

-Notes for this tool:

- Emissions must be above the Significant Emission Threshold (SET).
- Tool is appropriate for only 1 emissions point. For more than one emissions point, talk with Kristen Martin to determine whether the tool should be used.
- For fugitive emissions sources, discuss the tool with Kristen Martin- it is possible to use.

The main contents of each document linked on the short-term NAAQS SharePoint are explained below. To obtain the most current information on short-term NAAQS requirements and for DEQ to manage version control, it is strongly recommended you come to this SharePoint site first to get the most up-to-date document before you make any determinations on whether your source is required to do short-term NAAQS compliance demonstration.

- Short-term NAAQS IMD addresses why DEQ requires facilities to perform short-term NAAQS analysis, including the historical background of Significant Emission Rates (SERs), annual/short-term NAAQS and the challenges around protecting short-term NAAQS using SERs. It also includes the short-term NAAQS compliance applicability to new Simple and Standard ACDPs, New Source Review permits (Major, Type A and Type B), and an optional requirement for existing sources called in to the CAO risk assessment program.
- Short-term NAAQS IMD FAQs provides clarifications and questions raised during the development of the implementation plan with respect to the IMD.
- Short-term NAAQS Implementation Plan and Permit Condition Procedures includes the timing and method of initial implementation for existing sources; a prioritization scoring method used for short-term NAAQS call-in; when to re-model using short-term Significant Emission Thresholds (SETs); and when and how to include short-term limit permit conditions.
- NAAQS Requirement for Sources Not Covered by IMD specifies when DEQ requires sources to conduct short-term NAAQS analysis for special circumstances, such as a permit type change from a General Permit to a Simple/Standard ACDP. It includes specific scenarios of sources with respect to NCs and when sources have to move to a different permit type because DEQ is not renewing the General ACDPs (GP).
- Permit Modification Scenarios and Fee for Short-term NAAQS Call-in Sources provides three methods of how existing sources can be brought in for short-term NAAQS compliance demonstration and when to require a source to submit a permit modification application and applicable fee based on the modeling results.
- Example Calculation of Short-Term Emissions provides a tool to calculate short-term emissions from different emissions units.
- Permit Condition for Calling in a NAAQS-subject Source is standard language that can be added to a permit at renewal to establish an enforceable timeline for short-term NAAQS compliance demonstration. The permit condition includes dates when short-term NAAQS modeling protocol and results are due. This is one of three methods listed in Permit Modification Scenarios and Fee for Short-term NAAQS Call-in Sources. Permit writers should coordinate the submittal deadline with DEQ's modeler, Kristen Martin of Air Quality Technical Services.
- Short-Term NAAQS Conditions Process Flow shows a step-by-step process when short-term NAAQS modeling is triggered and roles/responsibilities of permit writer and modeler in each step.
- Short-Term NAAQS Example Permit Conditions contains examples of short-term NAAQS permit conditions in issued permits. Air Operations tries to keep this document current. If you have short-term NAAQS conditions in your permit, please forward them to Jill Inahara or Dan DeFehr.

- Short-term NAAQS Modeling Review Fee lists 9 different scenarios when to charge the additional modeling review fee of \$9,000 for short-term NAAQS modeling and describes the fee applicability in a relation to New Source Review (NSR) and Cleaner Air Oregon (CAO).
- Modeling Process Flow - New Facility clarifies the roles and responsibilities of the permit writer, facility, and modeler on how short-term NAAQS modeling will be managed from the beginning to permit issuance for new sources. The modeling process flow for existing sources follows the similar step-by-step process.
- Development of SETs explains how the trial SETs were derived by using background concentrations for NO<sub>x</sub>, SO<sub>2</sub>, and PM<sub>2.5</sub>. Also, it includes DEQ's plans to validate these trial SETs.
- ACIs and Short-term NAAQS is a modeling tool documentation developed for an Air Curtain Incinerator (ACI) to address short-term NAAQS protections. The tool is available upon request from Kristen Martin.
- Oregon DEQ Notice to Construct Screening Tool is a web-based, in-house-developed air modeling screening tool to demonstrate short-term NAAQS compliance for NC Type 2 or Type 3 applications, most often for a facility with a single emission unit.

Training materials are available as references as follows:

- 2023 Short-term NAAQS Refresher – Slides, Notes, and Video.
- 2022 Spring AQ Forum – NAAQS101 and NAAQS Q&A Session.

Three modeling related documents are available as reference:

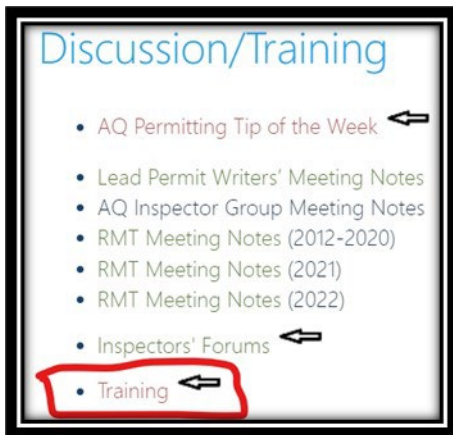
- Recommended Procedures for AQ Dispersion Modeling;
- Short-term NAAQS Quick Guide; and
- Modeling Status (Modeler's Workload).

## 69 – New Training Materials

### Big Picture:

AQ Operations staff have been, and continue to, work on developing new training materials for staff. The PWRC 'Discussion/Training' header includes a link to a 'training' page which has three new documents for your viewing/use. **1.** Basic ACDP processing; **2.** General ACDP processing; and **3.** Notice of Construction processing.

More documents are coming so be sure to provide any feedback/comment on them and check back regularly!



Be sure to review the documents that are found across the PWRC. There is **a lot of information** to be found. If anything appears to be out of date or inaccurate, please let Jill or me know. We'll update them as soon as possible. Lastly, if you find a document that was difficult to locate and you feel that it would be better somewhere else, we're open ears!

### New Training Documents

The three training documents are live on SharePoint now. You may elect to review them at your leisure and provide any comments or suggested changes to Dan DeFehr.

- Did I completely miss a step?
- Does your region do things a little differently?
- Does a part of the document read awkwardly?
- Is something confusing? Please let me know! I'll edit and add to it; this is supposed to be useful for YOU. So please don't be shy about feedback.

These are expected to be living documents and will receive revisions as policy, process, or rule changes occur. These documents are intended to outline the decisions, questions, and processes associated with these three topics. Ideally, they each work for a newly hired employee to quickly 'get up to speed' on how to issue a Basic ACDP, assign a General ACDP, or review and process a Notice of Construction (NC) application. Similarly, existing staff will have a document to refer to when questions arise in the processing of these applications/documents. As Basic, General, and NC processing or procedural questions are answered, these documents will hopefully also function as a 'clearinghouse' regarding questions and answers about the process.

<b>Document</b>	<b>Focus</b>
Basic ACDP Processing document	<ul style="list-style-type: none"> <li>-How Basic ACDPs are used (340-216-8010 Table 1 Part A)</li> <li>-Pre-application questions/considerations and meeting</li> <li>-Application fees and forms</li> <li>-Application processing (technical completion)</li> <li>-Permit drafting considerations and Review Reports</li> <li>-Issuance, public notice, mailing, and filing</li> </ul>
General ACDP Processing document	<ul style="list-style-type: none"> <li>-How General ACDPs are used and permit qualifications (340-216-8010 Table 1 Part B).</li> <li>-General ACDP attachments</li> <li>-Pre-application questions/considerations and meeting</li> <li>-Application fees and forms (Fee Class One through Six)</li> <li>-Application processing (technical completion)</li> <li>-Permit assignment/qualification considerations</li> <li>-Assignment, public notice, mailing, and filing</li> </ul>
Notice of Construction Processing document	<ul style="list-style-type: none"> <li>-Purpose of NCs</li> <li>-NC Types One through Four</li> <li>-NC Fees (applicability)</li> <li>-Pre-application questions/considerations and meeting</li> <li>-Application fees and forms</li> <li>-Reviewing the NC application</li> <li>-Approve, Deny, or Request more information</li> <li>-Approvals and conditions, mailing, and filing</li> </ul>
Other ACDP (SI & ST): -ACDP Process Overview -ACDP Application Review -How to Write a Permit	<ul style="list-style-type: none"> <li>-Various considerations and explanations of process flow specific to a Simple or Standard ACDP.</li> </ul> <p>(Note that these documents are being combined to look similar to the three documents discussed above; when completed, the SI/ST document will be added to the same 'training' page.)</p>



## 70 – Administrator Discretion

### Overview:

The Environmental Quality Commission has adopted many federal regulations into state rule (See Division [238](#) and [244](#)). When this happens, those federal regulations **are** state rule, incorporated into the OAR by reference. Many federal regulations refer to the 'administrator'. This term typically means EPA, but when the specific standard or regulation has been adopted by the EQC and subsequently delegated by EPA (See Tip of the Week #21 on Adoption/Delegation), the state permitting authority (DEQ) becomes the 'administrator' in most instances.

This means that DEQ has *some* authority to implement, interpret, and *slightly* modify some of the requirements of the rule.

### Administrator Discretion

Many NSPS or NESHAP regulations refer to the 'administrator'. For example, reports may be required to be sent to the U.S. EPA **and/or** the administrator. See example from NSPS subpart Dc (AKA boiler NSPS), at 60.48c(j) [emphasis added]:

"The reporting period for the reports required under this subpart is each six-month period. **All reports shall be submitted to the Administrator** and shall be postmarked by the 30th day following the end of the reporting period."

This NSPS has been adopted and delegated by EPA to Oregon DEQ, so these referenced reports must be sent to DEQ **instead** of EPA. In some instances, sources must report to EPA **and** the administrator, so be sure to check the federal language of the specific subpart that applies to the source in question. This most often happens when a regulation requires electronic reporting into CDX/CEDRI and a copy of the report must be submitted to the administrator as well.

Some federal standards provide discretion to the 'administrator'. For example, also within NSPS subpart Dc is the following at 60.45c(a)(4) [emphasis added]:

"The sampling time for each run shall be at least 120 minutes and the minimum sampling volume shall be 1.7 dry standard cubic meters (dscm) [60 dry standard cubic feet (dscf)] **except that smaller sampling times or volumes may be approved by the Administrator** when necessitated by process variables or other factors."

This part of the regulation allows DEQ some authority to approve sample sizes that are smaller than what is otherwise required by the NSPS. These approvals would be on a case-by-case basis and upon a showing of good cause by the source. **AND they would need to be documented!** Read on...

### What You Need to Know and Do:

You must fill out the 'administrator discretion or alternate approval' form whenever you're going to make a determination exercising DEQ's authority as the administrator. It can be found on PWRC SharePoint page under 'Rules, Regulations, and Statutes', under the header 'Delegation'.

**A quick link to the form can be found [HERE](#).**

This could be a more stringent approval or something that appears to be less stringent (like the sampling size scenario described above). Use the form whenever the administrator is provided authority (in the regulation) to approve alternatives and you are expecting or planning to do so.

DEQ's delegation of federal standards is tied to a semi-annual reporting requirement to EPA. DEQ must tell EPA which alternatives and/or administrator discretions we've approved or are planning to approve. If you're working on a permit in which you're exercising one of these administrator 'discretions' or 'alternative

approvals', use the form! DEQ must keep track of these. Similarly, if you receive requests for DEQ to exercise the administrator discretion related to an adopted/delegated federal standard, use the form! I'll send these to EPA and keep you in the loop!

## 71 – Boilers: BS vs. GP

### Overview:

Are you ready? This tip will take you a few minutes to sift through. So buckle up! Today we're tackling the nuance and difference between the Basic and General ACDP for boilers (OAR 340-216-8010 table 1 Activities and Sources Part A#4 and B#13 and BS-04 vs. GP-11).

Typical disclaimer: Any of this information is subject to change (based on proposed rule language changes or an implementation decision from leadership). This is my interpretation of the current rule and permit language. Formal permit applicability determinations will be source-specific and may deviate from this based on the facts of the situation.

**In addition to the Tip of the Week PWRC page, this information is saved on the PWRC 'industry specific websites' under 'boilers'.**

### **OAR 340-216-8010 Table 1 Part A. #4** (as of 6/16/2022)

"4) Natural gas and propane fired boilers of 10 or more MMBTU/hour but less than 30 MMBTU/hour heat input constructed after June 9, 1989 that may use less than 10,000 gallons per year of #2 diesel oil as a backup fuel."

- For eligibility under the Basic ACDP, **ALL** boilers must be natural gas or propane-fired. (No butane-fired, no oil-fired).
- For eligibility under the Basic ACDP, ALL boilers must be 10+ MMBTU/hr but less than 30 MMBTU/hr heat input.
- For eligibility under the Basic ACDP, ALL boilers must have been constructed after 6/9/1989. This is specifically referring to NSPS subpart Dc applicability.
  - The Basic ACDP is written as if each unit at the affected source is subject to NSPS Dc.

Note that the Basic Boiler ACDP template includes some relevant information. The cover page includes a word-for-word insert of the Table 1 Part A. #4 category, as written above.

Then permit Condition 1.1 states (emphasis added), "**The permittee is allowed to discharge air contaminants from processes and activities related to the air contaminant source(s) listed on the first page of this permit** until this permit expires, is modified, revoked or rescinded as long as the permittee complies with the conditions of this permit. **If there are other emissions activities occurring at the site besides those listed on the cover page of this permit**, the permittee may be required to obtain a General, Simple, or Standard ACDP, if applicable."

So, if the source **ONLY** has units that are subject to subpart DC (may include other units that are categorically insignificant), they could be eligible for the Basic ACDP. If a source has three units at 3.5 MMBTU/hr heat input and one at 12 MMBTU/hr, those three 3.5 units would be **above** the CIA levels of 2.0 million Btu/hour but **not** subject to NSPS Dc and the source wouldn't be able to operate on the Basic ACDP **template**. This is because there are emissions activities occurring at the site besides those listed on the cover page of the Basic ACDP. I emphasize the word 'template' here because the Basic ACDP is a source-specific permit and can be modified, as appropriate and within reason, for sources before issuance (see below for more info on this).

**Basically, the Basic Boiler ACDP is designed to regulate ONLY emission units subject to NSPS subpart Dc... but there's wiggle room.**

So, the Basic category (A4) permits most natural gas and propane units from 10-30 MMBTU/hr heat input constructed after 6/9/1989. Then the 'General' category (B13) permits all 10+MMBTU/hr units **but** exempts the units that could qualify for the Basic (under 30MMBTU/hr and natural gas or propane fired only). See below.

**OAR 340-216-8010 Table 1 Part B. #13** (as of 6/16/2022)

13) Boilers and other fuel burning equipment over 10 MMBTU/hour heat input, except exclusively Natural Gas and Propane fired units (with or without #2 diesel backup) under 30 MMBTU/hour heat input.

- This captures Boilers rated more than 10MMBTU/hr heat input.
- EXCLUDING the natural gas/propane fired units rated below 30MMBTU/hr. This means most units subject to this 'General' category would be either 1) Over 10MMBTU/hr and **oil-fired or butane-fired**; or 2) Natural gas or propane-fired **above** 30MMBTU/hr.
  - Note that the 'except exclusively' can be confusing in this permit category. The intent is to ensure that units eligible for the Basic ACDP category aren't required to get a General, Simple, or Standard ACDP due to the language of B.13. So, think of it as otherwise saying, "13) Boilers and other fuel burning equipment over 10 MMBTU/hr heat input, except those that meet the criteria for OAR 340-216-8010 Table 1 Part A #4."
  - The Basic category allows #2 diesel backup fuel, so that language is included in the exclusion under B.13. The purpose is to ensure the units are PRIMARILY fired with natural gas or propane and that #2 diesel is only used during maintenance/readiness testing or periods of natural gas curtailment. (e.g., regular day-to-day operations must use natural gas or propane).

The cover page of the GP provides a much clearer assessment of the units that may be eligible:

"Oil-fired boilers greater than 10 million Btu/hour heat input **AND** natural gas, propane, or butane-fired boilers (with or without distillate oil backup) 30 million Btu/hour or more heat input"

Condition 1.1b then further specifies units to which the General ACDP is applicable from an aggregated standpoint, still 10+ for oil and 30+ for natural gas, propane, and butane (all capped at 250 MMBTU/hr heat input as that triggers NSPS Da). **Note that all applicable requirements must be in the GP or else the source must obtain a Simple or Standard ACDP. So if a source has boilers above 100 MMBTU/hr that is subject to NSPS Db, or above 250 MMBTU/hr subject to Da, the GP is not applicable.**

b. Notwithstanding condition 1.1a., this permit is applicable to space heating and process boilers described in the table below:	
Size	Heat energy input capacity
Single boiler	Oil-fired boilers, greater than 10 MMBtu/hour
	Natural gas, propane, or butane-fired boilers, 30 MMBtu/hr or more
Aggregate on site	For oil-fired boilers greater than 10 MM BTU/hour but less than 250 MM BTU/hour
	For natural gas, propane, or butane-fired boilers equal to or greater than 30 MM BTU/hour but less than 250 MM BTU/hour.

For clarification- when I asked PWs about this way-back-when, the answer was that B.13 is an aggregate of all boilers. The reason for that is most likely 1) historical practice in permitting; and 2) the table in Condition 1.1b specifies that the permit may be used for aggregate heat input ratings as well.

On a side note, I'll reiterate an important concept for permit applicability; for BS and GP categories the same logical path should always be followed:

- 1) Is the source subject to a listing of Part A and/or Part B?
- 2) Is there a General ACDP for the Part B listing in question? (If questions arise, review the Basic template and/or General permit, assessment report, annual report, and application form for additional clarification on the intent of the permit regarding applicability.)
- 3) Does the source meet the qualification criteria in the General permit?
- 4) Is the source appropriately regulated by the General or Basic permit?

## Example Scenario

In the example above, (3 units @ 3.5MMBTU/hr and 1 unit @ 12MMBTU/hr), assume they are all natural gas-fired and constructed after the NSPS trigger date in 1989. Below are explanations of how this scenario may work considering each permit type:

General ACDP: The GP qualifications and cover page would not allow this source to be permitted under the General ACDP since each natural gas-fired unit is below 30MMBTU/hr and the aggregate for natural gas-fired units is also below 30MMBTU/hr. The cover page and qualifications criteria make this clear.

- Question: But 13) says "Boilers and other fuel burning equipment over 10 MMBTU/hour heat input." Why are you saying that the boilers can't be below 30 MMBTU/hr? Do you mean that each boiler is less than 10 MMTTU/hr?
- Answer: B)13 then includes an 'except' indicating which units are not subject to the permit category. In this case, all units are natural gas-fired and below 30 MMBTU/hr, fully meeting the 'except' criteria listed.

Basic ACDP: This source has a unit subject to NSPS Dc and it appears they would be appropriately regulated by the Basic ACDP (OAR 340-216-8010 Table 1 Part A #4) assuming there are no other emissions units or activities on site that require regulation. The Basic ACDP template, as currently written (see above), would not allow operation of the other units above the CIA level but below 10MMBTU/hr. If the permit writer were to modify the language in the Basic ACDP such that the other three units were allowed, the source could be permitted by the Basic ACDP (*this is the wiggle room*).

- Question: But can't all sources have CIA that don't have to be included in the permit unless there is an applicable requirement?
- Answer: Yes, but the units in this example scenario include: 3 units @ 3.5MMBTU/hr and 1 unit @ 12MMBTU/hr. The three units @ 3.5 MMBTU/hr are **above** the categorically insignificant levels of 2.0 MMBTU/hr.

Simple or Standard ACDP via OAR 340-216-8010 Table 1 Part B #88: This category requires a permit of all other sources subject to an NSPS, NESHAP, etc. However, a permit is NOT required if your activity is "exempted in any of the categories above". Note that category B.13 exempts "exclusively Natural Gas and Propane fired units

(with or without #2 diesel backup) under 30 MMBTU/hour heat input." So DEQ could not require a Simple/Standard under category B.88.

Simple or Standard ACDP via OAR 340-216-8010 Table 1 Part B #85: This category can always apply based on the source's specific emissions. Were the permit writer, manager, or source not to elect to proceed with permitting via a modification to the Basic ACDP template as described above, a Simple or Standard ACDP may apply under B.85 based on the source's uncontrolled potential emissions at 8,760 hours/year.

I would suggest that in this specific example scenario, the permit writer work closely with their manager and the source to determine the most appropriate permitting mechanism considering the information provided above. In this case, I would likely recommend a modification to the Basic ACDP template such that the other boilers above CIA but below NSPS Dc levels can be operated since there are no additional requirements that would need to be included in the Basic permit.

I'll note that there is likely a clearer way to write the Table 1 activities and sources such that BS and GPs are more clearly applicable to a source. I have this flagged to try and have changed before the Boiler GP-11 is up for renewal in 2027- so stand by!

## 72 – Fuel Burning vs. Non-Fuel Burning

### Fuel Burning and Non-fuel Burning Equipment

The definition of fuel burning equipment has been confusing for many people. We don't define non-fuel burning equipment, but we have rules that apply to "other than fuel burning equipment." It looks like other states have a fuel burning equipment definition that is similar to ours so we're not the only ones with a weird definition!

Our definition of fuel burning equipment is in division 200:

OAR 340-200-0020(69) "Fuel burning equipment" means equipment, other than internal combustion engines, the principal purpose of which is to produce heat or power by indirect heat transfer.

### Is Equipment X 'Fuel Burning Equipment' or Not?

- Equipment that utilizes indirect heat transfer are examples of "fuel burning equipment" and are subject to the rules in Division 228. A boiler is an example of "fuel burning equipment" because it burns something, and the heat from burning is transferred to metal which in turn indirectly heats up the water to produce steam.
- Equipment that does not utilize indirect heat transfer (i.e., utilizes direct heat transfer) are subject to the rules in Division 226. A lime kiln is an example of something that does not utilize indirect heat transfer because the heat produced by burning something comes into direct contact with the lime.

<p><b>Division 228 - REQUIREMENTS FOR FUEL BURNING EQUIPMENT AND FUEL SULFUR CONTENT</b></p>	<p><b>340-226-0210 Grain Loading Standards: Particulate Emission Limitations for Sources <u>Other Than Fuel Burning Equipment</u>, Refuse Burning Equipment and Fugitive Emissions</b></p> <p>(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.</p>
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## Examples

<b>Fuel Burning Equipment Subject to Division 228</b>	<b>Non-fuel Burning Equipment Subject to Division 226</b>
Boilers (indirect heat transfer)	Dryers (direct heat transfer)
	Process heaters (direct heat transfer)
	Lime Kilns (direct heat transfer)
	Engines (internal combustion engine)
	Everything else that doesn't burn fuel

A reason for distinguishing "fuel burning equipment" from other sources that do not utilize indirect heat transfer is that equipment that use indirect heat transfer have very controlled environments, which allow them to burn fuel with less excess air.

In theory, to have the most efficient combustion in any combustion process, the quantity of fuel and air would be in a perfect ratio to provide perfect combustion with no unused fuel or air. This type of theoretical perfect combustion is called stoichiometric combustion. In practice, however, for safety and maintenance needs, additional air beyond the theoretical "perfect ratio" needs to be added to the combustion process—this is referred to as "excess air." With boiler combustion, if some excess air is not added to the combustion process, unburned fuel, soot, smoke, and carbon monoxide exhaust will create additional emissions and surface fouling. From a safety standpoint, properly controlling excess air reduces flame instability and other boiler hazards. Even though excess air is needed from a practical standpoint, too much excess air can lower boiler efficiency. So a balance must be found between providing the optimal amount of excess air to achieve ideal combustion and prevent combustion problems associated with too little excess air, while not providing too much excess air to reduce boiler efficiency. [Excess-Air-and-Boiler-Efficiency.pdf (watmfg.com)] That is your chemical engineering lesson for the day ;o)

With a controlled, known amount of excess air, we can utilize measurements of either oxygen or carbon dioxide to normalize emission limits. We can limit emissions from indirect heat transfer equipment such as boilers and prevent the source from diluting their emissions with more air. For fuel burning equipment, sources must correct the emission concentrations to a set dilution amount, either 50% excess air or 12% CO<sub>2</sub>.

Unfortunately, equipment other than "fuel burning equipment" cannot be accurately corrected to a set dilution amount, and they can dilute their emissions to meet an emission limit. A direct fired dryer is likely to have lots of excess air to enhance drying. Having lots of excess air makes applying a correction factor difficult to do accurately so there is not a correction factor applied to direct fired emission units. Because of this we also have the process weight rules in division 226 that contain particulate matter emission rate limits on a weight basis (pounds/hour) for throughput (pounds/hour), which avoids the dilution problem that we have when using concentration limits.

If you want to read further about excess air corrections, please see this article: [Quantifying NOx for Industrial Combustion Processes](#).

## 73 – Engines – More Emergency vs. Non-Emergency

### Engine/Generator Sets- More Emergency vs. Non-emergency

This tip is designed to provide more information regarding three federal regulations (NESHAP ZZZZ, NSPS IIII, and NSPS JJJJ) which apply to Reciprocating Internal Combustion Engines (RICE). Most of these units are used by sources to provide power to their operations, either on a regular basis (non-emergency) or in a back-up capacity (emergency).

This tip will address a few common questions we've heard from staff, specifically:

1. Can a source use their 'emergency' engines to provide/produce power for their facility during their own planned maintenance shutdowns? Can the engine remain an 'emergency' engine if this use exceeds 50 hours per calendar year?
2. Can a source use their 'emergency' engines to provide/produce power for their facility during a *UTILITY COMPANY'S* planned maintenance which results in a loss of utility power to the source? Can the engine remain an 'emergency' engine if this use exceeds 50 hours per calendar year?

Please consider reviewing past Tips of the Week that cover additional RICE and emergency/non-emergency information:

Tip #11 (Emergency Engines), Tip #49 (Emergency & Non-emergency), Tip #51 (Emergency Engine Potential to Emit).

Air Quality Operations staff have coordinated with EPA Region 10 to discuss the two situations listed above and determine if engines classified as 'emergency' units would or would not be able to be used.

### The Gist:

Both the situations described above are NOT EMERGENCIES. This means the engines being used for these purposes are still using their 100 total hours of non-emergency use (See Tip #49 for information on total hours of allowable non-emergency operation). If the allowable non-emergency hours are exceeded in a calendar year, the engine must comply with applicable non-emergency requirements of the NSPS or NESHAP.

### More Information

Please note the following:

- Applicability and emergency/non-emergency determinations must be made case-by-case and the information here is designed to be a 'starting point' for staff who may receive inquiries from sources about use of their engines.
- Engines found to be operating as non-emergency units but that are permitted as emergency engines are an enforcement issue (e.g., exceeded allowable hours of operation). These sources may be subject to formal/informal enforcement. These sources may be required to submit a permit modification to include non-emergency conditions in the permit. Staff should discuss with their managers and OCE staff to determine the appropriate path forward in these cases; these engines may be able to remain classified as emergency engines based on the specific facts of the case.
- DEQ has been delegated NESHAP ZZZZ, NSPS IIII, and NSPS JJJJ for sources which require an air permit. It is the agency's responsibility to implement and enforce these standards as written. There is minimal room for any staff to make discretionary decisions or determinations, especially if there is room for that

determination to have national implementation impacts. EPA staff have been fairly responsive regarding requests for determinations on RICE applicability or allowable uses. Coordinate with Dan DeFehr if you have an additional RICE question that you would like to discuss with EPA.

- There is no 'once in always in' provision applicable to emergency/non-emergency engines. Engines may 'flip flop' back and forth between the classifications. DEQ staff may choose to write permit conditions in various ways (e.g., include emergency *and* non-emergency conditions, include explicit requirement to submit a permit modification application before becoming non-emergency, etc.) as long as the permit requires compliance with all applicable federal requirements at all times.

### **Planned Source Maintenance:**

Sources have asked DEQ about using their emergency classified engines to produce power for critical systems during a planned facility-wide maintenance endeavor (e.g., lighting, fire suppression, alarm systems, water treatment, etc.). Specifically, sources may be looking to exceed 50 hours of engine use during 3-4 consecutive days of maintenance work (72-96 hours of engine use).

- Although the term "emergency" is not defined in the NESHAP or NSPS, it is the intention of the EPA that an emergency be defined as an **unexpected** situation when there is a loss of primary power. Consider the primary definition of 'emergency' in Merriam-Webster.com "an unforeseen combination of circumstances or the resulting state that calls for immediate action."
- Based on this definition, a source's scheduled maintenance is not considered an emergency. The EPA would not grant approval for an emergency engine to be used to produce power for the facility during these maintenance activities outside of the non-emergency use hours allowed by the regulations.

### **Planned Utility Company Maintenance:**

Similarly, sources have asked DEQ about using their emergency classified engines to produce power for their facility during planned maintenance activities conducted by the utility company which results in the source losing utility power. Specifically, sources may be looking to classify this engine use as 'emergency' because they have lost utility power and the loss is beyond the owner/operator's control.

- EPA HQ indicated that operation of engines during a planned outage by the utility was not considered emergency operation. In support of their answer, EPA HQ indicated that EPA's response to issue 4 in the attachment comes closest to answering the question directly. See the following excerpt from the attachment: "If a utility that provides power to a town has to go down for a scheduled planned outage, which is not an emergency, then the capacity to supplant that lost energy would not be considered emergency." (See attachment page 4, paragraph 2)
- EPA HQ did not think that the loss of utility power being beyond the control of the owner/operator made a difference in the classification of the hours of use.

### **Final Thoughts:**

Based on the information EPA provided above, it appears that some sources will have a tougher time keeping all their engines classified as 'emergency' only. If you are working with a source that expresses a need to produce power in a recurring manner for scheduled maintenance activities, the source may need to choose one (or more) engines to permit as 'non-emergency'.



Additionally, the second situation (utility company maintenance) is important to discuss with sources whenever you have a chance. Many sources will likely believe that a loss in utility power *for any reason* would allow them to use their engines and classify the use as 'emergency operation'. It is good for all permitting staff to be aware of these types of uses and emergency vs. non-emergency when reviewing the R1009 'Emergency Engine Operation' Notification Form (EEO).

## 74 – Fee and Invoice Info

### Big Picture:

Invoicing and fees can include a lot of nuances. This tip is intended to provide some information regarding annual fee invoices, late fees, etc. and was developed in coordination with Donald (Don) Hendrix, the AQ Invoice Coordinator in the Operations Section. Some listed items are for all air permits while some are specific to Title V or ACDP.

- Donald Hendrix is the best point of contact for invoicing, fee, or refund questions. Don works out of the Air Quality Operations section in the Headquarters office.
- Copies of invoices and late fee notices can be obtained by emailing the [AQinvoicecoordinator@deq.oregon.gov](mailto:AQinvoicecoordinator@deq.oregon.gov)
- Applications that require fees (new permit applications, Notice of Construction Type 2, etc.) must be submitted with the applicable fees or else the application is returned and not processed.
  - Note that new ACDP permit application fees include: initial permit application fee, annual ACDP fee, and annual CAO fee.
- ACDPs are always invoiced in the fall. Annual invoice due date is typically 12/1, but can vary. Be sure to check the invoice due date since automatic permit termination occurs based on the due date of the invoice.
- ACDP sources that have not paid their annual invoice have their permits automatically terminated 90 days after the invoice due date (e.g., 12/1 due date = 3/1 permit termination).
  - Regional staff are typically tasked with follow-up calls/emails to sources leading up to permit termination (following multiple late notices from HQ). This follow-up communication often results in a workload and time savings for the agency when compared to termination and communications regarding application and fees for a new permit and associated enforcement actions. Discuss with your manager if you have questions about contacting sources regarding late invoices or fees.
  - DEQ assesses late fees on annual invoices that are not paid timely. Annual fees paid at 8-30 past the due date are assessed a 5% late fee; payment at 31-60 days past the due date are assessed a 10% late fee; and payment at 61 or more days after the due date are assessed a 20% late fee. Each of these late fee assessments is accompanied by a notice mailed to the permittee. (Late fee percentages are listed in [OAR 340-216-8020 table 2](#)).
  - Note that the first late fee is not assessed until the payment is 8 days late, providing sources a full calendar week to account for potential mailing delays.

- ACDP Fees are specified in [OAR 340-216-8020 Table 2](#) with some applicable language found throughout [Division 216](#).
- Some Simple ACDP sources move back and forth between annual ACDP fees for Simple 'High' and Simple 'Low' (see applicability of these fee categories in [Division 216](#)).
  - Staff assigned to these Simple ACDP sources must ensure that emissions information from the annual report is used to update TRAACS regarding eligibility for the 'Low' fee. Annual reports are typically due in February each year; TRAACS should be updated before August 1 each year.
- TV Fees are specified in OAR chapter 340 [division 220](#) with some applicable fee language found throughout [Division 218](#).
- TV sources that have not paid their annual invoice timely are assessed late fees as well. Between 7 and 30 days late is a \$200 late fee. Fees paid 30 days or more past the due date are assessed a \$400 late fee. DEQ also has the authority to assess \$400 or 20% late fee for substantial underpayments ([OAR 340-220-0180](#)).
- TV sources are invoiced in August each year. TV permit writers are expected to review source's submittals and fill out the emissions fee assessment form and have it submitted to [AQinvoicecoordinator@deq.oregon.gov](mailto:AQinvoicecoordinator@deq.oregon.gov) by June 1st.

## 75 – Federally Enforceable Limit on Potential to Emit

### Federally Enforceable Limits on Potential to Emit

Federally enforceable limits on PTE are subject to enforcement actions by EPA and citizens whereas state-only enforceable limits are not. The Clean Air Act authorizes citizens to enforce compliance with emission standards or limitations and orders issued by the EPA Administrator or a State. [42 U.S.C. § 7604 Citizen suits](#) Citizens must be adversely affected by the violation and normally must give 60-days notice of the alleged violation to the alleged violator, State and EPA prior to filing suit. 40 C.F.R. Part 54. This notice and delay period are intended to allow the violator an opportunity to correct their violation and to give the EPA or State an opportunity to enforce compliance, thus making citizen enforcement unnecessary.

We got a question from a consultant about what is a "federally enforceable limit on potential to emit" since Type 1 and Type 2 NCs cannot establish these types of limits. [\[OAR 340-210-0225\]](#) Federally enforceable limits on PTE must be established by a Type 3 or 4 NC (approved through a Construction ACDP or a new or modified Standard ACDP) because public notice is required to establish a federally enforceable limit. As you know, our Plant Site Emission Limits **ARE** federally enforceable limits on PTE. But can installation of a control device be considered a federally enforceable limit on PTE? How about a limit on hours of operation?

### EPA Guidance

Here's a link to EPA guidance on the subject ([Approaches to Creating Federally-Enforceable Emissions Limits memo dated November 3, 1993](#)). This is an excerpt from the guidance:

"Various regulatory options already exist for the creation of federally-enforceable limits on potential to emit. These were summarized in a September 18, 1992 memorandum from John Calcagni, Director, Air Quality Management Division. That memorandum identified the five regulatory mechanisms generally seen as available. These are: State major and minor new source review (NSR) permits [if the NSR program has been approved into the State implementation plan (SIP) and meets certain procedural requirements]; operating

permits based on programs approved into the SIP pursuant to the criteria in the June 28, 1989 Federal Register ([54 FR 27274](#)); and title V permits (including general permits). Also available are SIP limits for individual sources and limits for HAP's created through a State program approved pursuant to section 112(l) of the Act."

The ACDP program was approved into the Oregon SIP pursuant to the criteria in the June 28, 1989 EPA guidance on federally enforceable state operating permit programs. See [40 CFR 52.1988](#).

[§ 52.1988 Air contaminant discharge permits.](#)

(a) Except for compliance schedules under OAR 340-200-0050, emission limitations and other provisions contained in Air Contaminant Discharge Permits issued by the State in accordance with the provisions of the Federally-approved rules for **Air Contaminant Discharge Permits** (OAR chapter 340, Division 216), Plant Site Emission Limit (OAR chapter 340, Division 222), Alternative Emission Controls (OAR 340-226-0400) and Public Participation (OAR chapter 340, Division 209), shall be applicable requirements of the Federally-approved Oregon SIP (in addition to any other provisions) for the purposes of section 113 of the Clean Air Act and shall be enforceable by EPA and by any person in the same manner as other requirements of the SIP. Plant site emission limits and alternative emission limits (bubbles) established in **Federal Operating Permits** issued by the State in accordance with the Federally-approved rules for Plant Site Emission Limit (OAR chapter 340, Division 222) and Alternative Emission Controls (OAR 340-226-0400), shall be applicable requirements of the Federally-approved Oregon SIP (in addition to any other provisions) for the purposes of section 113 of the Clean Air Act and shall be enforceable by EPA and by any person in the same manner as other requirements of the SIP.

To be federally enforceable, a limit must also be enforceable as a practical matter. Here's another excerpt from the 1993 guidance:

"The June 28, 1989 Federal Register essentially addressed in a generic sense the core criteria for creating federally-enforceable emissions limits in operating permits: appropriate procedural mechanisms, including public notice and opportunity for comment, statutory authority for EPA approval of the State program, and enforceability as a practical matter."

As discussed in a previous Tip of the Week (#66 Capacity versus Potential to Emit), PTE, as defined in Division 200, is the lesser of the regulated pollutant emissions capacity of the source OR the maximum allowable regulated pollutant emission, taking into account existing enforceable limitations. Thus, if the change at the source will further reduce the PTE, beyond what is already enforceable, it is a "federally enforceable limit on the potential to emit."

Two other documents that further explain federally enforceable limits on PTE are:

- [Guidance an Enforceability Requirements for Limiting Potential to Emit through SIP and §112 Rules and General Permits](#)
- [Options for Limiting the Potential to Emit \(PTE\) of a Stationary Source Under Section 112 and Title V of the Clean Air Act \(Act\)](#)

A couple of excerpts from the "Guidance an Enforceability Requirements for Limiting Potential to Emit through SIP and §112 Rules and General Permits" state (directly quoted and typos are corrected in red):

In general, practical enforceability for a source-specific permit term means that the provision must specify (1) a technically accurate limitation and the portions of the source subject to the limitation; (2)

the time period for the limitation (hourly, daily, monthly, annually); and (3) the method to determine compliance including appropriate monitoring, record keeping and reporting.

“Monitoring” refers to many different types of data collection, including continuous emission or opacity monitoring, and measurements of various of Parameters of process or control devices (e.g., temperature, pressure drop, fuel usage) and record keeping of parameters that have been limited, such as hours of operation, production levels, or raw material usage. Without a verifiable plantwide limit, verifiable emission limits must be assigned to each unit or group of units subject to the subject to the rule or general permit. Where monitoring cannot be used to determine emissions directly, limits on appropriate operating parameters must be established for the units or source, and must the monitoring must be sufficient to yield data form the relevant time period that is representative of the source’s compliance with the standard or limit. Continuous emissions monitoring, especially in the case of smaller sources, is not required.

This document addresses limits on PTE through rules but these monitoring requirements can also apply to individual permits.

As discussed in a previous Tip of the Week (#66 Capacity versus Potential to Emit ), PTE, as defined in Division 200, is the lesser of the regulated pollutant emissions capacity of the source OR the maximum allowable regulated pollutant emission, taking into account existing enforceable limitations. Thus, if the change at the source will further reduce the PTE, beyond what is already enforceable, it is a “federally enforceable limit on the potential to emit.”

## **Bottom Line**

Federally enforceable limits on PTE must be established with an appropriate averaging time, have appropriate monitoring, recordkeeping, and reporting requirements. They are also subject to public comment. In addition to PSEs, the following examples may be federally enforceable limits on PTE:

- Requirements to operate control devices with a specified control efficiency and with parametric monitoring to ensure proper operation;
- Restrictions on hours of operation;
- Restrictions on throughput, usage, or production rates; and
- Limits from New Source Review/Prevention of Significant Deterioration permits.

## **76 – New Basic ACDP Templates**

All templates are now available through Your DEQ Online.

## 77 – Alternative LUCS (Follow Up)

### Big Picture:

This tip provides further clarification on the process for an 'alternative to a LUCS' that was covered in Tip of the Week #45. AQ Ops have created a separate LUCS document on the PWRC for clarity, and additional email templates (see links below) to expedite the work associated with this alternative process. Reminder: the alternative process is not for sources or applicants who have a LUCS denied by the local authority and still want DEQ to approve the project, it is for when the local jurisdiction *will not* provide a determination on the project.

### More Info and 'Why?':

Most often, DEQ confirms a project's compliance with [Statewide Planning Goals](#) when the source works with the applicable planning/zoning jurisdiction(s) to receive an approved [LUCS](#) form. Based on input from regional staff and sources, local planning/zoning offices sometimes state that though the project is within their county or city jurisdiction, the fact that it is located on land owned or under control of the federal government means they will not review the land use and provide a determination for the source.

In these instances, sources require an alternative process.

Staff have asked questions about how this alternative process review is supposed to work and how it should be explained to applicants. These documents are an attempt to help clarify the alternative process when a 'typical LUCS approval' is not possible. Ops also wants to ensure permit writers are not overly burdened with work associated with Statewide Planning Goal compliance determinations.

If you have any questions about this process or suggested edits to any of the documents referenced herein, please let me know!

### Resources:

#### Document 1: "LUCS Requirements"

- General LUCS information. [No changes were made to the information in this document]

#### Document 2: "Alternative LUCS Process"

- Specific information about the process when a 'typical LUCS approval' is not possible. [Provides further clarification on the process flow and how this will work]

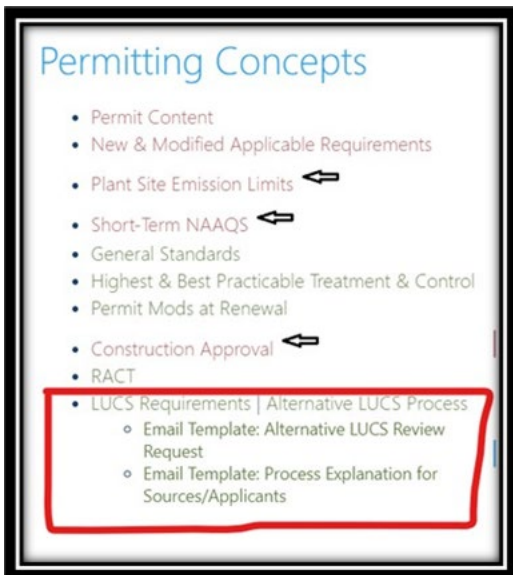
#### Email Template 1: "Email Template: Alternative LUCS Review Request"

- When you receive information from an applicant 'kicking off' this process and are looking to send it to AQ Ops (to begin the consultation with DLCD/DOJ), use this template email [or refer to the Alternative LUCS Process document directions].

#### Email Template 2: "Email Template: Process Explanation for Sources/Applicants"

- When you have a source that will need to initiate this alternative process, you can send them this email which explains the process.

From the PWRC homepage, you'll find these documents here:



## What You Need to Know:

If you are working with a source that is going to follow the alternative process:

1. Explain the process to the applicant (see email template on the PWRC);
2. Email the information and supporting documentation provided by the applicant to AQ Operations (Dan DeFehr) using the email template;
3. AQ Ops staff will coordinate a review by DLCD and DOJ;
4. AQ Ops staff will provide you with DLCD and DOJ advice/input; and
5. Your manager will consider DLCD and DOJ-provided information, discuss with leadership or other managers as necessary, and determine if the project has effectively demonstrated compliance with applicable Statewide Planning Goals.

The updated steps to this alternative process are as follows (bold). These are copied from the 'Alternative LUCS Process' document on the PWRC:

<b><u>Responsible Party</u></b>	<b><u>Step or Requirement</u></b>
Applicant	Review all <a href="#">Statewide Planning Goals</a> and clearly identify those that are implicated by the project.
Applicant	Review Statewide Planning Goal requirements and write-up findings to explain why and how the project complies with those goals.  On federal lands, this must include documentation that a federal agency has authorized or otherwise approved the project.
<b>Applicant</b>	<b>Provide DEQ with at least the following information about the project:</b> <ul style="list-style-type: none"> <li>• <b>Legal name of the company or entity proposing the project</b></li> <li>• <b>Project contact information: name, email address, and phone number</b></li> </ul>

<b><u>Responsible Party</u></b>	<b><u>Step or Requirement</u></b>
	<ul style="list-style-type: none"> <li><b>Project details: latitude/longitude or tax lot number where the project is located, street address and city where the project is located, description of proposed equipment, emissions units, activities, and processes.</b></li> </ul> <p><b>Other: any other information you want DEQ to know and/or consider when reviewing the project for conformance with Statewide Planning Goals.</b></p>
Applicant	Submit findings and associated materials from rows (1) through (3) of this table to DEQ regional staff.
<b>Regional DEQ Staff</b>	<b>Provide copies of applicant-submitted materials to the Air Quality Operations section (Daniel DeFehr) via email using this email template from the PWRC or the email template language (below).</b>
<b>HQ DEQ Staff</b>	<b>Request review and advice from Oregon DOJ and DLCDC regarding the project's compliance with Statewide Planning Goals.</b> <b>Provide advice and information from DOJ and DLCDC to the requesting regional staff.</b>
Regional DEQ Staff	Upon consideration of advice from DOJ and DLCDC, if DEQ (Regional Manager) determines the project is compliant, notify the applicant and continue processing the application.
Regional DEQ Staff	Upon consideration of advice from DOJ and DLCDC, if DEQ (Regional Manager) determines the project is noncompliant, notify the applicant and do not continue processing the application.

The information expected to be submitted by the applicant includes several elements that should help expedite the review by DLCDC and DOJ. From the middle of the table above, this includes:

#### Facility/Entity Info

- Legal entity name and any other facility or company names (AKA, DBA, etc.):

#### Facility Contact Info

- Name, email, phone.

#### Project Info

- Proposed location (latitude/longitude or tax lot number), proposed location (street address and city), and a description of proposed activities, emissions units, and processes.

#### Other Info

- Any other relevant details that DLCDC and DOJ should know about the project.

## Other Scenarios:

In some instances, you may have a project on federal land that the local jurisdiction **HAS** approved. If you have questions about the legitimacy of a LUCS, you can also submit these to AQ Ops requesting a DLCD or DOJ review. You will use the email template linked above. For example, in one past situation, a LUCS approved by the local jurisdiction for a project on federal land was determined to be sufficient and approvable by DLCD. These situations can get confusing quickly!

Please remember that DEQ does not expect permit writers to be land use or Statewide Planning Goal experts, so feel free to reach out with questions!

## 79 – New Training Materials (Continued)

### Big Picture:

AQ Operations staff have been working on developing new training materials for staff. Tip of the Week #69 covered three new training materials on the 'training' PWRC page (**1.** Basic ACDP processing; **2.** General ACDP processing; and **3.** Notice of Construction processing) and the page now has a new addition...

the 'Simple/Standard ACDP Training Manual'.

There is **a lot of information** to be found within these documents. If anything appears to be out of date or inaccurate, please let Jill or me know. We'll update them as soon as we can.

### What's in the new Simple/Standard Training Manual?

Table of Contents	
Overview .....	
Permit Categories .....	
Enforcement Situations .....	
Pre-Application Meeting .....	
Preparation for a Pre-Application Meeting.....	
The Pre-Application Meeting Should Include: .....	
Simple VS. Standard ACDP .....	
CAO and Short-Term NAAQS .....	
CAO .....	
Short-Term NAAQS .....	
Application Submittal.....	
Application Receipt: Fees.....	
Application Receipt: Permit Coordinator Processing...	
Application Receipt: Permit Writer Processing.....	
Technical Completion.....	
Permit Writing .....	
Drafting a Permit.....	
Drafting a Review Report .....	
Permit Content.....	
Emissions Units, Processes, and Devices .....	

Glad you asked! Here's a sneak peek.

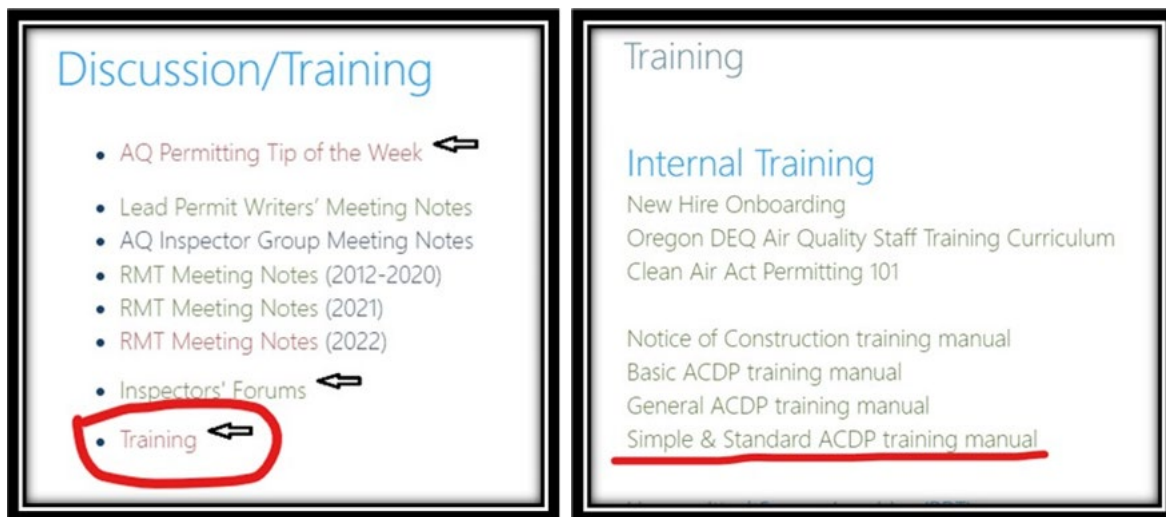


Some questions that are answered throughout the document include:

- Should I have a pre-application meeting with this applicant? How do I go about this?
- Does this source need a Simple or Standard ACDP?
- How do CAO and Short-Term NAAQS requirements affect my permitting process?
- Is my Simple ACDP 'High' or 'Low' fee?
- What do I need to do first when I receive a permit application from my permit coordinator?
- When am I expected to have this permit completed and issued?
- What should I be aware of when drafting a permit? Are there other things to review or consider?
- Is my source an SM-80? What is an SM-80?
- I'm renewing an old permit, what should I make sure is included before renewal?
- How does the public notice process work?
- I received a lot of comments during my public notice. Is there a tool to help organize my response to comments?

## New Training Document

The Simple/Standard ACDP Training Manual can be found on the PWRC 'Training' page, here:



AQ Operations attempted to cover a lot of steps, processes, and information within this one document. Some questions you might consider asking yourself when looking at it:

Did we completely miss a step?

Does your region do things a little differently than how it's explained in the manual?

Does part of the document read awkwardly or is too confusing?

Please let us know! We'll edit and add to it as needed. This is supposed to be useful for YOU. Please don't be shy about feedback but consider discussing your suggested edits with your regional manager first if they're changes based your region's work more broadly.

This is expected to be a living document and will receive revisions as policy, process, or rule changes occur. This document is intended to outline the decisions, questions, and processes associated with Simple and Standard ACDPs. Ideally, it works for a newly hired employee to quickly 'get up to speed' on how to work through issuance of a Simple or Standard ACDP. Similarly, existing staff will have a document to refer to when questions arise in the processing of applications/documents.

## 80 – Replacement Under the NC Rules

There has been confusion about whether we require sources to submit an NC if they are replacing an emissions unit, device or activity, even when that new emissions unit, device or activity decreases emissions. And what about maintenance and replacement of parts? Please read on to find the answers to all your replacement questions!

### Maintenance

DEQ does not require sources to submit NCs for routine maintenance or repair. Routine maintenance and repair are covered under Categorically Insignificant Activities\*:

*\*Categorically Insignificant Activities do not have to submit NCs unless the activity/unit is subject to an NSPS/NESHAP.*

(23) "Categorically insignificant activity" means any of the following listed regulated pollutant emitting activities principally supporting the source or the major industrial group. Categorically insignificant activities must comply with all applicable requirements.

(gg) Routine maintenance, repair, and replacement such as anticipated activities most often associated with and performed during regularly scheduled equipment outages to maintain a plant and its equipment in good operating condition, including but not limited to steam cleaning, abrasive use, and woodworking;

In addition, the definition of "modification" exempts "like-for-like replacement of **components**," again, not whole emissions units:

(93) "Modification," except as used in the terms "major modification" "permit modification" and "Title I modification," means any physical change to, or change in the method of operation of, a source or part of a source that results in an increase in the source or part of the source's potential to emit any regulated pollutant on an hourly basis. Modifications do not include the following:

- (a) Increases in hours of operation or production rates that do not involve a physical change or change in the method of operation;
- (b) Changes in the method of operation due to using an alternative fuel or raw material that the source or part of a source was physically capable of accommodating during the baseline period; and
- (c) Routine maintenance, repair and like-for-like replacement of components unless they increase the expected life of the source or part of a source by using component upgrades that would not otherwise be necessary for the source or part of a source to function.

Any replacement of an emissions unit, device, or activity would increase the expected life of the source or part of the source and therefore would be a modification as opposed to routine maintenance or repair. Instead, installing the new emissions unit would be considered 'construction,' even with decreases in plantwide emissions. The definition of "construction" encompasses many different types of physical changes which require an NC.

(31) "Construction":

(a) Except as provided in subsection (b) means any physical change including, but not limited to, fabrication, erection, installation, demolition, or modification of a source or part of a source;

(b) As used in OAR 340 division 224 means any physical change including, but not limited to, fabrication, erection, installation, demolition, or modification of an emissions unit, or change in the method of operation of a source which would result in a change in actual emissions.

## Replacing Emissions Units

Existing rules already require NCs for like-for-like replacements of a device, activity or process or any combination of them:

### [340-210-0225](#) **Notice of Construction and Approval of Plans: Types of Construction/Modification Changes**

For the purpose of OAR 340-210-0200 through 340-210-0250, changes that involve new construction or modifications of sources or air pollution control devices are divided into the following Types:

(1) Type 1 changes ....

(c) Would not increase emissions from any new, modified, or replaced device, activity or process, or any combination of devices, activities or processes at the source by more than the de minimis levels defined in OAR 340-200-0020;

(2) Type 2 changes ....

(c) Would not increase emissions from any new, modified, or replaced device, activity or process, or any combination of devices, activities or processes at the source by more than or equal to the SER;

(3) Type 3 changes ....

(b) Would increase emissions from any new, modified, or replaced device, activity or process, or any combination of devices, activities or processes at the source by more than the SER but are not subject to OAR 340-222-0041(4);

Further clarification that replacements require NCs will be proposed for Environmental Quality Commission adoption in November 2022.

The different types of NCs have different thresholds for emissions units, devices or activities. One must look at the individual emissions unit, device or activity, to determine which type of NC is required. When you look at the individual emissions unit, device or activity, you do not consider any netting of emissions (e.g., account for

the emissions that won't occur with the previous unit being removed from the site). The new emissions unit, device or activity could **REDUCE** emissions but still require an NC as a replacement.

Notice of Intent to Construction - TYPES

	Type 1	Type 2	Type 3	Type 4
Emissions increase for source?	(a) Would not increase emissions from the source above the PSEL by more than the de minimis emission level defined in OAR 340-200-0020 for sources required to have a permit. (b) Would not increase emissions from the source above the netting basis by more than or equal to the SER.  WHAT THIS REALLY MEANS: No increases over the PSEL, those require public notice; Must look at cumulative changes for NSR trigger.	(a) Would not increase emissions from the source above the PSEL by more than the de minimis level defined in OAR 340-200-0020 for sources required to have a permit. (b) Would not increase emissions from the source above the netting basis by more than or equal to the SER.  WHAT THIS REALLY MEANS: No increases over the PSEL, those require public notice; Must look at cumulative changes for NSR trigger.	(a) Would increase emissions from the source above the PSEL by more than the de minimis emission level defined in OAR 340-200-0020 before applying unassigned emissions or emissions reduction credits available to the source but less than the SER after applying unassigned emissions or emissions reduction credits available to the source for sources required to have a permit.	(4) ... would increase emissions from the source above the PSEL, after applying unassigned emissions or emissions reduction credits available to the source, or netting basis of the source by more than the SER.  WHAT THIS REALLY MEANS: New Source Review (division 22)
Emissions increase for emission units or device/processes?	(c) Would not increase emissions from any new, modified, or replaced device, activity or process, or any combination of devices, activities or processes at the source by more than the de minimis levels defined in OAR 340-200-0020.  WHAT THIS REALLY MEANS: EU/device/process emissions alone ≤ de minimis, no netting is allowed, even for replacement units	(c) Would not increase emissions from any new, modified, or replaced device, activity or process, or any combination of devices, activities or processes at the source by more than or equal to the SER.  WHAT THIS REALLY MEANS: EU/device/process emissions alone < SER, cumulative changes more likely to trigger NSR, no netting is allowed, even for replacement units	(b) Would increase emissions from any new, modified or replaced device, activity or process, or any combination of devices, activities or processes at the source by more than the SER but are not subject to OAR 340-222-0041(d) (increase over NB by SER or NSR);  WHAT THIS REALLY MEANS: EU/device/process emissions alone > SER	

If the emissions unit by itself has potential to emit greater than the SER, an evaluation of whether the replacement triggers NC Type 3 or Type 4 and the associated permit modifications must be done. It depends on the baseline emission rate or the netting basis, if applicable.

## Examples

- A pulp mill wanted to replace a smelt dissolving tank vent. The new SDTV was more efficient, so emissions were going to decrease, but the emissions from the SDTV alone were over the SER so a Type 3 NC was required.
- A GP-16 coffee roaster proposes to replace an existing roaster (without an afterburner) with a newer unit that has an afterburner. The newer unit will have lower emissions in general because it is newer, more efficient, and has the added reductions from the pollution control device. Even though the emissions will decrease, this will be a Type 2 change because the afterburner will emit above the de minimis level of NOx (1 ton). In review of the applicable NC type, DEQ does not account for the reduction in emissions from removing the original roaster. In this case, even a roaster with an afterburner being replaced by a roaster with an afterburner will require a Type 2 NC if the NOx emissions from the afterburner are above the de minimis level of 1 ton.

**NOTE:** During the recent discussion between Trinity and DEQ staff (08/03/2022), it was stated that a like-for-like replacement of an emissions unit was exempt from the definition of 'modification' and therefore such a change was not subject to the NC rules and requirements. This is not the case - please review the explanations and information above.

## Change out of Gas Turbines

Gas compressor stations are a bit of a different situation. Turbines occasionally experience a mechanical breakdown or require replacement for scheduled maintenance. Some permits for gas compressor stations include "alternative operating scenarios" (only allowed for Title V sources under [OAR 340-218-0140](#) Operational Flexibility) that allow change out of turbines as "off-permit" changes rather than requiring an NC Type 3 since these emissions units emit at greater than the significant emission rate. These replacements must be a like-for-like, defined as the same manufacturer, same horsepower, and same combustion system. See the Meacham Compressor Station 30-0112 Permit and Review Report as an example. Other types of facilities that change out emissions units like gas compressor stations can also be handled similarly with alternative operating scenarios. See OAR 340-210-0230(4) below that allows for this scenario.

## 340-210-0230 Notice of Construction and Approval of Plans: Notice to Construct

(4) Where a permit issued in accordance with OAR 340 divisions 216 or 218 includes construction approval for future changes for operational flexibility, the notice requirements in this rule are waived for the approved changes.

Alternative operating scenarios must be proposed by the source and request approval from DEQ. Since the source must record every time they change to an alternative operating scenario, not many sources propose this option. If your source does propose to include alternative operating scenarios in their permit, review the rules in OAR 340-218-0140(1) and discuss it with your manager.

### EMISSIONS UNIT (EU) AND POLLUTION CONTROL DEVICE (PCD) IDENTIFICATION

3. The emissions units regulated by this permit under Operating Scenario 1 are the following: [OAR 340-218-0040(3)]

Emission Unit Description	EU ID	Device Description	Device ID	Pollution Control Devices	
				Description	PCD ID
Gas Compressor Turbine Units	EU-1	Solar Centaur T4500 Serial #OHI09-C1565	Unit 1	None	None
		Solar Centaur T4500 Serial #OHJ09-C1569	Unit 2	None	None
Heater	EU-2	Sellers, 2.5 MM Btu/hr	Boiler	None	None
Aggregate Insignificant	AI	Aggregate Insignificant	AI	None	None

4. The emissions units regulated by this permit under Operating Scenario 2 are the following: [OAR 340-218-0040(3)]

Emission Unit Description	EU ID	Device Description	Device ID	Pollution Control Devices	
				Description	PCD ID
Gas Compressor Turbine Units	EU-1	Solar Centaur T4500	Unit 1	None	None
		Solar Centaur T4500	Unit 2	None	None
Heater	EU-2	Sellers, 2.5 MMBtu/hr	Boiler	None	None
Aggregate Insignificant	AI	Aggregate Insignificant	AI	None	None

### ALTERNATIVE OPERATING SCENARIOS

5. In addition to the base operating scenario defined in Condition 3, the permittee may also operate under the following alternative operating scenario: [OAR 340-218-0140(1)]
  - 5.a. In the base operating scenario 1, the permittee must operate only the type and model turbines with serial numbers as listed in Condition 3.
  - 5.b. In Alternative Operating Scenario 2, the permittee may replace the existing turbines with turbines of the same make, model and heat input capacity as those listed in Condition 3.
  - 5.c. A notice of Off-Permit Change must be submitted when a turbine is replaced, to document the date of replacement and 40 CFR Part 60 Subpart GG applicability.
  - 5.d. Replacement of a permitted turbine with a turbine subject to 40 CFR Part 60, Subpart KKKK is not allowed under this alternative operating scenario.
  - 5.e. Any emission standards, requirements or provisions in this permit that apply to the permitted turbines will also apply to the replacement turbines, including the initial compliance test required by 40 CFR 60.8 and subject to all other requirements of 40 CFR Part 60, Subpart GG.
  - 5.f. Replacement of a turbine must be evaluated for modification, construction and reconstruction under NSPS 40 CFR 60.14 and 60.15, and records of that evaluation included in the notice of Off-Permit change.
  - 5.g. The permittee must contemporaneously record changes from one alternative operating scenario to another. The record must be made available or submitted upon request by DEQ. [OAR 340-218-0140(1)(c)]

## New Source Performance Standards and Replacement

The New Source Performance Standards include replacement in their definition of "reconstruction." If the source is subject to an NSPS, this is an additional aspect of replacement that must be examined.

### [§ 60.15 Reconstruction.](#)

- (a) An existing facility, upon reconstruction, becomes an affected facility, irrespective of any change in emission rate.
- (b) "Reconstruction" means the replacement of components of an existing facility to such an extent that:
  - (1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility, and
  - (2) It is technologically and economically feasible to meet the applicable standards set forth in this part.

...

If the source is not subject to any NSPS and a new/modified/reconstructed emissions unit does not trigger applicability of any NSPS, your review is done. If the source *is* subject to an NSPS or *will be* if their emissions unit is reconstructed (based on applicability dates of each NSPS), you must determine whether the proposed and previously completed replacement of components constitute 'reconstruction.'

Note that the 'facility' in this definition has been clarified by EPA to mean the emissions unit that is subject to the NSPS (e.g., a hospital has a natural gas-fired boiler subject to NSPS subpart Dc. The actual boiler is the 'facility' for purposes of this definition, not the entire hospital). This is an important distinction when looking at the cost of new components compared to 50% of the capital cost to construct/install a new boiler versus a new hospital.

## Summary

Activity	NC needed?
Routine maintenance, repair, and replacement such as anticipated activities most often associated with and performed during regularly scheduled equipment outages to maintain a plant and its equipment in good operating condition, including but not limited to steam cleaning, abrasive use, and woodworking	No
Repair and like-for-like replacement of <b>components</b> that do not increase the expected life of the source or part of a source by using component upgrades that would not otherwise be necessary for the source or part of a source to function	No
Replacement of an emissions unit, device, or activity that would increase the expected life of the source or part of the source by using component upgrades that would not otherwise be necessary for the source or part of a source to function	Yes
Replacements of like-for-like emissions units allowed under alternative operating scenarios [allowed via rule or permit condition only]	No

Activity	NC needed?
Construction which includes any physical change including, but not limited to, fabrication, erection, installation, demolition, or modification of a source or part of a source [but this	Yes
Modification which includes any physical change to, or change in the method of operation of, a source or part of a source that results in an increase in the source or part of the source's potential to emit any regulated pollutant on an hourly basis	Yes
Exempt activities listed in OAR 340-210-0205(2)	No
Constructing, installing, or establishing a new source that will cause an increase in any regulated pollutant emissions	Yes
Making a physical change or change in operation of an existing source that will cause an increase, on an hourly basis at full production, in any regulated pollutant emissions	Yes
Constructing or modifying any air pollution control device	Yes

If sources have not been submitting NCs for replacements (excluding replacement of components or replacements that are allowed under alternative operating scenarios, as described above), they are not complying with the existing NC rules. The proposed 11/22 rule language will provide clarification and is expected to help sources comply.

## 81 – Air Curtain Incinerator General Permits

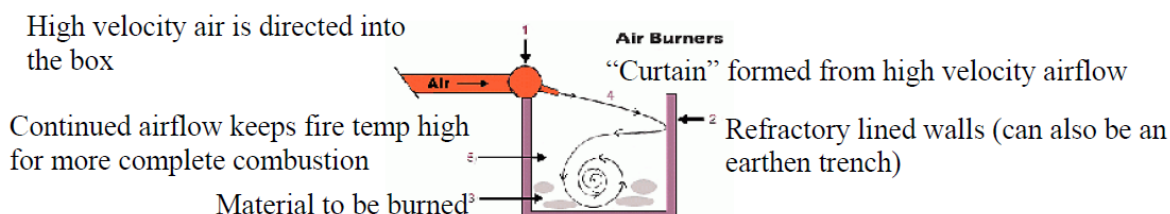
### Overview:

This tip is designed to cover Air Curtain Incinerators, applicable regulations, requirements, and permit types. There is a NEW General ACDP and the first General TV Operating Permit - read on!

### What is an Air Curtain Incinerator?

Air curtain incinerators are devices that burn wood waste like trees and brush. ACIs have an insulated box to burn the wood waste and a fan powered by a diesel engine or electric motor that blows a curtain of air over the box. Oregon sources use ACIs for both wildfire cleanup and fire prevention efforts. ACIs are an alternative to traditional open burning and produce less harmful smoke and particulate matter. There are two types of air curtain incinerators; one type of ACI produces biochar and the other produces ash. ACIs can be either stationary or portable.

### How the Incinerator Works



Cleaner Air Oregon has developed an external website for ACIs [here](#). There is also an industry specific website for air curtain incinerators on the Permit Writers Resource Center. If there are things that you would like to see added to the ACI page on the PWRC, please let us know.

## Air Curtain Incinerators

[Air Curtain Incinerators in Oregon \(CAO external website\)](#)  
[ACI Approved Wastes](#)  
[ACI FAQs](#)

## Resources

[Piled Fuels Biomass and Emissions Calculator](#)  
[Pile Documentation](#)  
[San Joaquin APCD ACI Emission Factor Study](#)  
[US Forest Service/Air Burners, Inc. CharBoss Video](#)

## How do we permit ACIs?

Air Curtain Incinerators require a TV Operating Permit according to applicable federal regulations (more on this later). Like other sources that require a TV operating permit, an ACI must first obtain a permit to construct before they can obtain a TV permit to operate. Most sources in the past have applied for a Simple ACDP, then applied for a TV permit within 12 months of beginning operations on their Simple ACDP.

The relative simplicity of ACI operation (and many, many discussions) led the agency to issue a General ACDP (GP-031) for ACIs. This allows ACIs to apply for, and be assigned, a General ACDP before applying for a TV permit instead of first obtaining a source specific Simple or Standard ACDP. You can find the Assessment Report (with detail sheets at the end) [here](#) on the General/Basic ACDP page.

The screenshot shows the DEQ website's permit information page. On the left is a navigation menu with categories like 'AIR QUALITY PERMITS ONLINE', 'AIR CONTAMINANT DISCHARGE PERMITS', and 'TITLE V PERMITS'. The main content area is titled 'Basic and General Air Contaminant Discharge Permits' and contains detailed text about permit requirements. At the bottom, there is a search bar with a dropdown menu. The search bar contains the text 'Air curtain incinerators (GP-031)', which is highlighted with a red rectangular box. Below the search bar, there is another dropdown menu with the text 'Asphalt plants (GP-07)'.

ACIs are subject to:

- **CISWI:** 40 C.F.R. Part 60 [Subpart CCCC](#) Standards of Performance for Commercial and Industrial Solid Waste Incineration while operating as a CISWI.
- **OSWI:** 40 C.F.R. Part 60 [Subpart EEEE](#) Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006 while operating as an OSWI.

The type of incinerator (CISWI or OSWI) is based on where the material being burned comes from. There is a list of approved wastes on the ACI page of the PWRC. The ACI requirements in the CISWI and OSWI rules are almost identical but differ slightly on the opacity requirements. The general permit only allows a fire box burner type ACI with a certified Tier 4 engine or an electric motor. Tier 4 engines are a requirement to qualify for the

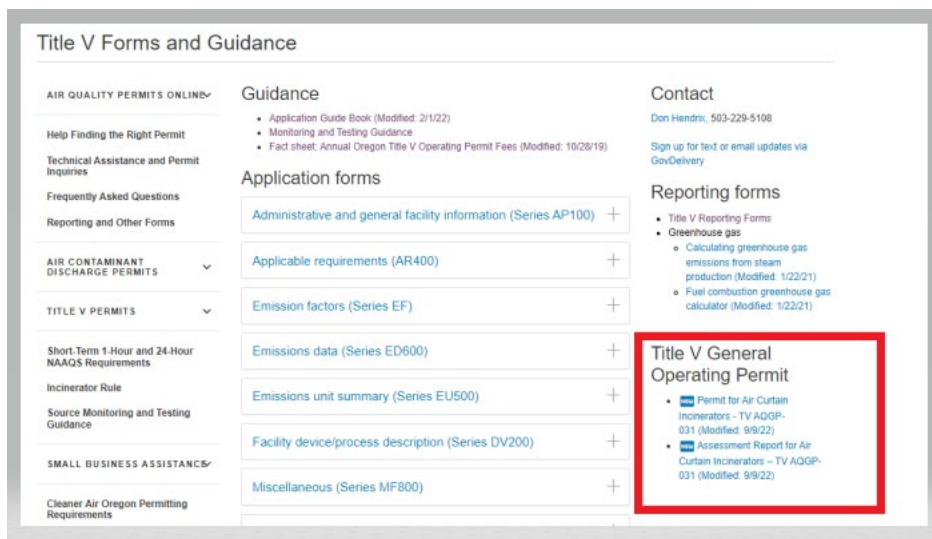


general permit. Trench burner ACIs are not allowed because of issues with the sides collapsing based on conversations with other regulators.

If the ACI is equipped with a diesel-fired Blower Engine, the following subparts are applicable:

- 40 C.F.R. Part 60 [Subpart IIII](#)— Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. To qualify for assignment to this General Permit, the permittee must use an electric engine or Tier 4 certified diesel engine for the blower, certified according to 40 C.F.R. parts 89 and 1039, as applicable; and
- 40 C.F.R. Part 63 [Subpart ZZZZ](#)—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

DEQ has already permitted some ACIs on Simple ACDPs. Both the CISWI and the OSWI rules require ACIs to file a complete application to obtain a Title V a Permit within 12 months after commencing operation. EPA is reconsidering this requirement, but any change will require rulemaking (both by EPA and DEQ). To help ensure the TV permitting process is expedited, DEQ has issued a General TV Operating Permit for ACIs. The TV General Operating Permit is a permit option allowed by DEQ rules and 40 C.F.R. part 70. The TV General permit functions like a General ACDP (simplified application and assignment process). The Title V General Permit is almost identical to the ACDP General permit and is located here. You can find the Assessment Report on the Title V page [here](#). The TV General Permit and Assessment Report can be found on the external TV page [here](#). Existing Simple ACDP ACI sources can apply for the General Title V permit now. At this time, DEQ does not have separate fees for TV general permits but may establish them in a future fee rulemaking.



**A note for permit coordinators:** TRAACS has been updated to allow you to input the new ACDP ACI general permit type. It is Fee Class 1, and permits of this type will have 31 in the permit number (like XX-XXXX-31-XX). Joe Westersund is working with Software Development & Integration (SDI) to get this new permit type added to AQ Permits Online. The concept of having a Title V general permit is new, and there is no special place in TRAACS for that. Title V general permits should be entered into TRAACS as though they were normal Title V permits. They will have a permit number like XX-XXXX-TV-XX. If you have questions when entering these new permit types into TRAACS, please contact Joe Westersund.

There were many quirks in permitting ACIs because some are portable and also subject to Cleaner Air Oregon. You can read all about them in the Assessment Report.

## 82 – AQ Records Retention

### General Topic Overview

This tip is intended to shine some light on how DEQ air quality staff interact with the Records Retention schedule.

First, it's important to recognize that there are two records retention schedules. One for State Agencies codified in rule ([OAR chapter 300 division 166](#)) and one for DEQ specifically ([DEQ Records Retention Schedule](#)), which is broken out into sections for each media. In most cases, regional AQ staff can focus on the DEQ specific schedule and the air quality section within that document.

**What you need to know:** Use/refer to the records management SharePoint page when questions arise: Records Management (state.or.us). Where this tip doesn't answer your records questions, please reach out to the records team at [RecordsRequest@deq.oregon.gov](mailto:RecordsRequest@deq.oregon.gov). The WorkDay platform is where DEQ staff engage with many different training modules- at least one of which is records-based. If you have not yet taken a records-based training, discuss this with your manager or the records staff as that may be a great first step.

#### 1. What is a public record?

A public record includes things that document or justify a decision made. A public record must meet a three-part test:

- Is prepared, owned, used or retained by a state agency; **and**
- Relates to an activity, transaction or function of a state agency; **and**
- Is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the state agency.

#### But there's a catch...

- *Everything* is subject to public records requests, whether the agency had to retain it or not. Once DEQ receives a request, the agency must provide everything that is relevant, even if it's not a public record, which is why it's good to periodically clean up things that aren't required to be retained! (A Public Records Request tip is coming soon!)

**So, the question you need to ask yourself isn't necessarily 'is this a public record?' but rather, 'does DEQ need to retain this?'**

#### 2. What doesn't need to be retained?

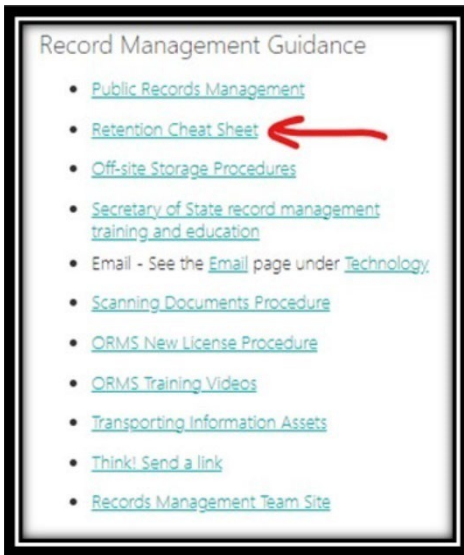
Lots of things don't need to be retained per the records retention schedule. Typical correspondence with a source explaining something that is already on DEQ's website or in rule does not need to be retained. Drafts of a permit that don't include substantial revisions do not need to be retained. See below for more information.

Which raises the question about commonly used/created AQ documents...

#### 3. What common AQ documents do I have to retain?

First- review the records Cheat Sheet provided by the Records Management team (SharePoint Page- see snip of the page below). It covers a few simple high-level questions that will help you quickly determine if item X

must be retained. For the things that fall outside of the cheat sheet, discuss with the records team, or use the information below (effective as of 9/27/2022):



- Drafts Documents: Keep drafts for **one year after final publication**.
  - Only drafts that include substantial revisions must be retained. For example...
    - **Permits**. Likely steps where a draft should be retained include initial drafted permit document; revisions from internal reviews; revisions from external applicant review; revisions from response to public comments.
    - **Review reports**. Same as 'permits'.
    - **Detail sheets**. Same as 'permits'.
    - **Inspection reports**. Copies of an inspection report that are marked up while you're in the field are a draft inspection report. However, if all information from your report in the field is included in the final inspection report in the source file, then the hand-noted inspection report can be disposed of as it is a duplicate of the information contained in the final report.
- Final Documents:
  - ACDP vs. TV are listed individually in the records schedule.
    - **TV Source File**. Retain 40 years; then destroy.
    - **ACDP Source File**. Retain source file for 20 years after closed; then destroy.
    - **Permits**. Final permits will be part of the source file and are subject to the ACDP/TV source file schedule above.
    - **Review reports**. Review reports will be part of the source file and are subject to the ACDP/TV source file schedule above.
    - **Detail sheets**. Detail sheets will be part of the source file and are subject to the ACDP/TV source file schedule above.

- **Response to comments.** Response to comments will be part of the source file and are subject to the ACDP/TV source file schedule above.
  - **Inspection reports.** Inspection reports and photos/photo logs will be part of the source file and are subject to the ACDP/TV source file schedule above.
- **Outlook Calendars:** One year.
  - While Outlook items are specifically called out on the cheat sheet, the same three-part test regarding a public record applies. So, personal reminders and anything not needed to document agency business can be deleted from Outlook/does not need to be retained.
- **Communications**
  - **Emails to/from sources or the public.** It depends. If the email is communicating information that is readily available on a website or other public-facing resource (permit condition, rule, federal regulation, etc.), you can delete it. Emails about a specific program, project, or policy decision are subject to the records retention schedule.
  - **Voicemails-** not subject to retention schedule. (If you forward a voicemail recording to email, the email needs to be retained).

#### 4. What are some examples?

**Please remember the 'catch' listed above: If the agency has kept a document, it is a public record that must be produced for a records request if it's relevant. Thus, examples below will clarify whether the thing(s) must be kept or can be tossed. Consider reading through the example and attempting to discern whether you think it's a 'keep or toss' before reading the answer in brackets.**

- During an inspection you jot down several hand-written notes on a printed copy of the inspection report. When you're back at the office, the hand-written notes are transposed and included in the typed/final version of the inspection report. Do you 'keep or toss' the inspection report from the field with your hand-written notes?
  - For records purposes, the handwritten notes serve no function. The information is contained within the final inspection report, which would be the 'cleanest' way to share and save this record. The draft inspection report became a duplicate when you finalized the inspection report for the source file which contained these hand-written notes. [Toss].
- You receive an email from a source asking about a specific permit condition or rule requirement. You respond via email, explaining how they're expected to comply with the specific permit condition or rule. Do you 'keep or toss' this email after you send it?
  - For records purposes, this email to the source serves no function. The permit condition or rule is readily available for anybody to read online (AQ Permits Online or the actual OAR requirement), so your explanation of the requirement is not an agency decision and does not need to be retained to document agency business. [Toss]

- You send a draft permit to the applicant for their review before public notice. They provide a substantially marked-up version back with many suggested changes. You accept a lot of the suggested changes, and the draft permit has now been 'substantially revised'. Do you 'keep or toss' a copy of the permit?
  - A draft that includes substantial revisions must be kept as a record for one year after final 'publication' (i.e., permit issuance). This could be saved in the same Windows file explorer location as the rest of the permit documents associated with this source or might be kept via email attachment. [Keep/save a copy]
- You send a draft permit to the applicant for their review before the public notice. They provide a marked-up version back with suggested changes. You do not accept most of the changes and the ones accepted are minor clarifications or typographical corrections. Do you 'keep or toss' a copy of the permit?
  - This draft of the permit does not include substantial revisions and does not need to be retained (i.e., Between all these versions there are not substantial revisions: the version you drafted and sent to the applicant, the version after they edited/commented, and the version you have after making changes based on applicant review). [Toss/Don't save a copy]

**Substantial Revisions**

I think we should acknowledge (and the records team did with me already) that the term 'substantial revisions' regarding draft document retention is a bit ambiguous. It may be helpful to think of changes to a draft permit in terms of DEQ's definitions of permit modifications. For example, if your change to the draft permit aligns well with the definition of 'complex technical permit modification', there is a high likelihood that the change is a substantial revision, and a copy of the draft should be retained.

OAR 340-216-0030 Definitions of permit modification types:

<b>Type of Modification or Change</b>	<b>Substantial Revision or Not?</b>
(1) "Basic technical modification" includes, but is not limited to changing source test dates if the equipment is not being operated, and similar changes.	<i>By itself, not likely a substantial revision.</i>
(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.	<i>Likely a substantial revision.</i>
(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	<i>Likely a substantial revision.</i>

Type of Modification or Change	Substantial Revision or Not?
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.	<i>By itself, not likely a substantial revision.</i>
(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.	<i>By itself, not likely a substantial revision.</i>

[NOTE: The definitions are only included to provide clarification on how to classify revisions to drafts and whether those drafts need to be retained.]

Further, changes to draft documents can also be viewed through the lens of the three-part test. Does the change to the draft document hit all three components?

Record to be Retained Test	Your Change to a Draft
Is prepared, owned, used or retained by a state agency;	Always true while working on DEQ documents (e.g., permits)
Relates to an activity, transaction or function of a state agency; <b>and</b>	Always true while working on DEQ documents (e.g., permits)
Is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the state agency.	Subjective based on whether change is substantial. Understanding when, how, or why major changes were made to a document is necessary for the needs of the agency. Discuss with manager or Records Management Team as needed.

AQ Operations is interested in any decisions that you make regarding substantial revisions.

Please email Dan the relevant information as you make the decision so that it can be documented for consistency moving forward.

**5. Other stuff to know:**

- Records Management SharePoint Page: [Records Management \(state.or.us\)](https://state.or.us)
- Records Management Team Email Address: [RecordsRequest@deq.oregon.gov](mailto:RecordsRequest@deq.oregon.gov)
- Quick Cheat Sheet for records determinations: [Cheat Sheet.](#)
- Can staff keep records longer than the retention schedule says?
  - The retention schedule provides a minimum and maximum; staff should follow the schedule.

- If there is a significant reason to deviate from the schedule, discuss with your manager and the Records Management team. The retention schedule may need to be updated to include specific caveats for your situation and similar situations that may arise in the future.
- The DEQ retention schedule can be modified as needed, like an Internal Management Directive or the Enforcement Guidance. The process includes discussion and agreement between DEQ and State Archive staff and internal reviews/approvals.
- If you think there are parts of the retention schedule that should be changed, discuss with the Records Management team. Changes are typically compiled for a while and then all made at once to reduce overall workload. However, the retention schedule is reviewed and updated every 5 years and can also be modified ad-hoc when necessary.
- The DEQ records retention schedule is currently undergoing an overhaul. If you're wondering if the ACDP source file is 20 years after the permit is terminated or 20 years after the equipment is removed and the actual source has ceased operations, you're not alone. These things are looking to be clarified in this next round of revisions.

## 83 – Reconsideration and Judicial Review

### Overview

This tip is designed to explain what happens when a permit or permit modification (both ACDP and Title V) is challenged, either by the source or the public. The flowcharts mentioned below also show the process when EPA requires reopening of a Title V permit or when DEQ revokes an ACDP or initiates a DEQ ACDP modification, even though this TOTW only covers Reconsideration and Judicial Review.

Challenges from the public must be made within 60 days of permit issuance and sources challenging their own permit must do so within 20 days. Read the rest of this tip for more info.

### Reconsideration and Judicial Review

Who can challenge a permit and when? To answer this question, we have developed flowcharts that are located here:

#### AQ Rules and Regulations

##### State Rules

- Oregon Administrative Rules - [Links to Secretary of State's page](#)
- Oregon Administrative Rules - [Links to DEQ's external page](#)
- OARs approved in SIP - [Links to EPA's page](#)
- [OAR 340-216-8010 Table 1 Activities & Sources](#)
- OAR 340-216-8010 Table 1 with SIC Codes
- OAR 340-216-8020 Table 2 ACDP Fees
- OAR 340-216-8030 Table 3 CAO Fees
- OAR 340-244-0040 Table of HAPs
- OAR 340-245-8020 TAC Reporting List
- **OAR 340-245-8010 Table 1 - Risk Action Levels**
- OAR 340-245-8040 Risk-Based Concentrations
- Nonattainment Areas

##### OAR Interpretations

- Flat Wood Coating RACT 340-232-0220
- DOJ Rulemaking Opinions 1991-2004
- DOJ Opinion on PSELs - 1993
- Definition of a Source

##### Legal Issues and Processes

- **Reconsideration and Judicial Review**

##### Oregon Revised Statutes

- Chapter 468 — Environmental Quality Generally
- Chapter 468A — Air Quality

##### Federal Rules

- Oregon's State Implementation Plan
- Federal Register
- Code of Federal Regulations (e-CFRs)
- New Source Performance Standards (NSPS)
- e-CFRs for NSPS
- Nebraska NSPS Notebook
- Nebraska NESHAP Notebook
- National Emission Standards for Hazardous Air Pollutants (NESHAPs)
- Area Source NESHAPs
- EPA's Excess Emissions Policy ([pages 33976 through 33982](#))
- ZZZZ RICE Quiz
- IIII/IIII ICE Quiz
- Historic CFRs

The process for permit challenges by the permit applicant is straightforward—their only avenue to challenge the permit is by asking for a contested case hearing after the permit is issued.

OAR 340-011-0500

Except as otherwise provided in OAR 340, division 011, contested cases will be governed by the Rules of the Office of Administrative Hearings, specifically OAR 137-003-0501 through 0700.

The process for permit challenges by third parties is more complex, because they do not have the right to ask for a contested case hearing. Because third parties do not have the right to a contested case hearing, for them the permit decision is considered an “order in other than a contested case.” The rules and statutes for permit challenges by third parties can be found in [OAR 137-004-0080](#), Reconsideration - Orders in Other than Contested Case and [ORS 183.484](#), Jurisdiction for review of orders other than contested cases. Let’s start by defining some of these legal terms (for those of you who are as legally illiterate as I am) as these terms are used in the context of challenges to permits by third parties:

- Order in other than a contested case = final order issued by DEQ = permit
- Contested Case = A request for hearing on DEQ’s decision must be made by the **applicant (never third parties)** in writing within 20 days of the effective date of the permit and state the grounds for the request. The hearing will be conducted as a contested case hearing.
- Third party = anyone but the applicant (basically the public)
- Reconsideration = Asking DEQ to reconsider and make a new decision, instead of immediately filing a challenge in circuit court. Third parties are not required to ask for reconsideration—they can go straight to court if they wish.

## Third Party Challenges

After DEQ issues a permit, there are two avenues for third parties (public) to challenge the permit:

1. Under **reconsideration**:
  - a. A third party can petition for a reconsideration by DEQ, but it must be within 60 days of permit issuance.
  - b. If DEQ decides to reconsider, there is no specific process that must be followed. In this case, DEQ would withdraw the challenged decision (permit) and then make a new decision. DEQ may make any decision it wants to make on reconsideration—including issuing the permit exactly as it did originally. Afterward, third parties have the same rights to challenge the new decision as they had to challenge the original decision.
  - c. When DEQ receives a request for reconsideration from a third party, the decision (permit) is in effect unless and until DEQ grants reconsideration, which effectively withdraws the decision (permit). The permittee must comply with the previously issued permit until DEQ issues the new permit under the reconsideration. If DEQ denies reconsideration, then the new permit remains effective. If this is a new permit for a new source, the source cannot construct or operate. Please see below for the reconsideration process and example documents.
2. Under **judicial review**:



- a. Without asking for reconsideration: A third party can directly petition for judicial review by a circuit court without asking for reconsideration first, but it must be within 60 days of when the order is served (basically when the permit is issued).
- b. After asking for reconsideration: A third party can petition for review by a circuit court (judicial review) after asking for reconsideration if DEQ denies or doesn't act on the petition for reconsideration, but the third party must file the petition within 60 days of when the DEQ petition is denied.
- c. Under judicial review, the permit decision is in effect, except that the third party can ask the court to stay the order (permit). If the court grants a stay, then the permit is not effective until the challenge process is complete, and a final permit is issued.

## **Applicant Challenges**

After DEQ issues a permit, there is one avenue for the applicant to challenge the permit:

1. Under contested case:
  - a. The applicant (never third parties) can request a hearing on DEQ's decision in writing within 20 days of the effective date of the permit and must state the grounds for the request.
  - b. If the applicant requests a hearing and, at any point, DEQ realizes a poor decision was made, DEQ may withdraw its decision, thereby ending the contested case hearing (it is mooted out, because there is no longer a final order at issue), and then DEQ can issue a new decision (permit). The applicant then has the same opportunity to request a contested case hearing within 20 days of the newly issued decision (permit). If the applicant does not ask for a hearing, the permit is effective on the 20<sup>th</sup> day after DEQ issues its decision.
  - c. As soon as the applicant asks for a contested case hearing, the decision (permit) is NOT in effect—not until final resolution of the hearing and appeals.
  - d. A contested case hearing goes first to an Administrative Law Judge to hear the initial case. DEQ and the applicant can enter into settlement negotiations if they wish. The ALJ will issue a proposed order on whatever issue is being challenged, but then the parties have the right to ask the EQC to review that decision. The EQC makes its own final decision and issues an order stating its own findings of fact and conclusions of law. That EQC decision is subject to an appeal to the Court of Appeals. The applicant has 60 days from the date the EQC issues its decision to request review by the Court of Appeals. Again, the new permit is not effective until all appeals are completed.

## **Process and Example Documents**

- When the public petitions for reconsideration, the petition will probably go to the Air Quality Division Administrator. The permit for Columbia Pacific Bio-Refinery was challenged by environmental advocacy groups and the petition is here. If you receive the petition for consideration directly, please share it with your manager to discuss next steps. Oregon DOJ may need to be involved.

- If a petition for reconsideration is submitted, DEQ must decide whether to accept or reject the petition. This is not an agreement to make any changes to the permit but just a decision on whether to entertain the petition. In the CPBR case, DEQ granted the petition for reconsideration, in part, and denied it, in part and that order is here.
- From there, staff research the issues, make a decision, and revise the permit as appropriate. The permit writer is involved but the extent of involvement really depends on the petitioner’s claims. The decision for CPBR is contained at the end of the Review Report here.

## 84 – Public Records Requests

### Overview of Public Records Requests

This tip is designed to explain what to do if people ask us for information. Can we just email them what they ask for? When do we require them to submit a public records request?

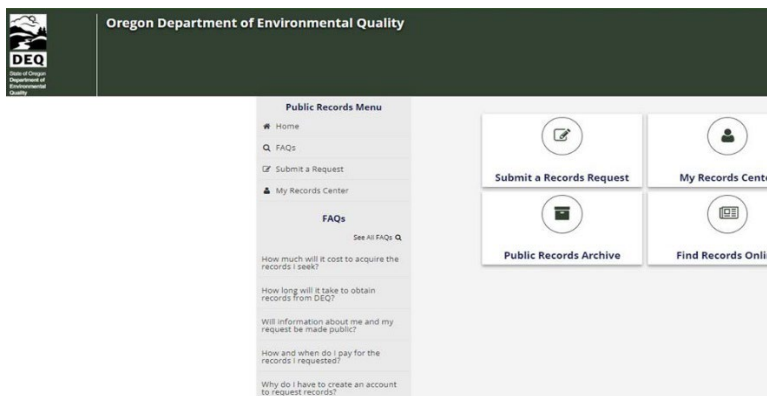
### Is it a public records request?

Deciding on whether to require a records request or just provide the information is a good question—it’s a bit of a judgement call. In general, employees are free to share (non-sensitive) information in the course of their work without requiring someone to go through the public records request process. As a general rule of thumb, if it would take longer to explain to someone how to submit a request than just send them the record, just send it! That said, if providing the information is outside the scope of normal work duties and will take considerable time and effort to compile (especially if any review is required or the volume is such we can’t attach to email) we should ask them to submit a request so we can track that work. Another consideration that sometimes applies around contentious topics is we can opt to require everyone to go through the formal process to ensure fair and equitable access to all parties. This is a determination that programs can make around certain types of records for consistency sake.

**NOTE: emails and Teams chats are records and subject to records requests!**  
 Sometimes it’s better to have a telephone conversation rather than sending emails or Teams chats, especially if the information is sensitive.

### Public Records Requests

DEQ has a [website](#) for public records requests and it looks like this:



There are lots of Frequently Asked Questions that may have the answer you are looking for. If someone requests records from DEQ, they must create an account in order to download records and monitor the status of the requests in DEQ’s online portal.

## Cost of records request

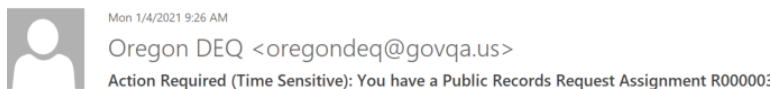
If the request requires more than 30 minutes of staff time, and reproduction cost is over \$25, DEQ staff will contact the requester about a time estimate and any costs associated with processing the request. Clerical time is charged at \$25/hour. Copying is charged at \$0.07/page. More details on costs are on the public records request website under Frequently Asked Questions.

## Suggestions to make records requests easier

- Try to send links to documents rather than the document itself. If you have an ongoing need to share files with external parties, you should contact IT to set you up on Google Drive. IT wants people to go through them for security reasons. Eventually we've been told that DAS will turn on the ability to share files using OneDrive outside the state, but they're still ironing out some security provisions so stay tuned. Here is a link to a decision tree that was created when it comes to sharing externally using links.
- Keep records organized. If you are working on an individual permit, keep the records for that source in a separate file. Do the same for emails about that source.

## What happens if I get a records request?

All DEQ programs have designated Public Records Requests coordinators who process requests and will handle gathering and releasing records to the requester and assessing any fees. If the coordinator needs records directly from you, they will assign you an activity. You will get an email titled "Action Required (Time Sensitive)"—please review at your earliest convenience and click the link in the email to provide the records or indicate that you have no records. An example of the email is included below. If you cannot make the deadline or have any other questions just let the request coordinator know! See this step-by-step guide for more details.



To: YELLESETTY Leela  
Follow up. Start by Monday, January 4, 2021. Due by Monday, January 4, 2021.

You were identified as someone who might have records for the request below.

### INSTRUCTIONS FOR COMPLETING THIS ASSIGNMENT

- 1) Determine if you have records about the request below.
- 2) [Click here to complete assignment](#) or blue link below (no login required!) and either:
  - a) If records found: attach records
  - b) If no records found: select "no files found"
- 3) Click "save and send"

**If you can't make the due date of 7/30/2020 or have any questions please contact Leela YELLESETTY right away!**

[Click here for more detailed instructions](#)

### REQUEST INFORMATION

**Assigned Staff:** Leela YELLESETTY  
**Request Due Date:** 12/31/2020 5:00:00 PM  
**Customer:** TESTY FAKENAME  
**Site Address:**  
**Record(s) Requested:** THIS IS A FAKE REQUEST

### ACTIVITY INFORMATION

**Activity Assigned Staff:** Leela YELLESETTY  
**Activity Type:** Simple Activity: Provide Records  
**Activity Due Date:** 7/30/2020  
**Activity Details:**

[CLICK HERE TO COMPLETE ASSIGNMENT](#)

Reminder: CAO maintains separate facility files for all sources that have been evaluated under CAO (new and existing). So, as regions are fielding public records requests, remember to check with the CAO team.

## **85 – AQ Definitions in Division 200**

### **Overview of Definitions in division 200**

This tip is a reminder that when you are reading any rule, you should check to see how terms are defined in division 200 and in the individual division if it has its own definitions.

### **Division 200 definitions**

Before the rulemaking in 2015 (otherwise known as the kitchen sink rulemaking because it changed so many divisions), definitions were included in different divisions. And of course, the same term was defined differently (slightly or dramatically) in different divisions. During the kitchen sink rulemaking, almost all of the definitions were moved to division 200 to make it easier for people to go to one place for definitions. Some definitions were left in the different divisions because they pertained only to that division (see division 204 example below).

Most divisions have this rule that points to division 200 for definitions and has no definitions in the rule itself:

#### **[340-210-0020](#)**

##### **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.

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

Other divisions have the same or a similar pointer but has its own set of definitions:

#### **[340-204-0010](#)**

##### **Definitions**

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

Definitions of boundaries in this rule also apply to OAR 340 divisions 200 through 268 and throughout the State of Oregon Clean Air Act Implementation Plan adopted under 340-200-0040.

(1) “Eugene-Springfield UGB” means the area within the bounds beginning at the Willamette River at a point due east from the intersection of East Beacon Road and River Loop No.1; thence southerly along the Willamette River to the intersection with Belt Line Road; thence easterly

### **Multiple definitions**

In some cases it was not possible to combine definitions, so there are different definitions of the same term for different divisions:

(31) "Construction":

(a) Except as provided in subsection (b) means any physical change including, but not limited to, fabrication, erection, installation, demolition, or modification of a source or part of a source;

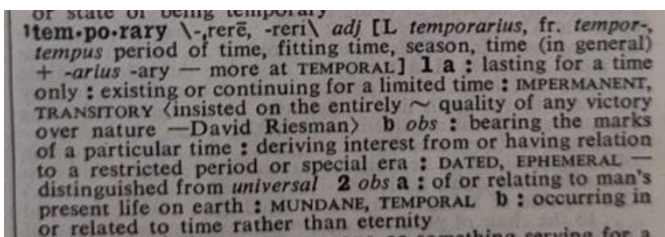
(b) As used in OAR 340 division 224 means any physical change including, but not limited to, fabrication, erection, installation, demolition, or modification of an emissions unit, or change in the method of operation of a source which would result in a change in actual emissions.

We asked the Secretary of State if we could use a different font for defined terms so people would know to look at the definition, but they said no. Darn!

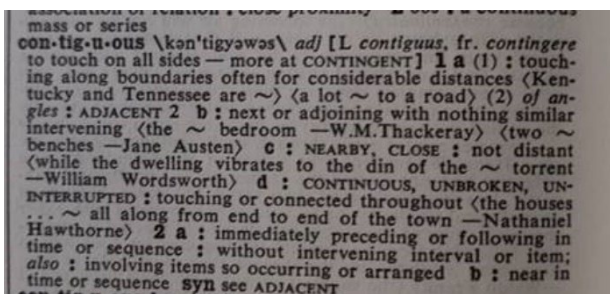
## Undefined terms

There are some terms used in our rules that we do not define. In the Department of Justice rulemaking training, they state that the [Webster's Third New International Dictionary, 3rd ed. 2002](#) should be used. That dictionary is the Oregon Court's default rule. It is the dictionary that the appellate courts use to interpret terms, and that's why DOJ suggests using it. In any argument DOJ makes to the Court of Appeals or Supreme Court, DOJ will always use that dictionary. Unfortunately, that dictionary is not available electronically, but we can ask the Oregon State Library to do a search for us in Webster's.

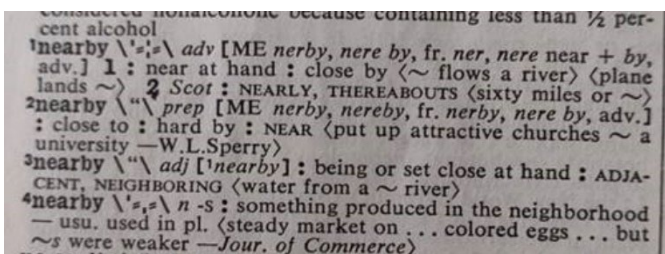
The following definitions were supplied from Webster's Third by the State Library (more to come on these particular definitions in a later TOTW – stay tuned!):



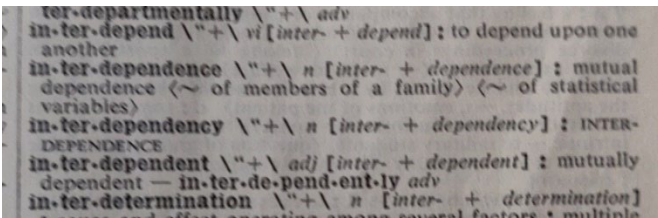
tem-po-rary \-,rerē, -reri\ *adj* [L *temporarius*, fr. *tempor-*, *tempus* period of time, fitting time, season, time (in general) + *-arius* -ary — more at TEMPORAL] **1 a** : lasting for a time only : existing or continuing for a limited time : IMPERMANENT, TRANSITORY (insisted on the entirely ~ quality of any victory over nature —David Riesman) **b obs** : bearing the marks of a particular time : deriving interest from or having relation to a restricted period or special era : DATED, EPHEMERAL — distinguished from *universal* **2 obs a** : of or relating to man's present life on earth : MUNDANE, TEMPORAL **b** : occurring in or related to time rather than eternity



con-tig-u-ous \kən'tigywəs\ *adj* [L *contiguus*, fr. *contingere* to touch on all sides — more at CONTINGENT] **1 a** (1) : touching along boundaries often for considerable distances (Kentucky and Tennessee are ~) (a lot ~ to a road) (2) *of angles* : ADJACENT **2 b** : next or adjoining with nothing similar intervening (the ~ bedroom —W.M.Thackeray) (two ~ benches —Jane Austen) **c** : NEARBY, CLOSE : not distant (while the dwelling vibrates to the din of the ~ torrent —William Wordsworth) **d** : CONTINUOUS, UNBROKEN, UNINTERRUPTED : touching or connected throughout (the houses ... ~ all along from end to end of the town —Nathaniel Hawthorne) **2 a** : immediately preceding or following in time or sequence : without intervening interval or item; *also* : involving items so occurring or arranged **b** : near in time or sequence **SYN** see ADJACENT



nearby \ˈnɪrbi\ *adv* [ME *nerby*, *nerre by*, fr. *ner*, *nerre* near + *by*, *adv.*] **1** : near at hand : close by (<~ flows a river> (plane lands ~)) **2 Scot** : NEARLY, THEREABOUTS (sixty miles or ~) **2 nearby** \ˈnɪrbi\ *prep* [ME *nerby*, *nerre by*, fr. *nerby*, *nerre by*, *adv.*] : close to : hard by : NEAR (put up attractive churches ~ a university —W.L.Sperry) **3 nearby** \ˈnɪrbi\ *adj* [*nearby*] : being or set close at hand : ADJACENT, NEIGHBORING (water from a ~ river) **4 nearby** \ˈnɪrbi\ *n* -s : something produced in the neighborhood — usu. used in pl. (steady market on ... colored eggs ... but ~s were weaker —*Jour. of Commerce*)



## Summary

Definitions are important, especially when reading rules! Please feel free to reach out if you find a term that needs a definition in our rules or if you need help in interpreting terms (those defined in our rules and those obtained from Websters). You can also check in with your managers to ensure consistent application and interpretation.

## 86 – ACES Inspection Types

### General Topic Overview:

This tip explains the differences in the several site visit types that are available to choose from within ACES (Agency Compliance and Enforcement System) when you're doing inspection work. DEQ reports many things to EPA in a variety of formats. Inspections are reported to EPA directly via data transfer from ACES. There are a few key pieces of information within ACES that are used to 'flag' specific inspections for being reported/sent to EPA within the system, which means site visits must be logged in a specific way.

This tip will briefly touch on DEQ's Compliance Monitoring Strategy (CMS) plan as well, which is how DEQ demonstrates appropriate implementation of the state's Title V operating permit program and meets EPA commitments.

Quick Link to your ACES Dashboard: [ACES Dashboard \(state.or.us\)](https://aces.state.or.us)

### EPA Oversight Levels:

#### Compliance Monitoring Strategy (CMS) Memo

Let's take a quick look at what CMS is and means! As part of DEQ's approved Title V Operating Permit program, some inspections must be done on a set schedule. By default, EPA requires states to conduct a Full Compliance Evaluation (FCE) at each Title V source every 2 years and SM80 sources every 5 years. This is because TV and SM80 sources have a specific level of federal oversight that includes a more detailed approach from EPA. EPA has established a policy and memo that sets expectations for how states should appropriately monitor these sources for compliance and how EPA will provide oversight of the states. This is in the CMS policy memo from EPA, which can be found on the PWRC [here](#).

If DEQ wants to deviate from the 2- and 5-year schedules listed in the CMS policy, an alternative CMS (ACMS) plan must be submitted and approved by EPA, following specific processes.

In 2020/2021 DEQ submitted an alternative CMS plan to EPA, requesting to conduct some TV inspections every 3 years instead (you can see which sources are on a 2-year, 3-year, or 5-year inspection frequency from this document on the TV page of the PWRC). The schedule reverts to every 2 years for TV sources 9/30/2025 unless another ACMS is submitted and approved before then. The stated goal of this change was to allocate additional resource to the permit backlog reduction effort.

EPA approved DEQ's alternative CMS (ACMS) in early 2021. DEQ's full ACMS submitted document can be found on the PWRC Title V page [here](#).

If you have a site that becomes an SM80 or ceases to be an SM80, please share the information with your manager and AQ Operations staff- DEQ will want to ensure the source is added to, or removed from, the list of CMS sources in a timely manner.

## All Other Sources:

Every other source not covered by the CMS plan (or ACMS plan) is subject to a different level of federal oversight (less detailed approach by EPA). Even though the specific oversight of inspections at these other sources is less detailed, they are still very important to the integrity of DEQ's air quality permitting program. DEQ's ACDP program (Division 216) is part of the [State of Oregon Clean Air Act Implementation Plan](#) (SIP).

## ACES Inspection Types:

When adding an inspection to ACES, the 'regulatory program' will always be 'AQ Permitting' for both ACDP and TV inspections. When you select the regulatory program, the 'site visit type' field will populate with options for AQ inspections.

The screenshot shows a web-based form for adding an inspection. At the top right are 'Cancel' and 'Save' buttons. The 'Regulatory Program' dropdown is highlighted with a red box and contains the text 'AQ Permitting'. Below it, 'Assigned Staff' is set to 'Daniel Defehr'. The 'Site Visit Types' dropdown is highlighted with a red arrow and contains a list of options: 'Compliance Schedule Increment', 'Documentation of Violation', 'EPA Audit Inspection', 'Equipment Operation for Tax Credit', and 'File Review'. To the right of this list are 'Add' and 'Remove' buttons.

These site visit types include:

- Compliance Schedule Increment
- Documentation of Violation
- EPA Audit Inspection
- Equipment Operation for Tax Credit
- File Review
- Informational Inspection
- Maintenance of Compliance
- NESHAPS Inspection – Point Source
- Non-EPA Committed Inspection
- NSPS Inspection
- Off-site TV or SM80 FCE
- Off-site TV or SM80 Partial

- On-Site TV or SM80 FCE
- On-Site TV or SM80 Partial
- Response to Complaint
- Verify Compliance with Opacity Limits

This is a lot to pick from! Which should you use? Most of these are for specific types of inspection activities. For example, 'file review' is for when you're in the office reviewing the source file. Or 'documentation of violation' should be used when you just need to have an inspection logged in ACES to generate a violation. An inspection might be multiple inspection types; be sure to add each inspection type that applies to your specific inspection effort.

Based on how an inspection is entered into ACES, it will or won't be reported to EPA (automatic transfer from ACES to EPA). EPA's system for sharing compliance and permit data for sources with the public is called [ICIS-AIR](#), this is how DEQ's inspections of specific sources (TV and SM80) are uploaded and shared with the public by EPA. Staff are **not** expected to input inspection data directly into the ICIS-AIR system.

### **What is FCE and what is Partial? (Only for TV and SM80 sources)**

- FCE. An inspection is a Full Compliance Evaluation (FCE) if you looked at **every** permit condition and determined whether the facility was in compliance.
- PCE. An inspection is a Partial Compliance Evaluation (PCE) if you determined compliance with **some, but not all**, permit conditions.
  - PCE's are typically used when an inspector is going to 'split up' inspection work for a single source. Two or more PCEs would be done within the inspection period (2, 3, or 5-years based on the source) such that by the time the next FCE inspection is due, the equivalent of a Full Compliance Evaluation has been completed (all permit conditions checked).
    - For example: if you are going to inspect a large complex source, it may be efficient to inspect a specific subset of equipment and conditions during inspection 1 in March (PCE); then conduct inspection 2 in May (PCE) to inspect the remaining equipment and determine compliance/noncompliance for the remainder of the permit conditions.
  - Note that during 2020/2021, EPA established a separate memo that provided states a reasonable amount of leniency regarding inspections. States were allowed to request that a source receive a PCE and be counted as an FCE due to health and safety concerns associated with the COVID-19 pandemic. In one-off situations like this, PCEs may also be used. Please be aware that this is not common and required significant communication with EPA.

### **The Most Important Site Visit Types:**

There are many reasons you may find yourself in the field or in the office conducting inspection activities that are not intended to complete a regularly scheduled inspection; in these cases, there are some site visit types that you absolutely should not use and some that you should. DEQ has an established inspection frequency schedule (e.g., SM80 sources to be inspected every 5 years, GP sources every 5 or 10 depending on the permit, etc.). When these 'due' dates come up, an inspection should be completed that determines compliance or



noncompliance for the source. These **planned and recurring** inspections should be entered into ACES with at least one of the following inspection types:

- **SM80 and TV sources: One of the 'off-site' or 'on-site' inspection options must always be used:**
  - Off-site TV or SM80 FCE
  - Off-site TV or SM80 Partial
  - On-Site TV or SM80 FCE
  - On-Site TV or SM80 Partial
- **All other ACDP sources:**
  - Non-EPA Committed Inspection

As mentioned, if your inspection also covers another specific inspection type, you should include it (e.g., if you're following up with a complaint and decide to combine that effort with an inspection that is coming up for a General ACDP source, you should use inspection types 'Non-EPA Committed Inspection' and 'Response to Complaint' because you're doing both). However, if the 'Non-EPA Committed Inspection' or 'Off-Site/On-Site' inspection types aren't used, internal inspection tracking might flag the site as not having had a regularly scheduled inspection completed.

## What is Off-site and what is On-site?

An on-site inspection was completed if you conducted a 'boots on the ground' inspection. This does not mean that all inspection activities were conducted on-site. In fact, it may be most efficient to request records be emailed to you ahead of time, review said records, and make notes about your findings to ask specific questions when you conduct the on-site part of your work several days later. You might also conduct a file review ahead of your on-site inspection. If you leave your workstation to drive to the source and conduct a reasonable amount of inspection work, you can list the inspection as 'on-site' in ACES, regardless of the 'support' or 'preparation' work that was done remotely or off-site. Be sure to discuss announced vs. unannounced and inspection processes with your manager as needed.

For inspections that are conducted 100% remotely, where you don't go to the source, the inspection should be listed as 'off-site'. If you leave the office to conduct a fence line check the source for opacity, odors, etc. but do not actually go onto the property, the inspection should be input as 'off-site'. Use your reasonable discretion to determine whether on-site or off-site is appropriate; if you have questions, please ask your manager, or reach out to AQ Operations staff.

## What do I really need to know?

- Is the source you're inspecting a TV or SM80 source?
  - If yes, you must use the 'Off-site or On-site FCE/Partial' site visit types, **as appropriate**, when logging inspections in ACES (in addition to any other relevant site visit types).
  - If no, you must use the 'Non-EPA Committed' site visit type, **as appropriate** (in addition to any other relevant site visit types).

## 87 – BS and GP Equipment List

### General Topic Overview

What equipment is permitted by a specific General or Basic permit? What does source A, B, or C actually have on site? How am I supposed to know what to expect when I conduct an inspection? These are great questions. I'll be honest- there's no great answer... AQ Operations and Tech Services staff are currently working with the YDO team to determine what equipment information can and should be available in YDO for each source. This might end up being a simple equipment list for each permitted source, but it's TBD.

AQ Operations staff have received several inquiries from regional staff over the past few years regarding equipment tracking and Basic/General permits. Operations staff have responded to this, in part, by revising many of the ACDP application forms to collect more relevant information about the source's operations and equipment. To supplement, Operations is sending this Tip of the Week to provide a few additional options that you might consider using to track and document equipment at your Basic or General ACDP sources.

For those of you working with Basic and/or General ACDPs, please discuss with your manager if you feel one of these options or processes will help streamline or expedite your work. Below are several ideas for how you might elect to collect and document the equipment and processes at a given source.

Please note that if you engage in information collection in this manner, DEQ will end up with updated equipment lists and relevant source details. It is highly recommended that this documentation be saved electronically in a location that is accessible to all (e.g., where the final permits, review reports, etc. are located on your regional Shared Drive is a good option). If you plan to save information in this way for your sources, please discuss with your manager to make sure your region is doing so in a consistent manner. For Basic ACDPs, it's recommended that this information be added to the Review Report.

Please be aware that **NONE OF THIS IS REQUIRED OF YOU. IT IS OPTIONAL IF YOU FEEL LIKE IT WOULD BE HELPFUL.**

### Process Overview: Find out/confirm the equipment that is on site and document it.

<b><i>When should I request</i></b> the information?	At any point really. DEQ retains the authority in Division 214 to request any information that is reasonably required to regulate a source (an equipment list is clearly within that scope). You may elect to ask sources for this information approaching permit expiration, before completing reassignment or renewal, or upon occurrence as the need arises.
<b><i>How should I obtain</i></b> the information?	You have an array of options here. At any point you may elect to send a Division 214 information request letter/email to a source. Alternatively, you may choose to reach out to your sources during the reassignment/renewal application step to request a bit more information from them; you could also conduct a file review or compliance inspection to gather this information.
<b><i>How should I document</i></b> the information?	There are four main ways this information can be documented: <ul style="list-style-type: none"><li>• Memo to source file;</li><li>• In an inspection report;</li></ul>

	<ul style="list-style-type: none"> <li>• In the Basic ACDP review report; or</li> <li>• In a source-specific excel tracking sheet (see details below).</li> </ul>
<b>Where should I save</b> the information?	While inspection reports will be saved and filed like they always have been, AQ Operations recommends that if information is received additionally at your request it be saved in an electronic format in a location that is readily available for other and future staff (e.g., in the Shared Drive with final permit actions). It should also be saved with the source file.

**Details on the various ways you may elect to obtain and document the information:**

**Option 1:** Conduct a file review/inspection. Document equipment findings. (Saved to centralized location)

**Option 2:** Utilize an excel document to keep track of the equipment at each BS/GP source to which you're assigned. (Saved to centralized location)

**Option 3:** Submit a Division 214 information request letter to all or some of your sources requesting an exhaustive equipment/process list. (Saved to centralized location)

**Option 4:** When the BS/GP expires and the source is applying for renewal or reassignment, also request that they fill out an initial application form or otherwise provide all equipment information.

**Option 5:** Basic ACDPs can be modified for each specific source; you may elect to include an equipment list in the Basic permit or review report like a Simple or Standard ACDP has.

**Option 6:** Wait until the implementation and rollout of Your DEQ Online (YDO).

**Options 1-6 Explained:**

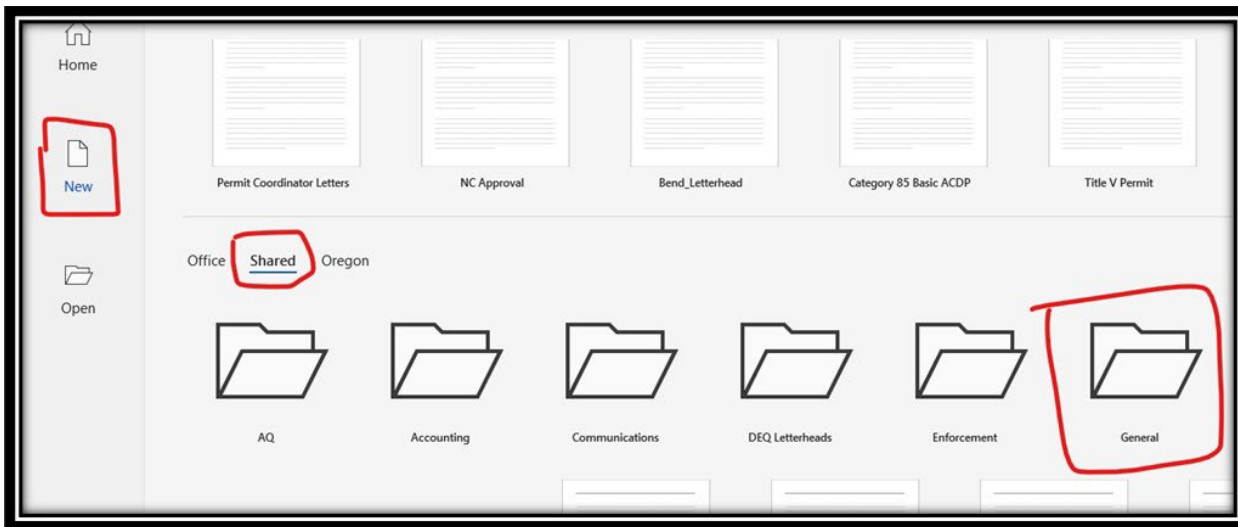
**Option 1: Conduct a File Review/Inspection and Document your Findings**

This option is most likely what staff are doing now. You review the application, Notices of Construction, and past inspection reports to get a sense of what equipment is onsite. Or you conduct the inspection, documenting all equipment on site with as much detail as is needed (make/model/serial numbers, fuels used, etc.). Based on one of these approaches, you may choose to document your findings in one of two ways: in the inspection report itself or in a 'DEQ Memo' to the source file.

Some staff may prefer to document the source history/equipment in the inspection report, which works fine. However, you also have the option to establish a separate stand-alone document that outlines the equipment, specifications, details, production capacities, etc. using the MS Word template 'DEQ Memo'. Using a memo may help keep the inspection report more concise and streamlined, with the added benefit of having a specific document in the source file that covers the equipment on site (note that the memo can be an attachment to the inspection report as well). Imagine how useful it could be to see a memo in the source file every few years reaffirming the equipment that is on site or explaining the addition/removal/replacement of specific units.

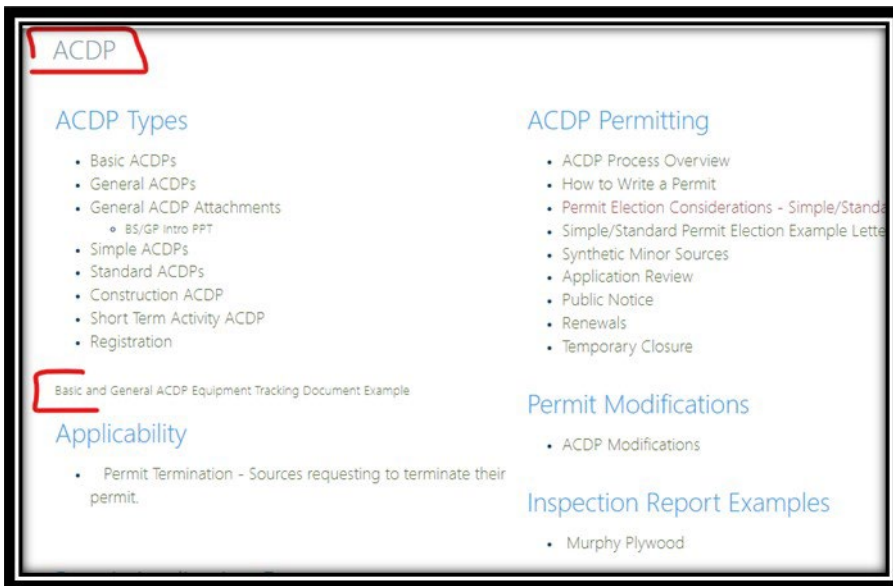
*[Note: If YDO does include equipment lists for BS/GP sources in the future, the file review/inspection findings should be used to update or revise the equipment list in YDO as opposed to (or in addition to) being added to the source file.]*

The memo template can be found by opening MS Word, navigating to 'new', 'shared', 'general' and then opening the document titled 'DEQ Memo'. The 'ACDP Inspection Report' is found in 'new', 'shared', 'AQ'.



## Option 2: Your Own Tracking Document

AQ Operations is working on finalizing a Basic & General ACDP equipment tracking document that staff may elect to use to keep track of this information as well. A draft is available on the Permit Writers' Resource Center, here:



This document has a lot of room to be modified and altered as determined appropriate or necessary by YOU, the staff using it for each permit type. You should save a local copy, then begin filling the document in for your specific source. For example, on the first tab you would use the dropdowns (yellow cells) to select whether the source is a Basic or General ACDP permittee, which permit type the source has, input the source number/name/address, then choose any GP attachments, as applicable.

On the equipment tab, you fill in the information about the source and equipment. The document offers space to input information about 5 emissions units, and any attachments each have space for info on two emissions units (reach out to me if you are using the document and have a source with more information/rows needed).

The information prompts do not all have to be filled in. Additionally, if there are questions relevant to an industry/activity that are not on the form, please let me know. The form can be readily modified to include things that are the most helpful to have documented. Some questions in the document are oriented around emissions units specifically while some are asking about the entire facility, use the document in whichever way makes the most sense for to clearly explain what is happening onsite.

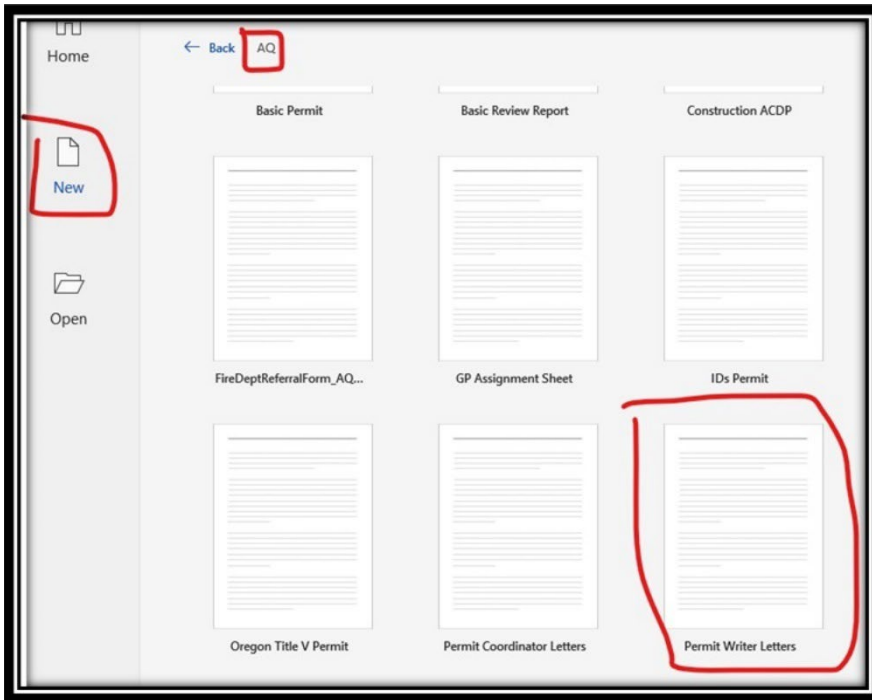
[Note: If YDO does include equipment lists for BS/GP sources in the future, this information should be used to update or revise the equipment list in YDO as opposed to (or in addition to) being added to the source file/Shared Drive.]

### Option 3: Request the Information from the Source

Often when staff work on a GP source, they are also somewhat working on all the other GP sources assigned to the same category. For example, when reviewing annual reports, it's often most efficient to review all GP-07 annual reports at the same time as opposed to jumping around from industry type to industry type. In any instance where you find yourself working on a specific General Permit or where you notice a deficiency in the information available in the source file for your assigned facilities, it may make sense to draft an information request letter. Division 214 information request letter templates are also available in MS Word, found in 'Permit Writer Letters'. **Is there a situation when PWs would want to do it this way, instead of inspecting the facilities and noting it then?**

By drafting one letter that requests a complete equipment list and relevant details, then using MS Word's Mail Merge feature, you can quickly and easily send that same letter to all the GP-XX sources to which you're assigned. When the information is received, you would review it, ask any follow-up questions, then put the information in the source file.

To navigate to the Division 214 information request letter templates, open MS Word, find 'new', 'shared', 'AQ', then open the document titled 'Permit Writer Letters'. The specific information request letter is found by using a macro, for instructions on how to run the "SelectLetterTemplate" macro go to:



[Note: If YDO does include equipment lists for BS/GP sources in the future, this info should be used to update or revise the equipment list in YDO as opposed to (or in addition to) being added to the source file.]

### Option 4: Request Information at Expiration

Ops has been recommending, and some staff have been, requesting sources fill out the initial permit application form for the General ACDP to which they're being reassigned. By default, all that is required from a source is to submit the very short AQGP-100R within the 30 days leading up to permit expiration- this reassessment application form provides little-to-no information. When the source is submitting the AQGP-100R, you might consider asking them to also fill out the AQGP-111, for example, if it's a boiler source. While

the information request letter option (#3, above) allows you to fine-tune your request and be as specific and detailed as you see fit, this option would require significantly less time on your part.

Staff are encouraged to review the AQGP application forms as some have been significantly revised to capture more relevant information- the application forms might be asking for exactly what you need from the source.

*[Note: If YDO does include equipment lists for BS/GP sources in the future, this info should be used to update or revise the equipment list in YDO as opposed to (or in addition to) being added to the source file.]*

### **Option 5: Modify the Basic ACDP to Include Equipment List**

If you're working with a Basic ACDP specifically, you may elect to include an equipment list in the permit itself. Alternatively, you could include an equipment list in the review report. Remember, Basic ACDPs are source-specific permits. Each one can be modified (within reason and as appropriate) for the specific source. This means you have the option to add a list just like the Simple/Standard ACDP template has (see below). The Basic ACDP review report template is being revised to include an equipment table as an option component to be used as each permit writer feels is appropriate.

<b>1.0 DEVICE, PROCESS AND POLLUTION CONTROL DEVICE (PCD) IDENTIFICATION</b>			
The devices, processes, and pollution control devices regulated by this permit are the following:			
Devices and Processes Description	Device ID	Pollution Control Device Description	PCD ID

### **Option 6: Wait for YDO**

As I mentioned, Tech Services and Operations staff are currently engaged in discussions regarding how/what equipment can be available in YDO, directly associated with a specific BS/GP source. It is unclear whether this WILL be included and, if so, how it will be included or how it will look/present. We're still working through the details of how to get this incorporated, so staff are encouraged to discuss the other options herein with their manager to determine if one of them makes sense for you and your sources. As are many things with YDO- there's a lot to still be figured out, so please do not rely solely on this option, and consider the other things covered in this tip.

## 88 – Tools for Finding Permits for Similar Sources

### General Topic Overview

Working on a permit? You have access to an amazing resource- the permits and review reports written by your fellow DEQ permit writers. Don't Reinvent the Wheel!

### Tools for finding similar permits

Here are some tools that can help you find permits and review reports for sources that are similar to the one you're working on:

- Index of DEQ Air Permits by Regulation
  - See a list of recent permits that included a particular NESHAP, NSPS etc
  - For more, see Tip of the Week #13
- Index of DEQ Air Permits by Source Category
  - See a list of recent permits for each Source Category
  - For more, see Tip of the Week #13
- Permit Text Search TRAACS Report
  - Search the text of all DEQ air permits and review reports for any keyword
  - This report can also be found in TRAACS under Reports | Text Search
  - For more, see Tip of the Week #4
- Your manager or lead permit writer may also know of other permits that are similar to yours.

Here are some ways these resources may come in handy:

- Get ideas for **drafting permit conditions** for specific equipment or processes
  - Pre- or during drafting, it can help to find the same equipment or federal standard in another (already issued) permit.
  - You may find conditions that you would not have otherwise included.
  - This can help expedite the permit drafting process (don't reinvent the wheel).
- Get ideas about **additional questions you should ask your source** about their operations/activities
  - Looking at other similar (or partially similar) permits may raise additional questions.
  - Permit 'X' has a condition requiring 'Y' based on this same applicable federal requirement; I should ask how my source 'Z,' would comply with that.
- **Spot-check your draft permit for consistency** with other similar sources with issued permits
  - DEQ issues permits across the state through three different regional offices and many staff. Ensuring consistency is a priority for the agency. Reviewing other issued permits to determine if

a condition should be added, modified, or removed is a recommended part of the permitting process. Note that staff do not have to mirror another permit for a similar operation only because it is a similar operation. Permits may be different for a variety of reasons, which should be explained in the review report.

Once you've found some permits that are similar to your source, we encourage you to reach out to the other permit writers. Ask them about parts of their permit that you don't understand or need further clarification on. You may both learn something about the applicable requirement, process, industry, or activity. It may help to get a copy of their emissions detail sheet or a Word copy of their permit and review report. (But, don't forget to use the latest template to create your document!)

## 89 – Unpermitted Source Inquiries

### Big Picture:

DEQ often receives...

- Notices of Construction (NCs) for unpermitted facilities (existing and proposed).
- Questions (email and phone call) from folks wanting to know if a permit is required for activity A, B, or C.
- Questions about what is required for X type of facility to construct or otherwise startup.

This tip is intended to explain some steps staff can take when these questions come in as well as some considerations for NC processing for unpermitted facilities. **Note that staff should not provide official permit determinations on the phone or via email ad hoc.** Facilities should provide an application or documentation of some kind before this determination is given. See below for more information.

**Regional managers have an interest in staff being somewhat protective of their time, not dedicating significant resources (time and energy) to phone calls or emails helping sources or consultants work through application requirements,** so please use the following resources to try and minimize the time you need to spend on these types of questions.

Note that if you can most efficiently help a source or consultant through an issue with emails or phone calls, then do so. However, if you find yourself 'spinning your wheels,' you may want to refer to the resources below and highly encourage a pre-application meeting. Pre-application meetings can be via phone, MS Teams, or in-person, whichever option works best for YOU.

### Resources:

- 'Unpermitted Source Inquiries' PowerPoint.
  - Can be found on the PWRRC website under the 'Training' subpage. This includes two scenarios and can be updated as suggested by staff.
- Help sources find the right permit section of DEQ's website.
  - This page is helpful for sources that are first attempting to determine whether their operation needs (or will need) an air permit.



- It refers directly to the 'activity and source' table (OAR 340-216-8010 table 1) with a fair amount of detail regarding parts A, B, and C and which permit will be required. It also provides information on pre-application meetings and fees.
- NC Processing Guidance
  - Found on the PWRRC 'training' page. Includes some information on pre-application meetings. Pre-application meetings should be encouraged for persons with multiple questions or for which you feel would benefit from a 30–60-minute meeting to discuss NC or permit application processes at a higher level. There are several examples of information that should be discussed or brought to a pre-application meeting that may be helpful.

## No Permit Required?

Once you have determined that a source is not required to get a permit, look at the Microsoft Word shared AQ templates: See the document titled 'Permit Writer Letters'.

- In these letter templates is an option for a letter called 'No Permit Required'. This template includes language that helps ensure facilities don't misconstrue any communications from DEQ regarding permit applicability and will help ensure these communications from DEQ staff are consistent across the state.
- The letter refers to several different elements: what was submitted to DEQ, by whom, when, facility/source identification, that a determination from DEQ is based on the information submitted and if anything is inaccurate or changes the letter may be void, clarification of future Notices of Construction and permit application requirements, the device/equipment/process and emission calculations information on which DEQ made the determination, and references to generally applicable requirements (e.g., fugitives and dust). Be sure to reference any documents submitted to DEQ when drafting a 'No Permit Required' letter.
- Note that when you approve an NC, it is like a 'no permit required' letter. The NC rules do not apply to activities or sources that are required to get an air permit. Therefore, when the source receives an NC, the agency is confirming that the activity/source does not require an air permit. Be sure when reviewing an NC that you are aware of all activities and processes at the source.

## NCs for Unpermitted Facilities

When an unpermitted source submits an NC, staff should review the NC processing guidance on the PWRRC Training page if necessary. The main goal of processing this NC is to: 1) Confirm that a permit is not required; 2) determine if it is a Type 1 or 2 NC; and 3) provide construction approval with appropriate conditions.

Generally, unpermitted sources that submit an NC Type 2 with the \$720 fee do not receive a refund if significant work has been done on the submittal (to be determined by the regional manager). This includes when DEQ completes a review of the NC and determines that a permit is required.

**Use the Microsoft Word 'Permit Writer Letter' templates to communicate with these sources quickly and efficiently. (e.g., letter category 'NCs and NOAs'). These templates provide a consistent starting point for an approval letter, a denial letter, or a request for additional information to continue processing the NC.**

## **What You Can Do When Questions Come In**

*Do I need a permit? Do I need to submit a construction application? What do I need to do before I construct or startup my X operation?*

AQ Ops staff have drafted a PowerPoint (the one referenced above) with two example scenarios that includes considerations, questions, directives to provide the caller/emailer, as well as language that you may use after initial contact. The 'Unpermitted Source Inquiries' PowerPoint can be found on the PWRC website under the 'Training' subpage. This document can be updated with other scenarios as suggested by staff, so if you have other ones that the document should cover, please let me know!

This PPT is generic and your process flow in working with a specific unpermitted source may vary; discuss with your manager, as necessary.

Broadly speaking, all facilities should submit signed forms (e.g., AQ104 or the appropriate device forms and AQ402 Current/Future Emissions form) to DEQ for review before official 'permit not required' determinations are made. In some cases, you may receive inquiries where the caller/emailer is not willing to identify a specific facility but wants to keep the conversation generic. The PPT referenced earlier includes example language that you can use to make a tentative determination that a permit is not required but leave room for a more formal determination later while not 'backing' the agency into a premature determination.

### **Enforcement?**

In some instances, a source that has already constructed and begun operations will reach out to DEQ to determine if a permit is required. Most of these cases will result in enforcement (WL, WLOC, or PEN) following the enforcement guidance table 2 (AQ) for constructing without submitting the proper notifications to DEQ. The corrective action would be to submit the NC (or permit application) that was required previously. You would then review the NC application and issue construction approval or determine that a permit is required. Deviating from the enforcement guidance requires approval from the regional air quality manager and manager of the Office of Compliance and Enforcement.

If the source has previously submitted an NC for equipment and processes, another NC is likely required to expand or add to the facility/operations. If the source is not expanding to or adding to the operations and just wants a confirmation from DEQ that their facility does not require a permit, the source should still submit an NC with all associated forms (e.g., AQ402 and device/equipment forms) so that you can appropriately respond with a 'no permit required' letter. Even though in this case a source is not actually constructing anything, it is the same as the previous situation except it does not include an enforcement action. You need documentation in your hands explaining the facility, processes, equipment, emissions, control devices, etc. before an agency determination can be provided. In many cases this process will require a Type 2 NC and the source will be charged a \$720 fee with the application.

### **TRAACS Records Check**

Please always remember when processing/reviewing a permit application or NC application to check TRAACS for other permit actions or NCs for the source/facility. If an unpermitted source submits an NC, they should submit information regarding everything on site; if the unpermitted source has already submitted an NC in the past, you will find that in TRAACS and should consider that NC when determining whether a permit will now be required. Similarly, if a Basic or General ACDP application comes in and the source already has a Simple ACDP, the same source should not be issued a Basic or General permit in addition to their Simple ACDP; you can find permits and NC applications in TRAACS via the search function.

If you have concerns about workload and processing received NCs in a timely manner, discuss your workload with your manager. The NC processing guidance, pre-application meetings, and the permit writer template letters are designed to help expedite these processes.

# 90 – Requests for Public Comments

## General Topic Overview

Sometimes sources may request copies of the public comments that DEQ has received on a permit action (modification, renewal, issuance, etc.). What is the process for handling these requests? Does DEQ provide these comments to the source? Do the sources need to submit a Public Records Request? Do staff just email the comments? What if there are a LOT of comments or large attachments? Don't fret! Here's how you should deal with a source's request for DEQ's records of public comments and a myriad of other things to consider and know!

## Context/Rule Reference:

[Division 209](#) covers the public participation process that DEQ abides by for permit actions. Public notices are classified as Category one through four (I, II, III, IV) in [OAR 340-209-0030\(3\)](#).

Categories II, III, and IV each have a public notice period in which the public is allowed to submit comments on the proposed permit action.

Further within Division 209 is the rule that addresses a source that wants a copy of their public comments.

### [OAR 340-209-0080\(3\)](#)

"The applicant may submit a written response to any comments submitted by the public within 10 working days after DEQ provides the applicant with a copy of the written comments received by DEQ. DEQ will consider the applicant's response in making a final decision."

## A Source's Requests for Their Public Comments:

As the rule citation above implies, the sources/applicants are allowed to access and respond to copies of the public comments DEQ has received on their permit action. They are then allowed 10 *working* days to draft responses and submit those back to DEQ. DEQ **must** consider those responses that are received within 10 working days in the final permit action (note that no changes are **required** to be made, but each response from the source must be considered). The rule does not specify how the comments are to be shared. Therefore, the following clarification is provided for staff:

- Upon request by the source, DEQ staff will provide all public comments to the source. In providing the comments, DEQ staff must clearly identify when the 10-working day response period is over and reference OAR 340-209-0080(3).
  - Note: if you have a permit action/source with significant public interest or that has received a significant number of public comments, please discuss these situations with your manager. In some cases, DEQ may want to explicitly ask the source if they would like copies of the comments or may proactively provide the comments.
  - Note: only the public comments that DEQ has received are provided to the applicant/source. No draft or final DEQ responses to public comments are provided.
  - Oregon public university and OHSU student email addresses should be removed/covered/redacted before the comments are provided to the source (see below for more information on this).

## How do I Send the Comments to the Source/Applicant?

There are three options based on how many comments or attachments you need to send.

- Send the source an email with attachments;
- Combine all comments into one PDF and send the source the PDF attachment (Permit Coordinators or AQ Ops staff can assist you if you don't have the upgraded version of Adobe Acrobat); or
- For many comments or attachments that need to be sent, you can reach out to the ITServiceDesk or Joe Westersund to set up an FTP folder (see more info on this below; drag and drop for files to share externally).

Please use whichever method is most efficient to provide the information to the source/applicant.

***In all cases, if providing copies of public comments will take longer than 15-20 minutes, the applicant/source should go through the PRR process. Please discuss with your manager before telling a source to submit a PRR, there may be reasons to deviate from this standard approach based on the source in question.***

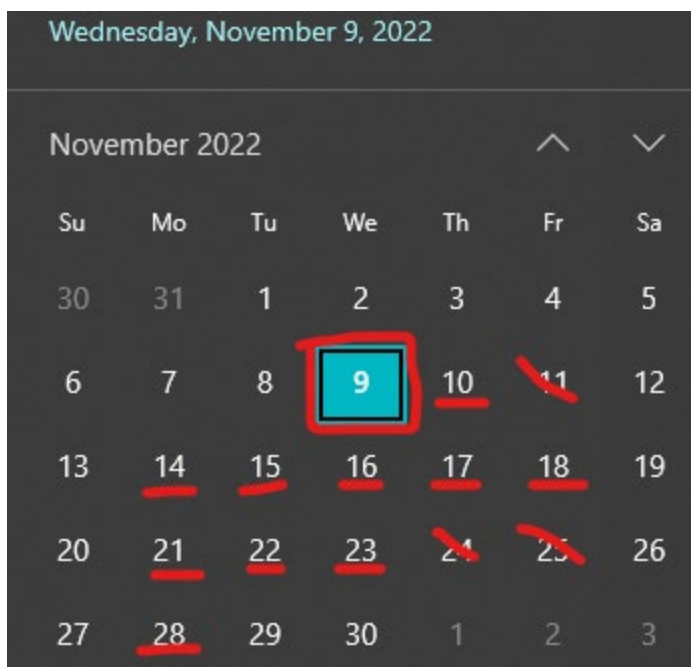
### Example of 10-working Days:

See the calendar below. Let's say you provide a copy of the public comments received on permit action X to the source at 3 p.m. on 11/9/2022.

From 3 p.m. on Wednesday the 9<sup>th</sup> to 5 p.m. on Thursday the 10<sup>th</sup> is one working day (If you provide the comments to the source before ~9am you may consider the day they are sent as the entire first day of the 10 working days).

The 11<sup>th</sup> does not count as a working day because it is a holiday (Veteran's Day). The 14<sup>th</sup> through the 18<sup>th</sup> are working days 2-6. Then the 21<sup>st</sup> through the 23<sup>rd</sup> are days 7, 8, and 9. Thanksgiving is a holiday that DEQ recognizes on the 24<sup>th</sup> and 25<sup>th</sup> in 2022 and are not counted as working days.

The 28<sup>th</sup> is then the 10<sup>th</sup> working day. Responses that the source provides to DEQ by close of business on the 28<sup>th</sup> must be considered by the agency.



**Note: Always use DEQ's holidays to determine the 10 working days. See the Events and Paid Holidays Calendar Q-net page here.**

**Note: When in doubt, always provide a few extra hours, based on when you sent the comments, to ensure a source is undoubtedly provided a 10-working day period.**

### **Suggested Communications Language**

This example language is for instances when you're providing an email to the source with a relatively *small number of comments via email attachments or one combined PDF attachment with all comments.*

**[Subject line]:** Opportunity to Review Public Comments Received on **[source name]'s [permit action type]**

Hello **[source contact name]**,

When DEQ receives public comments on draft permit actions, DEQ's rules [OAR 340-209-0080(3)] allow the permittee to review those comments before DEQ takes final action on the permit (such as issuing it).

If you want to, you can provide DEQ with a written response to any or all the public comments. (Your response should go to DEQ, not the original commenter.) If DEQ receives your response(s) before **[time] [a.m. or p.m.]** on **[date]** (10 business days from now), then DEQ will consider your response(s) before taking final action on the permit.

Attached please find a copy of each public comment that was received regarding **[Source Name]'s [permit action type]**. The public comment period closed at **[time]** p.m. on **[Date]**.

Regards,

**[Permit Writer]**

### **How to Handle a Large File or Number of Comments:**

If you have a much larger number of comments or are working with large attachments that will not be able to be easily or quickly emailed to the source/applicant, you may need to use an FTP folder. This is a folder within Windows File Explorer that IT can provide external user access to. You would copy all public comments that are being provided to the source/applicant into this folder, then provide the source/applicant with the folder location. Please reach out to the ITServiceDesk or Joe Westersund to setup a new FTP folder.

### **Suggested Communications Language**

This example language is for a *larger number of comments that are shared using an FTP folder described above.*

**[Subject line]:** Opportunity to Review Public Comments Received on **[source name]'s [permit action type]**

Hello **[source contact name]**,

DEQ received one or more public comments on the proposed **[permit action type]** for **[source name]**.

When DEQ receives public comments on draft permit actions, DEQ's rules [OAR 340-209-0080(3)] allow the permittee to review those comments before DEQ takes final action on the permit (such as issuing it). If you would like to review the public comments DEQ received, instructions on how to do so are included below.

If you want to, you can provide DEQ with a written response to any or all the public comments. (Your response should go to DEQ, not the original commenter.) If DEQ receives your response(s) before **[time]** **[a.m. or p.m.]** on **[date]** (10 business days from now), then DEQ will consider your response(s) before taking final action on the permit.

The comments have been placed in an FTP folder that you can access. If you are using a Windows computer, you can paste this address **[insert FTP address here]** into the Windows Explorer address bar. Once you have the folder open, you can drag and drop the folder contents onto your desktop and then open those files. Note: most browsers, such as Google Chrome and Microsoft Edge, no longer support FTP. So, it's important to follow the instructions above.

If you have questions about this email or difficulty accessing the files described above, please feel free to contact me.

Regards,

**[Permit Writer]**

#### **Public Request for Public Comments:** [See Tip of the Week #84: How to Handle Records Requests]

If a member of the public reaches out to you requesting copies of the public comments DEQ received on permit action X, the general Public Records Request criteria apply. These criteria are:

- In general, staff are free to share (non-sensitive) information in the course of their work without requiring someone to go through the public records request process. As a general rule of thumb, if it would take longer to explain to someone how to submit a request than just send them the records, just send them.
- That said, if providing the information is outside the scope of normal work duties or will take considerable time and effort to compile (especially if any review is required) you should ask them to submit a public records request so DEQ can track that work.

The main takeaway here: If sending somebody the public comments will take more than 15-20 minutes, they should be directed to the [public records request website](#).

#### **Recap- What You Need to Know:**

- Sources/applicants are allowed to obtain copies of the public comments DEQ has received on their permit action. DEQ must consider the applicant's response(s) before issuing or taking any other final action if the responses are provided to DEQ within the allocated time.
- DEQ staff will provide copies of public comments to sources/applicants upon request.
- Use suggested email language from this Tip when providing copies of comments to sources/applicants.
- Use the FTP folder to share a significant number of comments or very large attachments. ITServiceDesk or [Joe Westersund](#) can help you establish an FTP folder to use for this purpose.
- Oregon Revised Statutes ([ORS 192.345\(29\)](#)) establish that email addresses of Oregon public university and OHSU students are exempt from public disclosure in almost all cases. Before providing copies of

comments, verify that all these email addresses have been redacted. Public universities are ([ORS 352.002](#)): University of Oregon, Oregon State University, Portland State University, Oregon Institute of Technology, Western Oregon University, Southern Oregon University, and Eastern Oregon University.

- Discuss any questions on this topic with your manager.

## 91 - Adjustments to Notification Requirements: NSPS/NESHAP

### General Topic Overview

Some federal regulations provide delegated permitting authorities (DEQ) authorization to approve adjustments to notification requirements. This language pertains to notifications required to be submitted to DEQ under Part 60 (NSPS) or Part 63 (NESHAP) general provisions (subpart A of each). This tip is intended to explain these adjustments and provide directive to staff regarding their use.

### What You Need to Know:

Do not approve adjustments using these provisions.

Part 60 and 63 (NSPS and NESHAP) General Provisions (Subparts A) provide for a process by which a source can request, and DEQ can approve, an adjustment to a notification due date. DEQ air permitting staff **will not exercise this authority at this time**. Staff with situations in which they believe the adjustment approval process is warranted will discuss the situation with their manager. If regional managers and the Air Quality Administrator agree, DEQ may elect to establish a policy decision on how to implement the approval process for these adjustments.

### Federal Regulations:

40 C.F.R. part 60, subpart A (@ [60.19\(c\)](#)). NSPS General Provisions

... (c) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. Procedures governing the implementation of this provision are specified in [paragraph \(f\)](#) of this section.

...

(f)(1)(i) Until an adjustment of a time period or postmark deadline has been approved by the Administrator under [paragraphs \(f\)\(2\)](#) and [\(f\)\(3\)](#) of this section, the owner or operator of an affected facility remains strictly subject to the requirements of this part.

(ii) An owner or operator shall request the adjustment provided for in [paragraphs \(f\)\(2\)](#) and [\(f\)\(3\)](#) of this section each time he or she wishes to change an applicable time period or postmark deadline specified in this part.

(2) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. An owner or operator who wishes to request a change in a time period or postmark deadline for a particular requirement shall request the adjustment in writing as soon as practicable before the subject activity is required to take place. The owner or operator shall include in the request

whatever information he or she considers useful to convince the Administrator that an adjustment is warranted...

(3) If, in the Administrator's judgment, an owner or operator's request for an adjustment to a particular time period or postmark deadline is warranted, the Administrator will approve the adjustment. The Administrator will notify the owner or operator in writing of approval or disapproval of the request for an adjustment within 15 calendar days of receiving sufficient information to evaluate the request.

40 C.F.R. part 63, subpart A (@ [63.9\(i\)](#)). NESHAP General Provisions.

...(i) ***Adjustment to time periods or postmark deadlines for submittal and review of required communications.***

(1)(i) Until an adjustment of a time period or postmark deadline has been approved by the Administrator under [paragraphs \(i\)\(2\)](#) and [\(i\)\(3\)](#) of this section, the owner or operator of an affected source remains strictly subject to the requirements of this part.

(ii) An owner or operator shall request the adjustment provided for in [paragraphs \(i\)\(2\)](#) and [\(i\)\(3\)](#) of this section each time he or she wishes to change an applicable time period or postmark deadline specified in this part.

(2) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. An owner or operator who wishes to request a change in a time period or postmark deadline for a particular requirement shall request the adjustment in writing as soon as practicable before the subject activity is required to take place. The owner or operator shall include in the request whatever information he or she considers useful to convince the Administrator that an adjustment is warranted...

(3) If, in the Administrator's judgment, an owner or operator's request for an adjustment to a particular time period or postmark deadline is warranted, the Administrator will approve the adjustment. The Administrator will notify the owner or operator in writing of approval or disapproval of the request for an adjustment within 15 calendar days of receiving sufficient information to evaluate the request.)

## Things Considered:

- Regardless of the federal authority granted to DEQ to approve these adjustments, the source must still comply with their permit and applicable environmental law. If the permit requires a notification X days before/after an event, the source must comply with the permit by submitting the notification at the appropriate time. No staff have the authority or ability to approve an alternative/modified permit condition ad hoc that conflicts with an existing, issued permit condition.
- Most permits appear to be written in such a way that does not allow for these adjustments (e.g., no flexibility for alternative DEQ approval to a notification requirement). See example below:

## Flexibility

- f. All tests must be conducted in accordance with DEQ's Source Sampling Manual and the approved source test plan. The source test plan must be submitted at least 30 days in advance and approved by the Regional Source Test Coordinator. The source test report must be submitted for review to the Regional Source Test Coordinator within 60 days unless otherwise approved in the source test plan.



## No Flexibility

### 11.5 Annual Report

For each year this permit is in effect, the permittee must submit to DEQ by **February 15** two (2) paper copies and one (1) electronic copy of the following information for the previous calendar year. If February 15 falls on a weekend or Monday holiday, the permittee must submit their annual report on the next business day.

- The federal regulations clearly state that these are one-off requests. A source is not able to use this to request a modification to their permit that would permanently change a requirement's due date. Rather, they would need to submit the request each year (or each time the notification was required to be submitted).
  - A source may approach DEQ and request to modify their permit to have this flexibility for notification submittals added to their permit. Again, staff should discuss this with their manager as the regional air quality managers and Air Quality Administrator will need to agree on a policy decision with how staff are to implement consistently.
- Using this authority would require that DEQ remain consistent and fair with adjustment decisions. Thus, each adjustment request and decision would need to be logged and tracked to ensure consistent approval/denial with previous decisions. Each approval/denial would be establishing a sort of precedent that, if deviated from, could present legal risk to the agency. This logging/tracking and review of past decisions by regional and HQ staff would take additional staff time and agency resources.

## Decision: Not to Use This Authority

A source recently asked DEQ to approve an adjustment to their performance test notification due date, which kicked off DEQ's research into these adjustment approvals. AQ Ops staff discussed the topic with EPA Region 10, the Lead Permit Writers Group, the Source Test Coordinator Group, and the AQ Regional Management Team and determined that this adjustment authority will not be used by regional staff at this time.

- Most (if not all) permits do not provide for this flexibility regarding notification requirements. Most permits would need to be modified to allow for this adjustment flexibility.
- The work associated with logging, tracking, and ensuring consistency with these decisions in an ongoing manner is likely an equivalent amount of work as an enforcement action or No Penalty Justification (NPJ).
- Staff and sources would need to have documentation, resources, and training put together to ensure these processes are clear and consistent.
- There does not appear to be any clear resource savings, progress toward DEQ's mission, or obvious environmental benefit from proceeding with a broad inclusion of 'adjustment' approvals into permitting.

Please note that management is in favor of regulatory flexibility in general and has stated that where there is room to expedite work, further DEQ's mission, and provide flexibility to the regulated community, it is worth considering. Thus, the 'door' to this topic remains open from management. If you have a situation that arises in which you feel this adjustment process should be used, please discuss the situation with your manager. As stated, managers and the Air Quality Administrator may agree on a policy and implementation decision based on the situation that you discuss with your manager. Note that if a source is approaching a deadline and

requests this adjustment, it is highly unlikely that management/leadership and AQ Operations staff will have a decision and implementation plan established before the source's deadline.

## What You Need to Know:

Do not approve adjustments using these provisions.

Part 60 and 63 (NSPS and NESHAP) General Provisions (Subparts A) provide for a process by which a source can request, and DEQ can approve, an adjustment to a notification due date. DEQ air permitting staff **will not exercise this authority at this time**. Staff with situations in which they believe the adjustment approval process is warranted will discuss the situation with their manager. If regional managers and the Air Quality Administrator agree, DEQ may elect to establish a policy decision on how to implement the approval process for these adjustments.

## 92 – GHG Reporting and PSEs

### General Topic Overview

Some sources are required to report their greenhouse gas emissions to the Greenhouse Gas Reporting Program. Which sources? Who does what with those emissions? What about GHG PSEs? What do you have to do? This tip is intended to answer these questions.

### GHG Reporting

Any permitted facility that emits  $\geq 2,500$  metric tons CO<sub>2</sub> equivalent GHG emissions is required to register and report to the GHG Reporting Program. Biogenic and anthropogenic greenhouse gas emissions are **BOTH** used in determining if the facility meets the reporting threshold:

- Biogenic emissions typically come from use of biofuels (landfill gas, wood/wood waste)
- Anthropogenic emissions come from use of fossil fuels and other sources (i.e., landfill fugitive emissions)

### Verifying Compliance with GHG Reporting Condition

The GHG reporting conditions in the Simple/Standard ACDP template and the Title V permit template are below. Permit writers should verify compliance with this reporting condition. If the source is over the reporting threshold of 2,500 metric tons CO<sub>2</sub> equivalent and isn't reporting yet, the permit writer should inform the GHG program at [GHGReport@deq.oregon.gov](mailto:GHGReport@deq.oregon.gov) and provide the source's responsible official with the Greenhouse Gas Reporting Protocols for AQ Permit Holders document that is found here. The permit writer should also update TRAACS (or ask your Permit Coordinator to) by including GHG in the Related Air Programs within the applicable "Air Programs" tab. This ensures that the sources are invoiced correctly and can access the EZ-Filer reporting tool. Once a source has been entered in to the GHG reporting system (TRAACS and EZ-Filer), the GHG Reporting Program will keep track of the reporting obligations. You can find a list of sources that are already reporting here.

ACDP GHG permit condition Title V GHG permit condition

## 11.6 Greenhouse Gas Registration and Reporting

- a. If the calendar year greenhouse gas emissions (CO<sub>2</sub>e) are ever greater than or equal to 2,756 tons (2,500 metric tons), the permittee must annually register and report its greenhouse gas emissions with DEQ in accordance with OAR 340 division 215.
  - b. If the calendar year greenhouse gas emissions (CO<sub>2</sub>e) are less than 2,756 tons (2,500 metric tons) for three consecutive years, the permittee may stop reporting greenhouse gas emissions but must retain all records used to calculate greenhouse gas emissions for the five years following the last year that they were required to report. The permittee must resume reporting its greenhouse gas emissions if the calendar year greenhouse gas emissions (CO<sub>2</sub>e) are greater than or equal to 2,756 tons (2,500 metric tons) in any subsequent calendar year.
61. Greenhouse Gas Registration and Reporting: If the calendar year emission rate of greenhouse gases (CO<sub>2</sub>e) is greater than or equal to 2,756 tons (2,500 metric tons), the permittee must register and report its greenhouse gas emissions with DEQ in accordance with OAR 340-215. The greenhouse gas report must be certified by the responsible official consistent with OAR 340-218-0040(5).

After the source is entered in to the GHG reporting system, if a source fails to report, reports late, fails to respond to a records request, fails to correct reporting errors within the allotted time, or any other GHG-related compliance issue (not including GHG PSEL exceedances), the GHG Reporting Program issues the enforcement action. These enforcement actions can include warning letters, warning letters with opportunity to correct, and PEN's with referrals. When sources are out of compliance and enforcement actions are taken, the GHG Reporting Program notifies the permit writer and the applicable regional AQ office.

## Verifying Compliance with Permit Conditions during an Inspection

During an inspection for a SM80 or TV source, the permit writer will need to determine compliance with every condition. When preparing for an inspection, be sure to check the GHG reports here to determine if the source reported GHG for the current or any given reporting year, or ACES (or YDO when it's live) for any GHG reporting program-initiated enforcement actions.

## Calculation of GHG PSELS

If the source emits over the de minimis level for GHGs (Greenhouse Gases (CO<sub>2</sub>e) = 2,756 tons per year), they are required to have a GHG PSEL in their permit. **[NOTE: 2,500 metric tons = 2,756 short tons]** Sources should include GHG emissions in their applications (new, renewals, mods) and annual reports, if they are required to report. The GHG Plant Site Emission Limit should be calculated using the same basis (production, throughput, usage) that is used to calculate their other PSELS. **[NOTE: After March 1, 2023, we are no longer using Generic PSELS (74,000 tons per year for GHGs). More training is planned on this topic.]**

Permit writers should check the source's calculation of the GHG PSEL by using the following: a stationary combustion spreadsheet to calculate GHG emissions from a variety of fuels:

### Fuel Combustion Greenhouse Gas Calculator

This sheet calculates greenhouse gas emissions from fuel combustion. 1) Enter the combustion emission sources at the facility (e.g. "boiler 1") in the 1<sup>st</sup> column. 2) In the 2<sup>nd</sup> column, select the fuel type used in each emissions unit. If more than one fuel type was used in a single emissions unit, you must enter that same emissions unit on multiple rows and then enter 3) Enter the fuel quantities in the 3<sup>rd</sup> column and specify the unit of measure in the 4<sup>th</sup> column. Emissions are then calculated in metric tons of carbon dioxide equivalent (mtCO<sub>2</sub>e).

Enter emissions information				Convert to mmBtu			Emissions (kg/mmBtu)			CO <sub>2</sub> Equivalent			Anthropogenic (mtCO <sub>2</sub> e)			Biogenic (mtCO <sub>2</sub> e)
Emissions unit <sup>1</sup>	Fuel Type <sup>2</sup>	Quantity <sup>3</sup>	Fuel units <sup>3</sup>	HHV Units	HHV Unit	HHV mmBtu	CH <sub>4</sub>	CO <sub>2</sub>	N <sub>2</sub> O	CH <sub>4</sub>	CO <sub>2</sub>	N <sub>2</sub> O	CH <sub>4</sub>	CO <sub>2</sub>	N <sub>2</sub> O	(mtCO <sub>2</sub> e)
				0	0	0	0	0	0	25	1	298	0	0	0	0
				0	0	0	0	0	0	25	1	298	0	0	0	0
				0	0	0	0	0	0	25	1	298	0	0	0	0
				0	0	0	0	0	0	25	1	298	0	0	0	0
				0	0	0	0	0	0	25	1	298	0	0	0	0
				0	0	0	0	0	0	25	1	298	0	0	0	0
				0	0	0	0	0	0	25	1	298	0	0	0	0
				0	0	0	0	0	0	25	1	298	0	0	0	0
				0	0	0	0	0	0	25	1	298	0	0	0	0
				0	0	0	0	0	0	25	1	298	0	0	0	0
				0	0	0	0	0	0	25	1	298	0	0	0	0
				0	0	0	0	0	0	25	1	298	0	0	0	0

Anthropogenic combustion emissions (mtCO <sub>2</sub> e):	0
Biogenic combustion emissions (mtCO <sub>2</sub> e):	0
<b>Total combustion emissions (mtCO<sub>2</sub>e):</b>	<b>0</b>

<b>Conversion to short tons</b>	
Anthropogenic combustion emissions:	0
Biogenic combustion emissions:	0
<b>Total combustion emissions:</b>	<b>0</b>

Use the following formula to calculate a HHV for woodwaste on a wet basis:  
 $HHV_w = (100 - M/100) * 17.48$   
 where HHV<sub>w</sub> = wet basis HHV, M = moisture content (percent). 17.48 is the HHV on a dry basis.  
 Use this new HHV to replace the default HHV in the calculator above once the "wood/woodwaste" fuel type is selected.

And a Steam combustion spreadsheet to calculate GHG emissions from steam:

**Calculating greenhouse gas emissions from steam production**

Equation C-2c: CO<sub>2</sub> = .001 \* Steam \* B \* EF  
 Equation C-9b: CH<sub>4</sub> or N<sub>2</sub>O = .001 \* Steam \* B \* EF  
 \* Equations are from EPA's Mandatory Greenhouse Gas Reporting Rule, 40 CFR Part 98, Subpart C

Total CO <sub>2</sub> e (metric tons):	0.00
Anthropogenic CO <sub>2</sub> e (metric tons):	0.00
Biogenic CO <sub>2</sub> (metric tons):	0.00
Total fuel combusted (mmBtu)	0

**Input Data**

[Steam] = Total mass of steam generated by MSW or solid fuel combustion during the reporting year (lb steam)	0.	
[B] = Ratio of the boiler's maximum rated heat input capacity to its design rated steam output capacity (mmBtu/lb steam)	0.	
[.001] = Conversion Factor from kg to metric tons (constant)	0.001	
[EF] = Fuel-Specific Default CO <sub>2</sub> Emission Factor, from Table C-1 (kg CO <sub>2</sub> /mmBtu)	93.8	See "Table C-1" tab. Note: Wood/Woodwaste = 93.8 kg/mmBtu
[EF] = Fuel-Specific Default CH <sub>4</sub> Emission Factor, from Table C-2 (kg CH <sub>4</sub> /mmBtu)	0.0072	See "Table C-2" tab. Note: Wood/Woodwaste = .0072 kg/mmBtu
[EF] = Fuel-Specific Default N <sub>2</sub> O Emission Factor, from Table C-2 (kg N <sub>2</sub> O/mmBtu)	0.0036	See "Table C-2" tab. Note: Wood/Woodwaste = .0036 kg/mmBtu
Is the fuel biomass?	no	

And EPA's methodologies in 40 C.F.R. part 98 subparts D through UU to determine emissions from industrial processes at the source.

### Checking compliance with GHG PSEL

To see what has been reported for your source, you can access that information in the GHG Emissions Filing Source Year report. Just choose the permit number in the "Source ID" box and enter the year in the "Emissions Year" box. You can use that information to see if the source complied with their GHG PSEL.

Oregon DEQ SQL Server 2019 Production Reporting Services
INAHARA JILL

★ Favorites
🔍 Browse
🗨️ Comments

Home > GHGReports > GHG\_Emissions\_Filing\_Source\_Year

Source Id <Select a Value>
Emissions Year
View Report

## What do we do with the GHG reporting data?

The data DEQ collects from the permitted sector are used to support the [Climate Protection Program](#). In addition to supporting the CPP, the data collected are also used to inform decision makers, both internal and external, on the status of the Oregon's greenhouse gas inventories and if any actions are required to be taken. These actions may include request for reductions or further regulatory measures if that is what is needed to meet the State's GHG emissions reduction goals.

There is more information on GHGs on the Permit Writers Resource Center here:

### GHG Reporting

- [GHG Report Submittals](#)
- [GHG Reporting for Permit Writers](#)
- [GHG Reporting Tool EZ-Filer](#)
- [Greenhouse Gas Emissions Reported](#)
- [Fuel Combustion Greenhouse Gas Calculator](#)
- [Climate Protection Program Home Page](#)

and on the PSEL page here:

## 93 – Tips for Better Emails

### Tips for better emails

Email is important. It's one of the main ways we communicate with each other and the public. But, sometimes it doesn't work great. Here are a few tips:

- Have a clear goal in mind
- Use the content to meet your goal
  - Use the subject line
  - Important stuff first
  - Use plain language
  - If action needed, make an explicit ask (person X, please do Y by date Z)
- Use formatting to meet your goal
  - Use bold/underline/color – but not too much
  - Bullet points to organize lists
- A few special considerations
  - Emails are public records
  - Don't share emails from DOJ outside DEQ
  - Organize emails into folders

### Have a clear goal in mind

What's the goal of your email? Are you sending an FYI ("for your information") so that people will be aware of something? Are you asking for review of a document? If you're clear about what you want, it will be easier to accomplish it.

## Use the subject line

The subject line is your first chance to reach your audience. Readers see the subject line first, then decide when/if to click on the email and read the whole thing. This is the most important sentence in your email.

- Let your readers know what kind of action you're asking for. Start your subject line with "FYI:" or "Review requested by X date:" etc.
- If the topic of an email chain changes, change the subject line.

## Important stuff first

In some types of writing (like school essays, mystery novels, and jokes) the "action" builds up, with the most important sentences at the end. But, take a look at a news article from your favorite news source. In a news article, the most important sentences usually appear early in the article, with following paragraphs giving more details.

If you can, write your email like a news article, with the most important stuff up top. That way, readers see the most important info, even if they don't read all the way to the end.

## Use plain language

Eschew obfuscation! Your email is more likely to meet your goals if your readers can easily absorb the message. More info about plain language here.

## If action needed, make an explicit ask

If you want readers of your email to take action, make sure they can easily tell who should do what by when. Write it out: person X, can you do Y by date Z?

## Use bold/underline/color – but not too much

Formatting can help draw your readers' attention to key parts of your email. I've used it in this email to divide the content into sections. Other times, I like to use it to highlight a few key words in a sentence. But, you can't emphasize everything. **If you use *too much* formatting, it *may distract* from your message.**

## Bullet points to organize lists

If you have a list of items, putting them into a bulleted list can help draw more attention to them. Or, use a numbered list if you need to refer to them later. "Option #1 has this disadvantage, so we should go with Option #2".

## Emails are public records

Remember that emails are public records. So, be professional and avoid saying things that could be taken out of context. Years from now when you're applying for the DEQ director job, you don't want people to dig up embarrassing things you wrote in a moment of frustration. Even unsent drafts can get picked up in public records requests. Teams chats are public records as well.

## Don't share emails from DOJ outside DEQ

The Oregon Department of Justice (DOJ) acts as DEQ's legal advisor when there's a question about our rules or statutes. For air quality, Paul Garrahan and Erika Hamilton are our DOJ attorneys. Emails between DEQ and DOJ qualify for "attorney-client privilege" and do not need to be released as part of a public records request. BUT, that only applies on emails between DEQ and DOJ. If we include someone else on the email or forward the email to someone else, even a sister agency like LRAPA, that protection may no longer qualify.

If you are sharing anything over email that may contain exempt information (such as attorney-client privileged, confidential business info, employee personal info, etc.) it helps to include "confidential" very prominently in the title so it's easier to flag in review. See this guidance on handling confidential information for details.

## **Organize emails into folders**

Consider creating folders in your inbox (or even in a shared location with the relevant permit/project files) to keep emails on a particular topic together—this will make it much faster to find them if we get a public records request!

## **94 – Annual Report Process 2023**

### **AQ Annual Report process 2023: What to Expect When You're Expecting (an Annual Report to be Submitted)**

Staff from HQ and each region have worked together to come up with a plan for processing annual reports this year. Here's what permit writers need to know:

### **HQ is sending reminder emails and hard copy reminder letters to facilities this week.**

- One email will be sent to each email address that is listed as a Facility Contact, Mailing Contact, or Site Contact in TRAACS. (These are the folks that have AQ Document Upload PINs.)
- One hard copy letter will go out to each source.
- The emails and letters will have customized info for that source- see examples here
- Permit Writers will not be cc'd on the emails or letters. This saves paper and prevents anyone's inbox from getting bombed with hundreds of emails. But, I will save PDFs / email files and can provide those if needed later. Permit coordinators will have access and can print or save to the source file if needed.
- Most facilities have an annual report deadline of Feb 15<sup>th</sup>. The letters and emails aren't smart enough to know which permits have a different deadline, so they just say, "Please submit... your completed annual report for 2022 no later than February 15, 2023 unless there is another date specified in your permit."

### **The annual report process will work like it did last year**

- Sources need to send 2 copies of their annual report to DEQ:
  - Mail one hard copy to the regional office
  - AND upload one electronic copy to AQ Document Upload, using the PIN they have received by email.
- Permit writers can go to AQ Permits Online to view and review annual reports for their facilities.
- Once YDO for AQ permitting launches, hopefully 11 months from now, facilities will no longer have to mail us hard copies. That's something we can all look forward to. But for now, facilities still need to mail us a hard copy of their annual report.

### **Who facilities should contact if they have questions**

- If the facility wants to change who has AQ Document Upload PINs for their source, they should contact Nancy Swofford (ER), Betsy Everman (NWR) or Suzy Luttrell (WR). Nancy, Betsy, and Suzy can update the contact info for that source in TRAACS, which will cause updated AQ Document Upload PINs to be generated.
- If the facility needs their PIN to be resent or has technical issues with uploading their annual report to AQ Document Upload, they should contact AQDocumentUpload@deq.oregon.gov. I currently respond to those emails and hopefully will have help when things get busy.
- This info is also listed in the reminder letters and emails that are going out.

## 95 – TV to ACDP

### General Topic Overview

Sometimes a source may contact DEQ and request to terminate their Title V Operating Permit and instead operate under an Air Contaminant Discharge Permit. How are you supposed to respond to these requests/inquiries? Which sources can move 'down' to an ACDP? What's the process? What fees are required?

### Two Types of TV Sources

It is important to make a distinction between the two main types of TV sources:

#### 1. HAP Major

- Sources that are TV because of Potential To Emit above either 10 tons per year of a single Hazardous Air Pollutant or 25 tpy of combined HAPs;

Or

#### 2. Criteria Major

- Sources that are TV because of PTE above 100 tpy of a criteria pollutant.

### Once In Always In

The 1995 EPA policy of 'Once In Always In' (OIAI) applied to the HAP Major sources only, not the sources that were major for criteria pollutants. In January 2018, EPA issued guidance that rescinded the OIAI policy and instead relied on a 'plain language' reading of the Clean Air Act section 112, which would allow a source to reclassify to an area source based on enforceable limits to below the major source PTE levels (10/25 tons of HAP, see above). EPA further codified this determination in the Code of Federal Regulations on October 1, 2020, this rulemaking is referred to as 'Major MACT To Area source', or 'MM2A'.

The biggest overarching concern DEQ has with this rulemaking is explained best by the following hypothetical scenario:

- A major HAP source has PTE of 10 tons of a single HAP.
- The applicable MACT standard requires 98% control of these emissions, reducing the 10 tons of HAP to 0.2 tpy.
- If this source keeps the MACT required controls and requests to terminate their TV permit, their new ACDP would have up to a HAP limit of 9 for a single HAP/24 tpy for combined HAPs.



- **This would technically allow the source to reduce the efficiency of their control setup (or remove) and increase HAP emissions ~45X.** [In most cases it is unlikely the source would do this but establishing a permit that allows this is inappropriate.]
- See below for information on this topic as it relates to 'Highest and Best' OAR 340-226-0110).

## PSEL Changes

Note that as of 3/1/23 the recent Air Quality Permitting Updates rulemaking (adopted November 2022 and effective 3/1/2023) establishes the following:

OAR chapter 340 division 222.

(3) PSELs are not required for:

(a) Regulated pollutants that will be emitted at less than the de minimis emission level listed in OAR 340-200-0020 from the entire source;

(b) Short Term Activity and Basic ACDPs;

(c) Hazardous air pollutants as listed in OAR 340-244-0040 Table 1; high-risk pollutants listed in 40 CFR 63.74; ~~or~~ accidental release substances listed in 40 CFR 68.130; ~~or air~~ toxic air contaminants listed in OAR [chapter 340, division 246](#); ~~or toxic air contaminants listed in OAR chapter 340, division 247~~; except that PSELs are required for pollutants identified in this subsection that are also listed in the definition of SER, 340-200-0020; ~~or~~

[\(d\) General ACDPs or General Oregon Title V Operating Permits where federally enforceable limits on potential to emit, such as a physical or operational limit, are used rather than a PSEL.](#)

### 340-222-0060

#### Plant Site Emission Limits for Sources of Hazardous Air Pollutants

(1) DEQ may establish PSELs for hazardous air pollutants (HAPs) if an owner or operator requests that DEQ:

~~(a) Establish a PSEL for combined HAPs emitted for purposes of determining emission fees as prescribed in OAR [chapter 340, division 220](#); or~~

~~(b) Create an enforceable PTE limit.~~

(2) PSELs will be set only for individual or combined HAPs and will not list HAPs by name. The PSEL will be set on a rolling 12 month basis and will be ~~either:~~

~~(a) The generic PSEL if the permittee proposes a limit less than that level; or~~

~~(b) The level the permittee establishes necessary for the source if greater than the generic PSEL set based on the potential to emit if more than the de minimis emission level and to also comply with OAR [chapter 340, division 245](#).~~

This means that permits will establish all HAP PSELs in permits at PTE if they are emitted at more than the de minimis level(s).

## Highest & Best; Continued MACT Controls

Currently, DEQ has a mechanism to ensure these major sources (TV) retain their MACT-required control technology/compliance option when they move to an area source (ACDP) using the Highest and Best rules ([OAR 340-226-0110](#)), however, a review of each situation is required before making this change.

### Highest and Best Practicable Treatment and Control: 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.

Per this rule language, an ACDP can continue to require whatever control technologies the source installed to comply with the applicable MACT standard. In most cases this will hold true, however there may be unique situations that require a more detailed review.

### **Requests From Sources:**

Since approximately 1995 DEQ has been implementing the OIAI memo. In response to EPA's guidance rescinding the OIAI policy and MM2A rulemaking, several sources contacted DEQ to ask about changing their major source status. The regional management team and AQ Administrator worked through these requests and established a process for how to handle each one on a case-by-case basis.

A few reminders:

- Some sources require a TV permit regardless of their size or emissions (e.g., Air Curtain Incinerators)
- A source must not exceed major source levels until a TV permit has been ISSUED (not just applied for). Any source that makes a switch to ACDP from TV should be made aware of this.

### **What does a source need to do to move to an ACDP? When is this applicable/appropriate?**

First- it is important to note that DEQ's TV rules ([Division 218](#)) have a provision for sources to request a 'revocation of the Oregon Title V Operating Permit' (OAR 340-218-0020(2)) that depends on the Potential to Emit of the source.

#### [340-218-0020](#)

##### **Applicability**

...

(2) The owner or operator of a source with an Oregon Title V Operating Permit whose potential to emit later falls below the emission level that causes it to be a major source, and which is not otherwise required to have an Oregon Title V Operating Permit, may submit a request for revocation of the Oregon Title V Operating Permit. Granting of the request for revocation does not relieve the source from compliance with all applicable requirements or ACDP requirements.

This rule language allows any TV source to make this request. Since the OIAI policy applied to HAP Major sources, this rule language has historically been used when Criteria Major sources requested to limit their PTE to below *criteria major* levels. This rule and past process will continue to be used for those criteria major sources.

In other words: **a source that is only subject to TV permitting because of criteria pollutant emissions that will or has reduced those emissions to below major source levels can have their permitting action (move to ACDP) handled entirely by the regional permitting staff.**

Note: A source moving to an ACDP that subsequently receives a high PSEL (i.e., ~90-99 tons per year PSEL) should require substantial recordkeeping, monitoring, source testing of high-emitting emission units, and reporting. Permitting staff should strongly consider requiring CEMS (or similar) and including applicable

references to the Continuous Monitoring Manual as appropriate. Remember that aggregate insignificant emissions count towards determining major source status.

<b>HAP Major Revocation Requests (REQUIRED STEPS)</b>		<b>Criteria Major Revocation Requests (OPTIONAL/RECOMMENDED STEPS)*</b>	
<b>Step No.</b>	<b>Step Process</b>	<b>Step No.</b>	<b>Step Process</b>
1	Regional staff receive request for a TV source to revoke their permit pursuant to OAR 340-218-0020(2).	1	Regional staff receive request for a TV source to revoke their permit pursuant to OAR 340-218-0020(2).
2	Regional staff request sufficient information from the source to document: <ul style="list-style-type: none"> <li>• The reason(s) for being subject to TV permitting initially and/or over the period in which the TV permit has been active if the reason(s) have changed; and</li> <li>• A detailed explanation as to what has changed at the source (e.g., equipment removal, reduced hours of operation) and detailed emission calculations showing the source is no longer a major source.</li> </ul>	2	Regional staff request sufficient information from the source to document: <ul style="list-style-type: none"> <li>• The reason(s) for being subject to TV permitting initially and/or over the period in which the TV permit has been active if the reason(s) have changed; and</li> <li>• A detailed explanation as to what has changed at the source (e.g., equipment removal, reduced hours of operation) and detailed emission calculations showing the source is no longer a major source.</li> </ul>
3	Regional staff draft a 'DEQ Memo' (see MS Word Templates) explaining the situation and provide the memo to their manager, including any relevant supporting documentation. <ul style="list-style-type: none"> <li>• Note that regional staff may find it beneficial to request the information in #2, above, in a memo format from the source. Or request the source to provide a cover page with their detailed request such that drafting a memo is faster/easier.</li> </ul>	3	Regional staff draft a 'DEQ Memo' (see MS Word Templates) explaining the situation and provide the memo to their manager, including any relevant supporting documentation. <ul style="list-style-type: none"> <li>• Note that regional staff may find it beneficial to request the information in #2, above, in a memo format from the source. Or request the source to provide a cover page with their detailed request such that drafting a memo is faster/easier.</li> </ul>

<b>HAP Major Revocation Requests (REQUIRED STEPS)</b>		<b>Criteria Major Revocation Requests (OPTIONAL/RECOMMENDED STEPS)*</b>	
	<ul style="list-style-type: none"> <li>Staff memo must include a detailed applicability determination (all emissions, relevant standards, etc.)</li> </ul>		<ul style="list-style-type: none"> <li>Staff memo must include a detailed applicability determination (all emissions, relevant standards, etc.)</li> </ul>
4	Regional manager discusses the source with the Regional Management Team and provides a recommendation.	4	Regional manager discusses the source with the Regional Management Team and provides a recommendation.
5	Regional manager shares the memo, any relevant documentation, and the RMT recommendation with the AQ Administrator, requesting a final determination.	5	Regional manager and/or staff communicate the decision with the source. <ul style="list-style-type: none"> <li>This communication should include directive on next steps (see below RE: ACDP and fees).</li> <li>Staff should talk with their manager to determine whether the communication should come from the management level.</li> </ul>
		6	The applicant applies for a new SI/ST ACDP with all new application forms and fees that are typically required.
6	Air Quality Administrator makes an approval or denial determination regarding the TV permit revocation request.	7	Regional manager and/or staff communicate the permit status change (when completed) with AQ Operations staff. <ul style="list-style-type: none"> <li>Status change to/from TV or SM80 needs to be included in the recurring Compliance Monitoring Strategy reporting/communications with EPA.</li> </ul>
7	Regional manager shares the memo, determination, and relevant criteria/factors with AQ Operations to document for consistency.		
8	Regional manager and/or staff communicate the decision with the source. <ul style="list-style-type: none"> <li>This communication should include directive on next steps (see below RE: ACDP application and fees).</li> </ul>		

HAP Major Revocation Requests (REQUIRED STEPS)		Criteria Major Revocation Requests (OPTIONAL/RECOMMENDED STEPS)*
	<ul style="list-style-type: none"> <li>Staff should communicate with their manager to determine whether the communication should come from the regional manager.</li> </ul>	
9	The applicant applies for a new SI/ST ACDP with all new application forms and fees that are typically required.	
10	<p>Regional manager and/or staff communicate the permit status change (when completed) with AQ Operations staff.</p> <ul style="list-style-type: none"> <li>Status change to/from TV or SM80 needs to be included in the recurring Compliance Monitoring Strategy reporting/communications with EPA.</li> </ul>	

\*Criteria Major sources moving to an ACDP can be handled entirely at the regional level.

If the revocation request is approved, staff should communicate permitting requirements, noting that the TV permit will not be revoked until an ACDP is issued.

Example situations in which a source may request revocation of their TV permit:

- Manufacturing or coating process that was subject to a MACT standard because of a specific HAP-containing adhesive or coating that is no longer used. The facility may have reformulated to use low or non-HAP coatings/adhesives.
- Facility that had large oil-fired boilers (or similar equipment) that have been decommissioned/removed/reconstructed and had them replaced with newer natural gas-fired units that reduces the source's PTE to below criteria major levels.

## ACDPs, TRAACS, and Permit Numbers

ACDP Issuance Prior to Revocation: The owner/operator will require an ACDP to operate their source when the TV permit is revoked. Thus, the revocation determination (if approved) should not be executed until the source has been issued an ACDP for the activity/operation. When the source is advised that the revocation request has been approved, you should also discuss ACDP application requirements.

New ACDP Requirements: The process of revoking a TV and issuing the source an ACDP requires a NEW ACDP. This requires new permit application forms and fees. New permit applications often have requirements under Cleaner Air Oregon or Short-Term NAAQS.

- For CAO, sources must follow the current/most recent 'new vs. existing' criteria from CAO to determine if the new application must complete a risk assessment. For most cases, a source that was operating under an issued TV permit as of the date CAO rules were adopted and the program was effective will be

considered an existing source and not need to complete the risk assessment to receive an ACDP. (CAO rules were adopted, filed, and effective 11/16/2018).

- For short-term NAAQS: the IMD does not cover these specific sources. The guidance document for 'sources not covered by the IMD' classifies these sources as Category VII, which states that the Regional Management Team will discuss the situation, make a decision, and write a memo to justify the decision.
  - RMT has agreed to not require short-term NAAQS analysis, by default, of an existing TV source applying for a new Simple or Standard ACDP. The manager will consider all relevant factors to determine whether the specific source's placement on the short-term NAAQS 'call-in' list should be changed. If the source's placement is proposed to change, RMT will discuss and agree; the regional manager will also email Sujin Yean and Kristen Martin about the suggested change to the list.

Permit Numbers: When updating TRAACS, the source should retain their same permit number. All permit actions (TV revocation and ACDP issuance) should happen within the same source record of TRAACS. The underlying ACDP to the TV permit, if active, should be revoked at the same time the TV permit is. The new ACDP drafting may be able to be expedited by copying some conditions from the underlying prior ACDP or the TV permit but permit writers must ensure the most recent version of the ACDP template (MS Word > Shared > AQ > Simple and Standard ACDP) is used for the new ACDP.

## **Are Fees Required?**

Yes. The only exception is if the TV source is requesting revocation of the TV permit and applying for a Basic or General ACDP.

When a Title V permit is revoked and a Simple/Standard ACDP will subsequently be required for the source, initial permitting fees are required to be submitted with the ACDP application. Staff should discuss each situation with the Air Quality Invoice Coordinator ([airqualityinvoicecoordinator@deq.oregon.gov](mailto:airqualityinvoicecoordinator@deq.oregon.gov)) to ensure the source is aware of the amount of funds due, to be refunded, or to be credited toward the ACDP.

Per the AQ Invoicing Internal Management Directive:

the regional office. Sources switching from a Title V permit to a Standard or Simple ACDP will also be charged the full application fee by the regional office.

## **What You Need to Know:**

A source that requests revocation of their TV permit (and is approved) must have the situation approved by the Regional AQ manager. If the source was/is major for HAPs, the situation must also be approved by the Air Quality Administrator.

TV sources applying for a new ACDP must pay all new permit application fees and submit all initial permitting forms, including the AQ100 series.

## 96 – MS OneNote

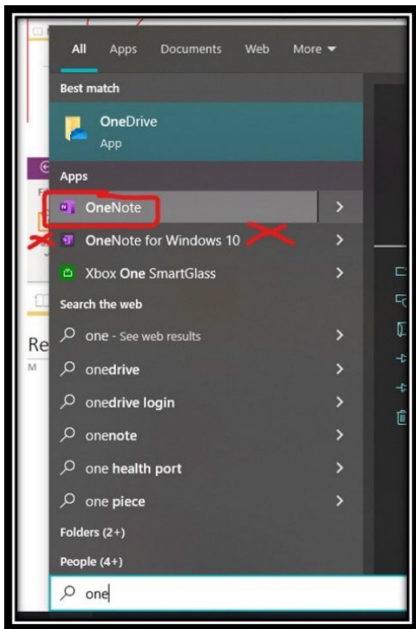
Hello there! Owen here- I have been asked to do a guest Tip of The Week spot to sing the praises of Microsoft OneNote, which I am always happy to do! This tip is intended to explain what OneNote is, how the program is set up, some ways that it can be organized, and several reasons why I highly recommend you retire your composition notebooks and ink pens! Read on to find out why, and how to set it up for yourself and get the most out of it.

***One of the first, best things to know about OneNote- you never have to save. It autosaves every minute or so.***

### Setup

By using the 'search' button on the bottom left corner of your desktop, you can simply search for 'One' or 'OneNote' and you will see the program available to open/use.

**NOTE:** Use the program called 'OneNote' and NOT the one called 'OneNote for Windows 10'. The former is the full OneNote application that comes with your DEQ Windows account, like MS Word or Excel; the latter is an "App" that can be downloaded from the Microsoft store, it is a light weight "tablet" version of OneNote. Staff are not supposed to use any "apps" from the Microsoft store, like the 'OneNote for Windows 10'.



### Microsoft Training:

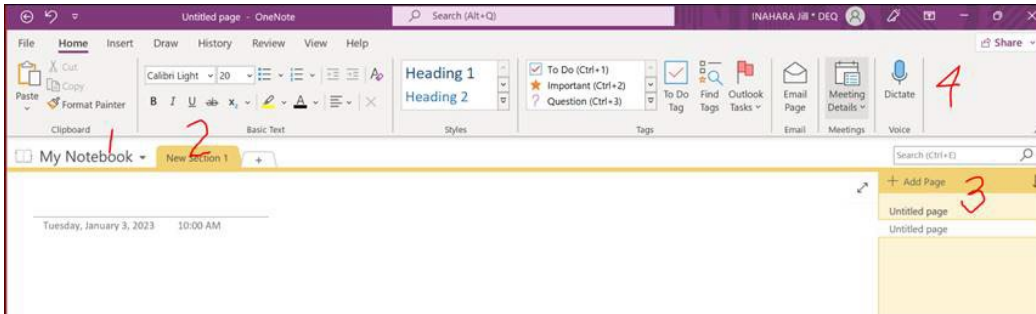
Microsoft's support resources include information on OneNote as well. Please consider reviewing the information found at the following link: <https://support.microsoft.com/en-us/office/create-a-notebook-in-onenote-6be33cf9-f7c3-4421-9d74-469a259952d3>

### Features

There are several key components for a new user of OneNote to be aware of regarding the program's layout:

1. **Notebooks:** A notebook is just what it sounds like; think of your composition notepad on your desk. You may have one for phone call notes with sources, one for meeting notes, one for to-do's, etc.

- Sections:** Each notebook can be comprised of multiple sections. Notice that the sections 'tab' looks just like a divider tab on a file folder. That's just what this is- a divider that separates the notebook into different overarching sections.
- Pages:** Further, each section can have an array of pages that cover different specific meetings, projects, items, etc.
- Ribbon/Controls:** Just like MS Word, Excel, or PowerPoint, the ribbon across the top of the screen is where you will find controls to further edit, organize, or modify the information in OneNote.



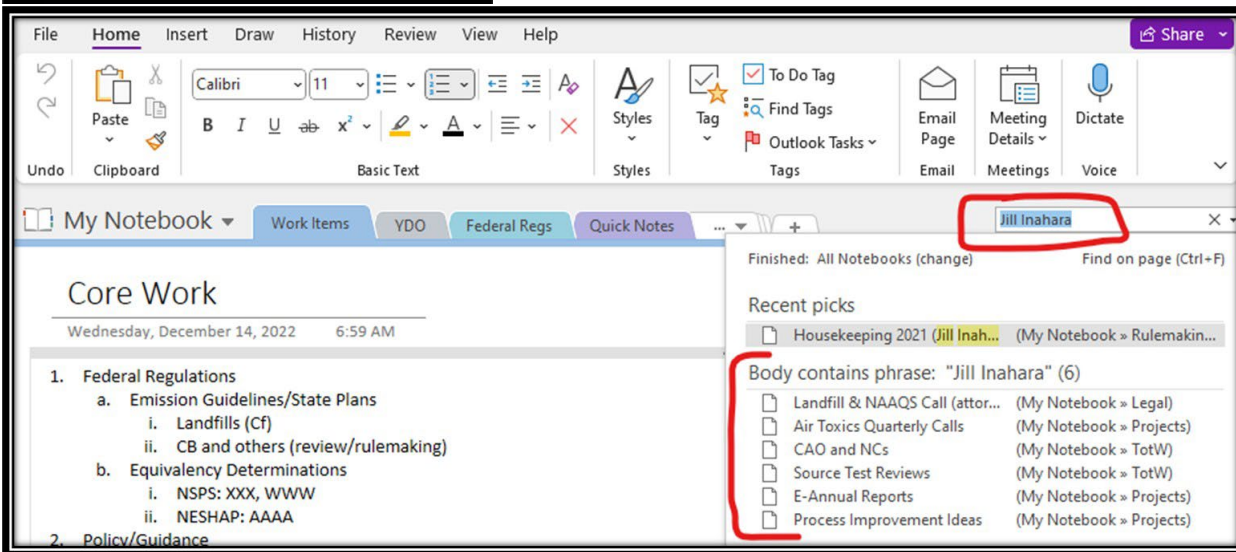
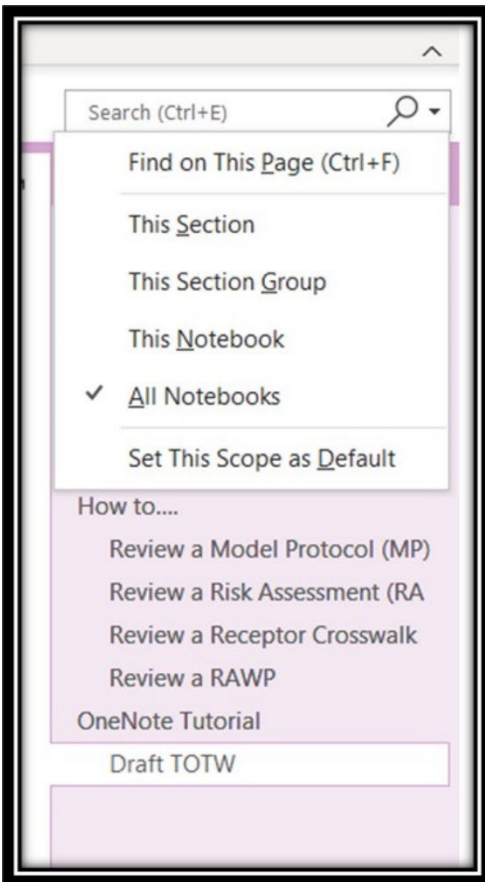
**Organization.** So much organization. There are an almost overwhelming number of ways to organize things in OneNote. In fact, I would guess that for some people the number of options is overwhelming enough to scare them off! But fear not! After just a little bit of trial and error and experimentation the organizing options of OneNote quickly begin to feel intuitive. And after several weeks of using it, you start to really understand the depth of organizational options. Here are some examples to show what I mean:

- *Example of the three different levels of classification in OneNote (Notebook, Sections, and Pages):*

Notebooks:	Sections within a Notebook:	Pages within a Section:
<p>Notebooks</p> <ul style="list-style-type: none"> <li>Modeler Notebook</li> <li>Air Quality Regulations</li> <li>Complaints</li> <li>Permit Writer Notes</li> <li>Inspection notes</li> <li>2022 Check-ins</li> <li>Permit Notebooks</li> <li>My Notebook</li> </ul>	<p>Modeler Notebook</p> <ul style="list-style-type: none"> <li>General</li> <li>Projects</li> <li>Reference</li> <li>Learning</li> <li>Equity</li> <li>Trainings</li> <li>Other</li> <li>Air Quality Regulations <ul style="list-style-type: none"> <li>OAR 340 Annotated</li> <li>NESHAPs, NSPS and SE...</li> <li>Critical Ideas</li> <li>Department Guidance ...</li> <li>iLearn and Other Cours...</li> <li>Source Category Info</li> <li>Conferences and Semi...</li> <li>Excel</li> <li>Educational Meetings</li> <li>Clean Air Act Amendm...</li> </ul> </li> </ul>	<p>Search (Ctrl+E)</p> <p>+ Add Page</p> <ul style="list-style-type: none"> <li>Webinars/trainings</li> <li>OneDrive</li> <li>Modeler Training Wheels Project</li> <li>Chem Waste Managements</li> <li>AERMOD Lessons Learned</li> <li>LAKES Course</li> <li>How to.... <ul style="list-style-type: none"> <li>Review a Model Protocol (MP)</li> <li>Review a Risk Assessment (RA)</li> <li>Review a Receptor Crosswalk</li> <li>Review a RAWP</li> </ul> </li> <li>OneNote Tutorial</li> <li>Draft TOTW</li> </ul>



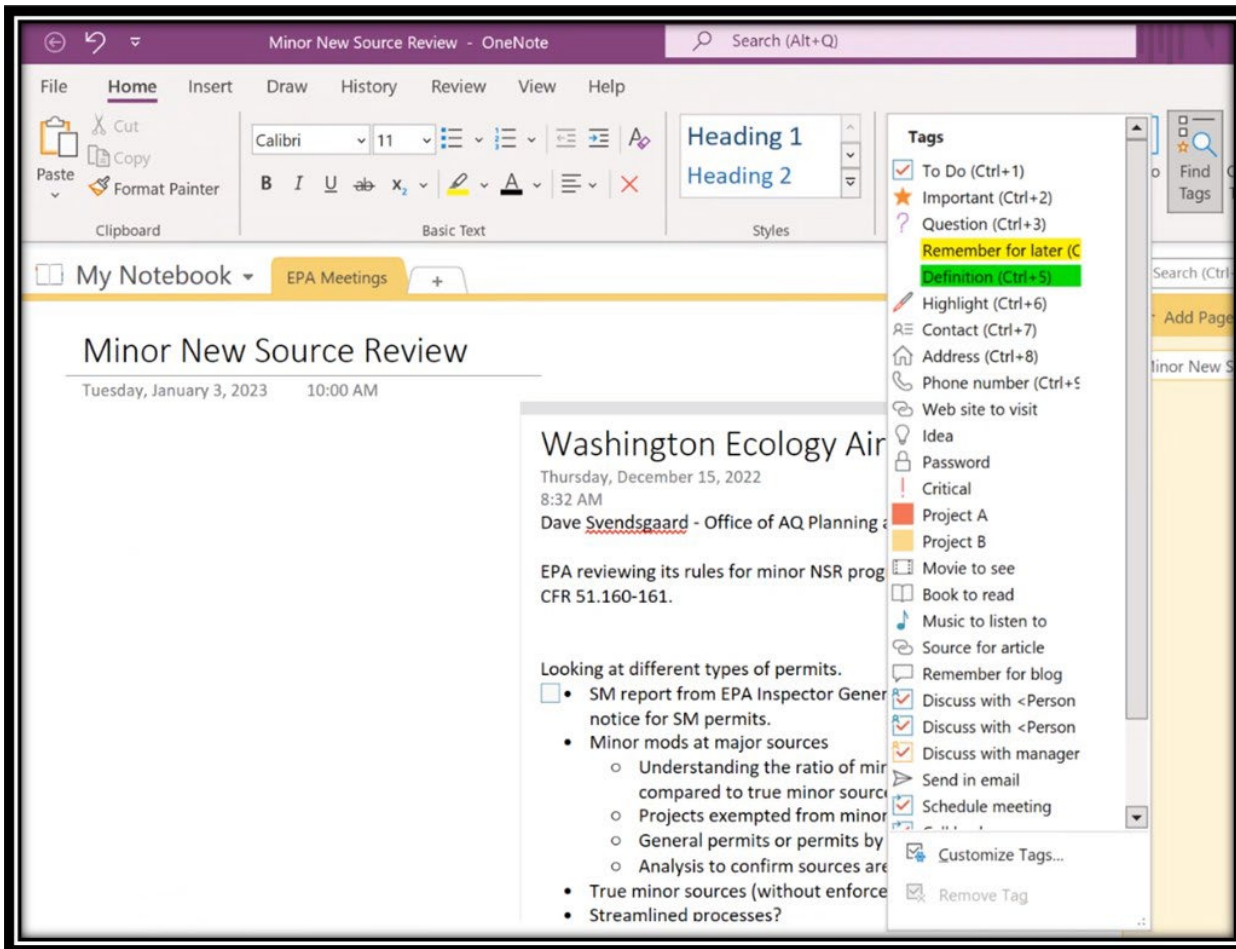
**Searchability.** Ever wish you could CTRL+F your notebook to search for and find that one exact entry? Now you can! Because OneNote has a handy, and multifaceted, search bar:



**To-Do and Tags:** OneNote has a very useful function to flag things that you need to do. In the screenshot below, notice that the ribbon/toolbar on the top of the screen has a box titled 'Tags'.

For example, maybe you are in a meeting where you are taking notes about things your manager is directing your team to remember to do. You jot down that you need to email the Cleaner Air Oregon team about one of your sources going through the Risk Assessment process to get a status update. You can simply finish writing that note and then click on the tag called 'To Do (Ctrl+1)'.

Looking at the next screenshot you can see that a little checkbox pops up beside the text (where your cursor was when you clicked the 'tag').



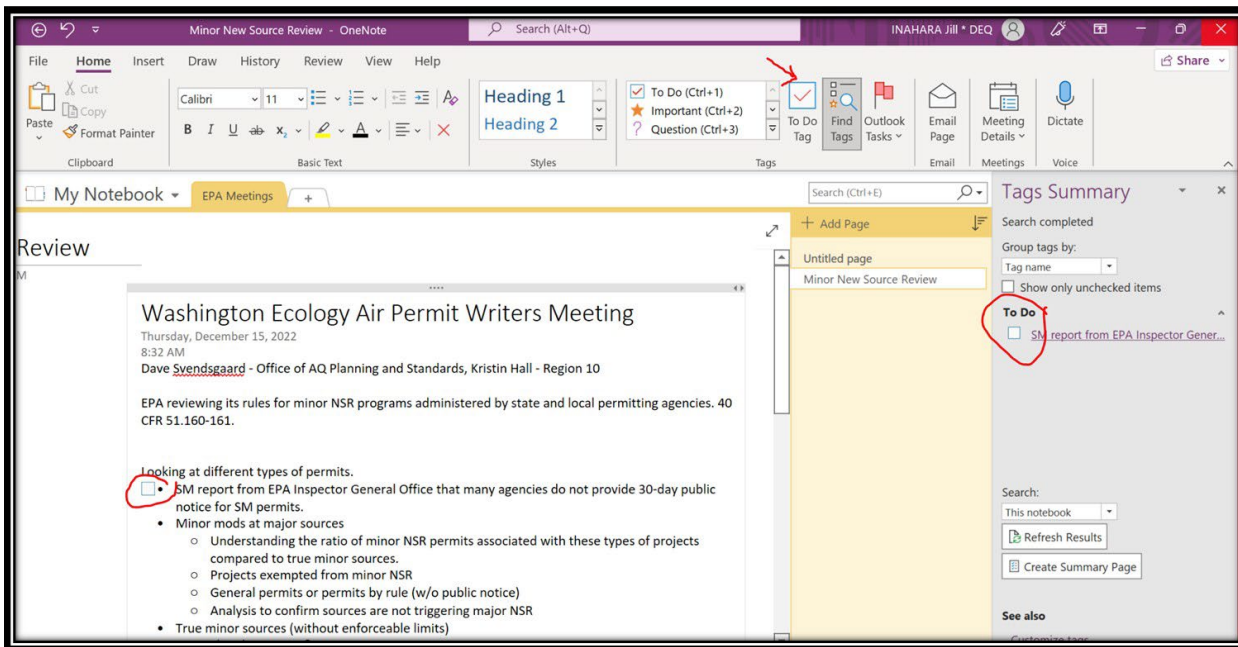
Further, beside the tag box is another option called 'Find Tags'. If you click on this button, a window on the right side of your screen will pop up and show you a list of your tags. Notice that any tags that are you 'to do' items are grouped together here.

If you click on 'SM report from EPA...' OneNote will automatically take you to the section and page where that tag is found so you can quickly get back up to speed and finish that item. Once completed, you can click on the empty checkbox to have it add a checkmark, indicating the to-do is completed.

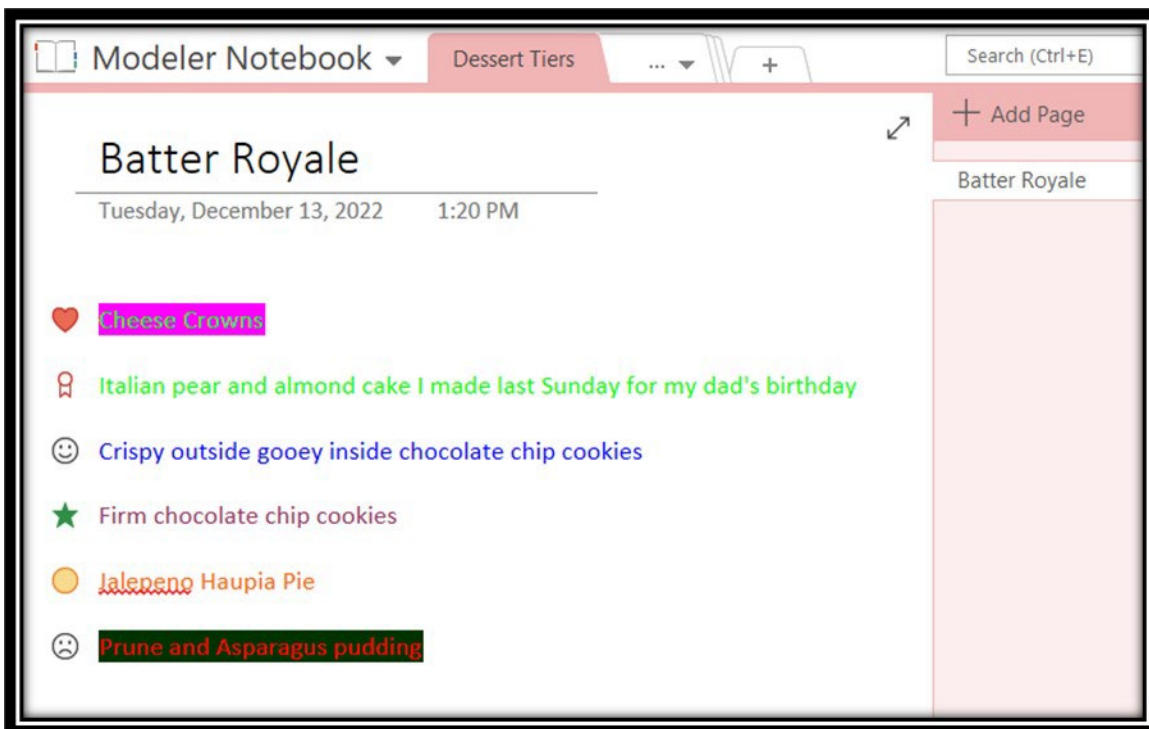
**Note:** The tag summary screen will most often only show you the first few words of your tagged item. It is a good idea to put the most pertinent keywords at the beginning of the sentence that you are tagging. For example, if your text was:

*"Permitting work. Finalize draft permit and send for peer review: source XX-XXXX-XX."* you may only see *'permitting work. Finalize draft...'* in the tag summary screen.

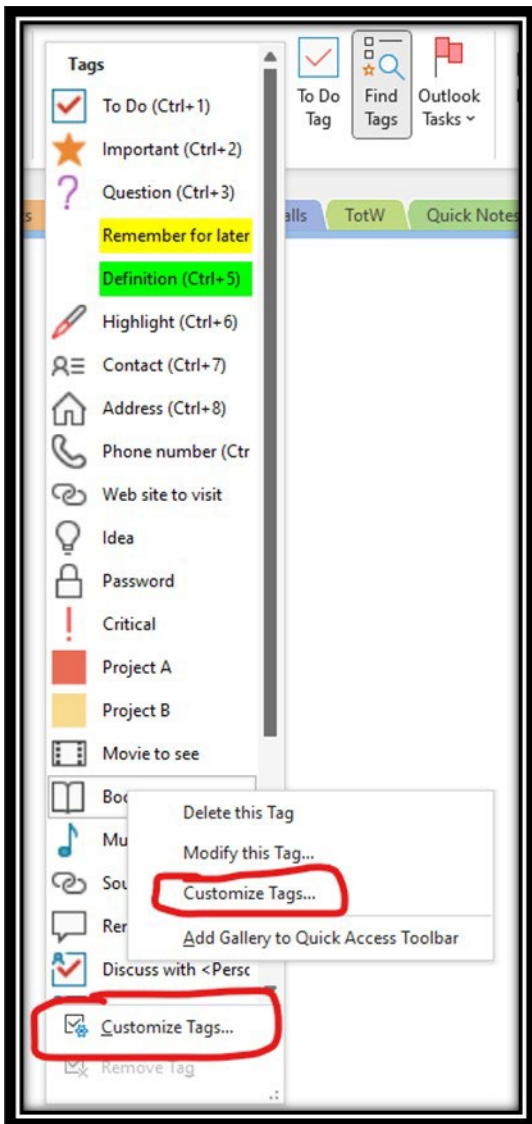
It may be more useful to rephrase that to-do as *"XX-XXXX-XX draft peer review. Finalize draft and provide to peer for review by X date"*. That way your tag summary screen will show you the source number and the gist of what the to-do is at a glance.



- *Advanced Tagging.* The very intriguing prospect of tags is that they can be customized to suit your needs. You can change them to your heart's content. Here is an example that I just ginned up to show what I mean using a theoretical scenario in which I need to classify different desserts according to how delicious they are:

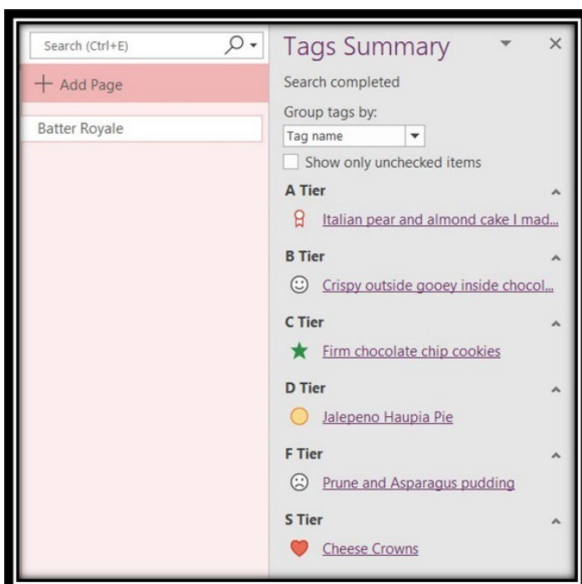


You can see that I have created Tier Tags to sort desserts into very scientific and objective Deliciousness Tiers. I did that by right clicking on a tag in the tags window and selecting Customize Tags, then selecting the New Tags option to create brand new Tags for this new purpose. You can also find the option to 'customize tags' at the bottom of the list of available tags.

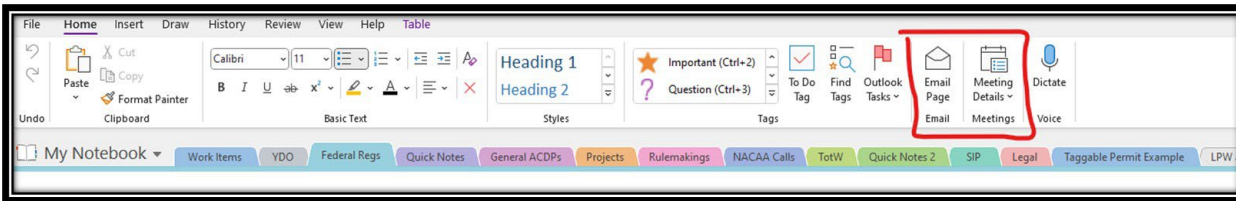


When you apply any of the tags, it will apply that formatting to the entire paragraph the tag is associated with. Finally, when I click the Find Tags option again, the search window looks like this:

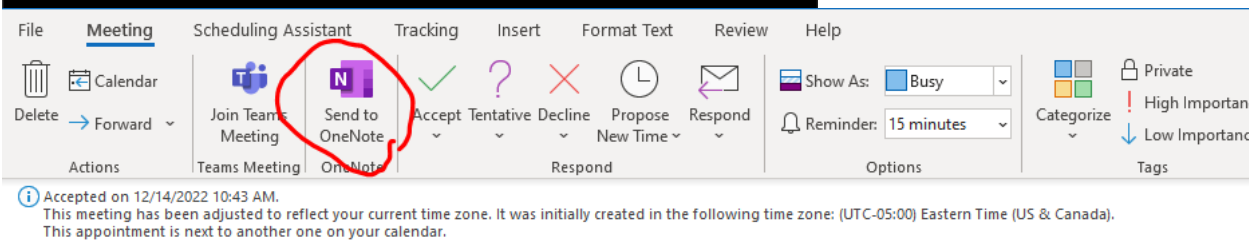
FUN! And potentially quite useful.



- Outlook Interoperability.** You can write up a whole page in OneNote and then with a single click you can send it in an email. Which is what I did with this TOTW. In addition, you can automatically bring meeting details into OneNote from Outlook.



If you then click on 'meeting details' and find the relevant meeting for which you're going to take notes, select the meeting and OneNote will automatically import the details into the OneNote page you are on (a note on that- it appears to only import the info to the top of the page, but you can import meeting details from multiple meetings to the same page- it just pushes older meetings down and adds the newest one to the top). This can be done the other way around as well; in Outlook when you have a meeting opened from your calendar, you'll see an option to 'Send to OneNote'.

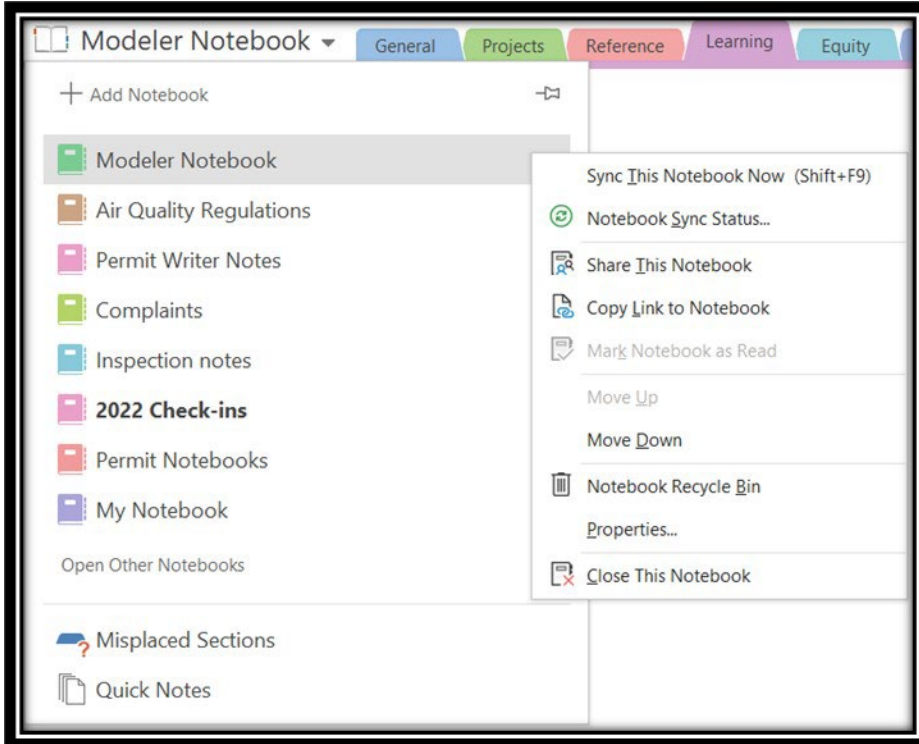


**FW: Minor NSR Roundtable with NACAA volunteers – Session 1 (Public Notice & Comment Requirements)**

Organizer	<input type="radio"/> Svendsgaard, Dave <Svendsgaard.Dave@epa.gov>
Time	Thursday, January 5, 2023 12:00 PM-1:30 PM
Location	<a href="#">Microsoft Teams Meeting</a>
Response	<input checked="" type="checkbox"/> Accepted <a href="#">Change Response</a>

**Shared Notes.** Finally, you can also have shared OneNote Notebooks. This is super handy for meeting notes with multiple people, or projects with multiple people. You can share a Notebook by right-clicking on a Notebook and selecting the Share This Notebook option.

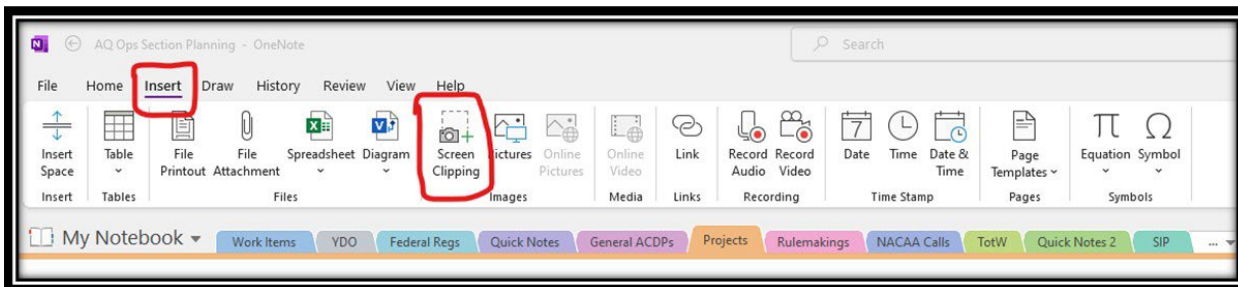
Note: This is sharing the entire **Notebook** as opposed to a single page or section. You are encouraged to organize your OneNote in a way that things that may need to be shared are kept in a separate Notebook together for easy sharing. (You don't want to accidentally provide edit access to various people)



## Potential Use Cases

To round this TOTW out, I will share some of the things I find most useful about OneNote.

1. *Hyperlinks to project folders.* This is simple, but I find it invaluable. Any time I get a new project, I create a new page for it in my OneNote section titled "Projects" and immediately add the hyperlink to the Windows File Explorer project folder to it. Saves me a lot of headache when I am trying to remember how to get to a specific file folder.
2. *Annual Report review.* One thing I didn't mention is that OneNote has a built-in screenshot tool:



This comes in handy when reviewing documents (like annual reports), because you can quickly screenshot sections of a permit and pull it into OneNote, then take notes on top of it, and add things like checkboxes to keep track of what things you've already done or finished reviewing:

<b>6.2. Annual Report</b>	For each year this permit is in effect, the permittee must submit to DEQ by <b>February 15</b> two (2) copies of the following information for the previous calendar year:	OR
	a. Operating parameters:	
	i. Hours of operation of the pellet cooler;	<input checked="" type="checkbox"/>
	ii. Amount of natural gas and/or diesel fuel used in the dryer and boiler on an annual basis;	<input checked="" type="checkbox"/>
	iii. Tons of wet and dry litter.	<input checked="" type="checkbox"/>
	b. A summary of annual pollutant emissions determined each month in accordance with condition 4.1.	<input checked="" type="checkbox"/>
	c. Records of all planned and unplanned excess emissions events.	<input checked="" type="checkbox"/>
	d. If any liquid fuel is combusted in the boiler during the calendar year, then the permittee must submit records in accordance with the requirement in condition 5.2.d.	<input checked="" type="checkbox"/>
	e. A summary of complaints relating to air quality received by permittee during the year.	<input checked="" type="checkbox"/>
	f. List permanent changes made in plant process, production levels, and pollution control equipment which affected air contaminant emissions.	<input checked="" type="checkbox"/>
	g. List major maintenance performed on pollution control equipment.	<input checked="" type="checkbox"/>

3. *SOPs/How to's*. It's nice to have a centralized location where you can keep track of things you've learned that you may not do often but need to be able to quickly remember how to do. When you receive a document or directive regarding a specific process or activity, considering adding that information to your 'SOP/How To' Section or Notebook.
4. *Quick Links to NSPS/NESHAPS*. You may want to include hyperlinks each federal standard (NSPS and NESHAP) to avoid using an internet browser's 'bookmark' function for each standard. Using OneNote for this purpose will allow you to add other relevant information to each standard. For example, 'check Division 244 to see if the revised NESHAP has been adopted by DEQ yet before issuing any permit with this NESHAP', or 'provisions X, Y, and Z of this NESHAP were vacated on X date; check with AQ Ops for resolution before issuing a permit with this standard'.

NESHAPS, from [nebraska](http://deq.ne.gov) site:  
<http://deq.ne.gov/NDEQProg.nsf/AirToxicView.xsp>  
<http://deq.ne.gov/NDEQProg.nsf/AirToxicView.xsp>

Subpart	Title	Page last updated	Notes
<a href="#">A</a>	<a href="#">General Provisions</a>	Feb 22, 2018	
<a href="#">B</a>	<a href="#">Case-By-Case MACT</a>	Jan 25, 2018	
<a href="#">C</a>	<a href="#">List of Hazardous Air Pollutants, Source Cate</a>	Jan 24, 2018	
<a href="#">D</a>	<a href="#">Compliance Extensions for Early Reductions of</a>	Jan 24, 2018	
<a href="#">E</a>	<a href="#">Approval of State Programs and Delegation of</a>	Jan 25, 2018	
<a href="#">F</a>	<a href="#">Organic Hazardous Air Pollutants from the Syn</a>	Jan 25, 2018	
<a href="#">G</a>	<a href="#">Equipment Specific Organic HAPs from SOCM</a>	Feb 23, 2018	
<a href="#">H</a>	<a href="#">Equipment Leaks for Organic HAPs from SOCM</a>	Feb 23, 2018	
<a href="#">I</a>	<a href="#">Equipment Leaks of Hazardous Organics from No</a>	Jan 29, 2018	
<a href="#">J</a>	<a href="#">Polyvinyl Chloride &amp; Copolymers Production -</a>	Sep 28, 2016	VACATED June 18, 2004
<a href="#">L</a>	<a href="#">Coke Oven Batteries</a>	Jan 29, 2018	
<a href="#">M</a>	<a href="#">Perchloroethylene Dry Cleaners</a>	Feb 23, 2018	
<a href="#">N</a>	<a href="#">Chromium Electroplating &amp; Anodizing</a>	Feb 23, 2018	
<a href="#">O</a>	<a href="#">Commercial Sterilizers</a>	Feb 23, 2018	

5. *Task prioritization and tracking.* One super helpful use for customizing tags that I have found is if I have things that need specific types of followup, or have deadlines, I can customize a tag and add it to the item. Then I can search for every occurrence of that tag and find all the items with urgent or specific followups.
6. *Can't remember what but remember when.* For those times when you know there was something you wrote but you can't remember where you wrote it, you can search by history:



I'm sure there are a ton more uses that I haven't touched on or that I don't even know about. But hopefully this little primer is helpful enough to reduce the activation energy necessary to give OneNote a try- it's worth it!



## 97 – Commence Construction

### Overview:

Do you know what ‘commence construction’ actually means? How does it relate to Air Contaminant Discharge Permits, Construction ACDPs, Notice of Construction applications, New Source Review, Prevention of Significant Deterioration? When does DEQ consider construction to have actually commenced? What is a source allowed to do before they receive construction approval (Notice of Construction approval (ACDP), Notice of Approval (TV), permit)?

This tip is designed to reiterate several of the most important components found within the Permit Writers’ Resource Center ‘Commence Construction’ document. Additional information regarding construction topics in general can be found on the ‘Construction Approval’ page on the Permit Writers’ Resource Center.

### Big Picture:

There are two ‘buckets’ of sources. Which ‘bucket’ a specific source is in will determine what is allowed before construction approval or a new/modified permit is issued.

**Spoiler alert:** for non-NSR/PSD<sup>1</sup> projects and sources, almost every type of preparation is allowed except actually hooking up the unit to live utilities or operating it. This is due to the applicable federal requirements for NSR/PSD actions.

[1: See OAR Chapter 340 division 224.](#)

	Sources that do not trigger NSR/PSD <sup>1,2</sup>	Sources that trigger NSR/PSD <sup>2</sup>
<b>Allowed:</b>	Clearing the site and ground moving	Clearing the site and ground moving
	Dismantling existing equipment or structures	Dismantling existing equipment or structures
	Locating underground utilities <i>and installing live utilities to the new building/installation (but not the unit)</i>	Locating underground utilities
	Planning and ordering equipment and materials	Planning and ordering equipment and materials
	Installing erosion control measures	Installing erosion control measures
	Installing auxiliary structure (e.g., office space) <i>and construction of the building shell (if the unit will be inside a building)</i>	Installing auxiliary structure (e.g., office space)

	Storing of equipment and materials on-site	Storing of equipment and materials on-site
	<i>Foundation work</i>	
	<i>Place the equipment in the building</i>	
<b>Not Allowed:</b>	<ul style="list-style-type: none"> <li>Emissions generating equipment (or control device) connected to utilities/power;</li> <li>Emissions generating equipment (or control device) placed into operation.</li> </ul>	<ul style="list-style-type: none"> <li>Foundation work that will support the ultimate structure (e.g., emissions unit);</li> <li>Underground pipework;</li> <li>Paving;</li> <li>Construction of permanent storage structures; and</li> <li>Construction work on any emissions unit or other item designed to accommodate the new or modified emissions unit.</li> <li>Emissions generating equipment (or control device) connected to utilities/power;</li> <li>Emissions generating equipment (or control device) placed into operation.</li> </ul>

1: Italics in this column indicate the differences between the 'do not trigger' and 'do trigger' types of sources.

2: Note: sources engage in any of these allowable 'pre' construction activities at their own risk; there is no guarantee that DEQ will approve the proposed project or issue a permit.

### **Is my source subject to NSR/PSD?**

The PWRC 'construction approval' page has more information about the thresholds for these programs in the 'New Source Review Summary Table' document.

Most the construction that falls into the 'do not trigger NSR/PSD' bucket are going to be Notice of Construction Type 1 or 2, most permit modifications at Simple ACDP sources, and a lot of permit modifications at Standard ACDP sources.

### **Division 200:**

The definitions found within [Division 200](#) also provide some additional information regarding commencing construction that can be used generally:

OAR 340-200-0020:

<p>(28) "Commence" or "commencement" means that the owner or operator has <b>obtained all necessary preconstruction approvals</b> required by the FCAA and <b>either</b> has:</p> <p>(a) Begun, or caused to begin, a continuous program of actual on-site construction of the source to be completed in a reasonable time; <b>or</b></p> <p>(b) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the source to be completed in a reasonable time.</p>	<p>(31) "Construction":</p> <p>(a) <b>Except as provided in subsection (b)</b> means <b>any physical change</b> including, but not limited to, fabrication, erection, installation, demolition, or modification of a source or part of a source;</p> <p>(b) <b>As used in OAR 340 division 224</b> means any physical change including, but not limited to, fabrication, erection, installation, demolition, or modification of an emissions unit, or change in the method of operation of a source <b>which would result in a change in actual emissions.</b></p>
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## 98 – Source Specific PSEs Instead of Generic PSEs

### General Topic Overview

The Environmental Quality Commission adopted rules on November 18, 2022 to eliminate Generic Plant Site Emission Limits. Please see the issue paper that was developed for the Rules Advisory Committee to explain the concept of Generic PSEs and the permitting issues with their use. This tip is intended to explain why the rule changes were made and to let you know what you should be aware of for your permits issued after 3/1/2023).

### Background

This rule change means that rather than assigning sources generic PSEs, DEQ will permit those sources using a limit based on their capacity, or potential to emit. Permitting sources at capacity or potential to emit:

- Provides more transparency for communities by creating permits that more accurately reflect actual emissions.
- Provides more regulatory certainty regarding compliance with National Ambient Air Quality Standards.
- Avoids over-allocation of air resources.

In addition, DEQ must establish permit requirements "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." In 2010, EPA established 1-hour NAAQS for both NO<sub>2</sub> and SO<sub>2</sub> for the first time. In 2006, EPA lowered the primary and secondary 24-hour PM<sub>2.5</sub> standards. Sources can increase their emissions up to the Generic PSEL without any evaluation. DEQ does not know if sources permitted at the Generic PSEL are complying with the short-term NAAQS.

### What You Need to Know:

We have developed a document (Source Specific PSEs to Replace Generic PSEs) that explains the difference between capacity and potential to emit. The training session on source specific PSEs that took place on January 26, 2023 was recorded and is available here.

All sources on Simple, Standard and Title V permits can choose the level at which they want to be permitted. Simple ACDPs have ALL Generic PSEs but Standard ACDPs and Title V permits can have some PSEs based on

the Generic PSELS. All sources must be aware that PSELS above the Significant Emission Rates will trigger New Source Review for Simple permittees that do not have a netting basis. For sources that have a netting basis (Standard and Title V permittees), an evaluation for NSR applicability must be done if the source specific PSEL is equal to or greater than the SER.

## Bottom Line

- Headquarters staff will eliminate Generic PSELS from General ACDPs as they are renewed.
- Any permit (new or renewals for Simple, Standard and Title V) issued on or after **March 1, 2023**, must contain source specific PSELS.
- If the public notice for a permit modification includes the PSELS, then the PSELS would need to be updated to source specific PSELS for every pollutant included in the public notice exhibit (no generic PSELS).
- If the permit modification does not change emissions and no PSEL table is included in the modification, we can wait for the renewal to convert to source specific PSELS.

## 99 – NC Rule Changes

### General Topic Overview

The Environmental Quality Commission adopted rules on November 18, 2022 that update and clarify the Notice of Intent to Construct rules in [division 210](#) (OAR 340-210-0205 through 340-210-0250). This TOTW explains clarifications and some differences in the new rules. Other TOTWs have covered different aspects of the NC rules and can be found here.

### Background

There were often questions on how the NC rules should be implemented:

1. Do the emissions thresholds apply to the just equipment?
2. How do you calculate the emissions? Capacity? Potential to emit? Actual?
3. Are replacements covered under the NC rules?
4. When is a permit mod required instead of an NC?
5. What exactly is a Type 3 NC?
6. What about Toxic Air Contaminants???

Lots of clarifications.....please read on!!

### What You Need to Know:

#### Clarifications

1. Equipment: The NC rules apply to individual pieces of equipment, not the whole source unless the NC is for a new, unpermitted source. In that case, the NC should include everything proposed at the new, unpermitted source. If the NC applies to more than one piece of equipment, then emissions from ALL the equipment included in the NC application must be calculated. NOTE: the Tier 2 Screening Tool (for

short-term NAAQS analysis) has been developed for an individual piece of equipment. If the NC applies to more than one piece of equipment or if the source wants to offset emission increases with emission decreases, then refined modeling (and potentially the \$9000 modeling fee) will most likely be required.

2. **Emissions:** For Type 1 through 3 NCs, emissions at capacity (maximum regulated pollutant emissions from a stationary source under its physical and operational design, uncontrolled 8,760 hours) must be used to determine the NC type and is consistent with how emissions are calculated to determine permit applicability under Category 85 of OAR 340-2165-8010 Table 1 (See exception below). If the source presents sufficient materials/documentation to demonstrate the physical or operational design is less than 8,760, DEQ can accept a lower number of hours. The 'bar' should be higher than just the source's own letter stating as such (e.g., manufacturing documentation, etc.). Type 4 NCs are for New Source Review and emission calculations are evaluated at potential to emit (PTE) and must take into account netting basis. See the PSEL page of the PWRC for more details.

Exception: If the emissions unit/device has a federally enforceable limit, such as a NESHAP (e.g., 90% control of VOCs), capacity can be calculated based on 90% control of VOCs. The source can also accept a limit on potential to emit for the emissions unit to stay below a Significant Emission Threshold and avoid modeling the Type 2 NC or Type 3 NC (permit or permit mod). That limit on potential to emit should be included in the approval. Accepting a limit to avoid a more detailed modeling review should not be misconstrued with the emissions calculations that are used to determine the *Type* of NC.

3. **Replacements** have **always** been covered under NCs, but DEQ has not been consistent in that interpretation.
4. The NC vs. Mod Flowchart and the NC vs. Mod Table and Fees shown below go into great detail on whether an NC can be used to approve construction or whether a permit mod is required. Please check out those two documents for clarification on the AQ Permitting Updates 2022 Implementation website. Note that the updated rules that go into effect 3/1/23 also further specify that any change that requires a permit modification can't be approved under an NC.

**Documents**

NOTE: Documents in other areas on the PWRC, in addition to the permit templates and application forms, have been updated based on the adopted rules.

- Source Specific PSELS to Replace Generic PSELS
- Emission Detail Sheets
- Calculating emissions for NC types applicability
- Modeling for Type 2 and Type 3 NCs Flowchart
- NC vs. Mod Flowchart
- NC vs. Mod Table and Fees
- Permit Mod Fees for PSEL Increases

5. **"Type 3 NCs":**

The existing rules say:

**"340-210-0230 Notice of Construction and Approval of Plans: Notice to Construct**

(2) Any person proposing a Type 3 or 4 change must submit an application for either a construction ACDP, new permit, or permit modification, whichever is appropriate.”

There is no mechanism to approve a Type 3 NC.....it is a permit or permit mod. Modeling is not required for a Type 3 NC/permit/permit mod application submitted before March 1, 2023. Under the new rules, a Type 3 NC is still a permit or permit mod.

6. Toxic Air Contaminants (TACs) are regulated air pollutants for division 210, which contains the NC rules. This means that TACs must be evaluated when NC applications are submitted. The NC application forms have been changed to require a TAC emissions reporting form unless:
  - a. Project is like-for-like replacement without increasing TAC emissions.
  - b. Project combusts natural gas, propane, liquefied petroleum gas, pretreated landfill gas and pretreated digester gas or biogas, and qualifies for the gas combustion exemption under OAR 340-245-0050(5).
  - c. Project is for a pollution control device that does not emit any new TACs.
  - d. Project is for an exempt Toxics Emissions Unit (TEU); otherwise, a source would need to show that a TEU that emits TACs in very low amounts does not materially affect risk and should be determined to be an exempt TEU.

## NC approvals

NC approvals should not be “mini” permits but they are enforceable orders and can include conditions that require certain things:

- Type 2 NCs can include simple requirements based on modeling, such as the emissions unit cannot emit more than 23 pounds/hour of NO<sub>x</sub> to meet short term NAAQS. This is allowed because Type 2 NC approvals can establish “state-only enforceable” conditions. See [OAR 340-210-0225\(2\)\(e\)](#). These state-only enforceable NC conditions should be included in the permit renewal to make them federally enforceable (requires public notice and practical enforceability).
- A requirement to source test, such as verifying the control efficiency of a pollution control device, verifying stack parameters (flow rate, temperature, etc.) or to verify an emission factor.
- An emission action level (EAL) for a new baghouse (e.g., 2 inches to 10 inches of water) when all other monitoring, recordkeeping and reporting conditions are already in the permit for existing baghouses.

## Saving NC Approvals

Until Your DEQ Online is up and running, **PLEASE** include NC approvals in the source file along with the permit and review report, even if the NC is default approved. This will make it easier for you or the next permit writer to find approved NCs before an inspection and the next permit renewal.

## NC expirations

The new rules require that construction must commence within 18 months of approval ([OAR 340-210-0240\(4\)](#)). There is no mechanism to track this in TRAACS or Your DEQ Online. We don’t expect many expirations of construction approvals so the NC Approved Construction Completion forms for ACDP and Title V sources have been updated to include the following to track the 18-month expiration period:

Date construction approved:	Date construction commenced:
Date construction completed:	Date equipment placed in operation:

The NC Approved Construction Completion form may be submitted well after construction was approved/commenced but is adequate for tracking the 18-month commence construction requirement for now. If enforcement of this requirement becomes an issue, we will look into a better tracking mechanism. The source can request a one-time 18-month extension on the commence construction deadline by submitting a written, detailed explanation of why the source could not commence construction or modification within the initial 18-month period. DEQ may grant, for good cause, one 18-month construction or modification approval extension.

Changes to how we process NCs and tracking for expirations and such have occurred after we submitted forms for YDO. Since YDO is currently in the testing phase, it is uncertain if and when changes can be made to YDO. Stayed tuned for updates on YDO and the new rules.

## 100 – Updated TOTW for Reviewing Annual Reports

### General Topic Overview

With annual report season upon us, we are up-cycling TOTW #20 GP Annual Report Review Tool and TOTW #65 Reviewing Annual Reports as a refresher. We will try and remember to send this TOTW out around this time of year so you don't have to dig through old tips as you are reviewing annual reports.

### Background

Annual reports are a very important part of compliance for our regulated sources. Most sources are required to submit annual reports by February 15<sup>th</sup>. Reviewing annual reports for compliance is critical because we don't do inspections every year. Annual reports for General permittees can be different from other sources because some will calculate their emissions while others only submit production/material data. For the sources that submit production/material data, the permit writer/inspector will calculate emissions when reviewing the annual report using emission factors (EFs) from the permit.

### What You Need to Know

#### Reviewing Annual Reports

"How to review annual reports" was developed to help permit writers. It is located on the main page of the Permit Writers' Resource Center here:



Sections in this document are:

- Accessing Report and Determining Date of Receipt
- Basic ACDP Annual Report Review
- General ACDP Annual Report Review
- General ACDP Annual Report Review (GDFs)
- Simple ACDP, Standard ACDP, & Title V Annual Report Review
- Simple ACDP – Low Fee Determination and TRAACS Input
- Title V Annual Report Review (additional TV-specific items)
- ACES – All Annual Reports
- Deadlines, Follow-up, and Enforcement (for NWR and WR, #1 only for ER\*)



\*This year, NWR and WR opted into the HQ help that was offered. ER opted in to the first part (the reminder emails and the hard copy reminder letters), but wanted to do their own thing for the remaining steps). Joe Westersund and Clara Funk have volunteered to do queries, mail merges, etc. to help the process.

### **General Permits and Emissions Calculations**

Many General ACDPs include EFs that are to be used to determine compliance with the PSEL. Some of those EFs have been put into an excel document (General ACDP Emissions Calculator Tool (Annual Report Review Assistance) for quick-calculations during annual report reviews to verify emissions calculations and to calculate emissions for sources that only submit production/material data. This tool is available from the Permit Writers' Resource Center (PWRC); it can be found towards the bottom right corner under the 'miscellaneous' header (see below).

This is still the 'first draft' of this tool, so it does not have all General Permits. For example, the Gasoline Dispensing Facility permit includes throughput thresholds which can be used to determine if emissions are below the Generic PSEL at a glance. HQ has not received any feedback from permit writers on this tool so it's still pretty much unchanged since inception.

If there is a permit that you feel would be useful to have included, or changes that should be made for it to work better for you, please let me know.

For more details on reviewing annual reports from General permittees, please see TOTW #20.

### **Bottom Line**



Reviewing annual reports is an important part of our job and the agency's overall work. Tools have been developed to make this work easier. Please let us know if these tools need to be modified or if there are other tools that can be developed to streamline annual report reviews.

## 101 – Excess Emissions Rule Changes

### General Topic Overview

The Environmental Quality Commission adopted rules on November 18, 2022, to eliminate the ability for sources to operate for 48 hours without control devices. The new rules are found in [OAR 340-214-0330](#). As a reminder, the rules adopted on 11/18/2022 become effective as of 03/01/2023. Please refer to the Permit Writers' Resource Center for training materials, resources, and an MS Word Version of the adopted rules before the Secretary of State posting of the new rules on March 1<sup>st</sup>.

Excess Emissions and Emergency Provision: All Other Excess Emissions require sources to cease operation of the equipment or facility within 8 hours of the beginning of the period of excess emissions unless:

- (a) Ceasing operation could result in physical damage to the equipment or facility;
- (b) Ceasing operation could cause injury to employees; or
- (c) Emissions associated with shutdown and the subsequent startup will exceed those emissions resulting from continued operation.

Sources must also comply with the new (03/11/23) [OAR 340-214-0330\(3\)](#) to continue operations, which includes submitting additional information to DEQ within this 8-hour window.

### Background

Emissions of air contaminants in excess of applicable standards or permit conditions are unauthorized and subject to enforcement action. The excess emissions rules (OAR 340-214-0200 through 340-214-0360) in [division 214](#):

1. Require that, where applicable, the owner or operator immediately report all excess emissions to DEQ;
2. Require the owner or operator to submit information and data regarding conditions that resulted or could result in excess emissions;
3. Identify criteria for DEQ to use in determining whether it will take enforcement action against an owner or operator for an excess emission; and
4. Provide owners and operators of sources with Oregon Title V Operating Permits an affirmative defense to a penalty action when noncompliance with technology-based emission limits is due to an emergency, as provided in OAR 340-214-0360.

These general provisions of the rules did not change. Only the rules in OAR 340-214-0330 regarding "other excess emissions" were changed. For more information on how to handle excess emissions, see TOTW #32 Excess Emissions Updated Protocols.

The reason for this rule change is two-fold:

- 1) General good regulatory approach to these scenarios; and
- 2) An actual example of excess emissions that DEQ enforced upon.

1) Generally speaking, DEQ as a regulatory agency whose mission it is to 'restore, maintain, and enhance the quality of Oregon's air...' should not allow (by rule) a source with a malfunction or other process/equipment issue to emit in excess of any limit for two full days. This is inconsistent with generally accepted good air pollution control practices (see #2, below).

2) A source continued to operate with their baghouses offline and argued that the rules allow up to 48 hours of excess emissions. DEQ only cited violations for operation without the baghouses that were subject to/required by the NESHAP because the regulation required operation with good pollution control practices all times, even during malfunctions. DEQ argued that shutting down plugged baghouses while continuing to operate process equipment doesn't meet that NESHAP standard for good air pollution control practices at all time. DEQ and the source settled, and the case did not go to hearing.

### **What You Need to Know:**

The revised excess emission rules (effective 03/01/23), for excess emissions other than planned startup and shutdown or scheduled maintenance, requires sources to cease operation unless doing so could:

- Result in physical damage to the equipment or facility;
- Cause injury to employees; or
- Result in emissions associated with shutdown and the subsequent startup exceeding those emissions resulting from continued operation.

If the source wants to continue operation because it meets any of the above criteria that allows continued operation, they must follow the procedures in section (OAR 340-214-0030(3)):

#### [OAR 340-214-0030](#)

(3) An owner or operator may request continued operations under the conditions in section (2) by submitting to DEQ a written request to continue operation along with the following information within 8 hours of the beginning of the period of excess emissions:

(a) A description or plan of how the owner or operator will minimize the excess emissions to the greatest extent practicable;

(b) A plan and timeline for returning the equipment or facility back to the applicable compliant emission limits as soon as possible; and either:

(A) Information verifying that reducing or ceasing operation could result in physical damage to the equipment or facility or injury to employees; or

(B) Calculations of emissions associated with shutdown and the subsequent startup and emissions resulting from continued operation.

And fill out R1010 Other Excess Emissions Report – Request for Continued Operation. That form will be posted on both the ACDP website and on the Title V website on March 1, 2023:

# Simple, Standard and Construction ACDP Application and Reporting Forms

<p><b>AIR QUALITY PERMITS ONLINE</b></p> <p><a href="#">Help Finding the Right Permit</a></p> <p><a href="#">Technical Assistance and Permit Inquiries</a></p> <p><a href="#">Frequently Asked Questions</a></p> <p><a href="#">Reporting and Other Forms</a></p> <hr/> <p><b>AIR CONTAMINANT DISCHARGE PERMITS</b> ▾</p> <hr/> <p><b>TITLE V PERMITS</b> ▾</p>	<h2>Guidelines and instructions</h2> <p><a href="#">Application Guidelines Document</a></p> <p>This document provides instructions to the owner/operator of a facility seeking an initial Air Contaminant Discharge Permit, renewal of existing ACDP, or modification to an existing ACDP. These instructions identify the application forms and describe how the forms are to be used to prepare an application.</p> <ul style="list-style-type: none"><li>All ACDP's require a <a href="#">Land Use Compatibility Statement</a> prior to permit issuance. DEQ must ensure that an operation is complying with local land use jurisdiction. Check with your local city or county planning section/division for further information on their process.</li></ul>	<h2>Contact</h2> <p><a href="#">Don Hendrix, 503-229-5108</a></p> <h2>Reporting forms</h2> <p><a href="#">R1009 Emergency Engine Operation Notification form</a></p> <p><b>Greenhouse gas</b></p> <p><a href="#">Calculating greenhouse gas emissions from steam production</a></p> <p><a href="#">Fuel combustion greenhouse gas calculator</a></p>
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## Title V Reporting Forms

<p><b>AIR QUALITY PERMITS ONLINE</b></p> <p><a href="#">Help Finding the Right Permit</a></p> <p><a href="#">Technical Assistance and Permit Inquiries</a></p> <p><a href="#">Frequently Asked Questions</a></p> <p><a href="#">Reporting and Other Forms</a></p> <hr/> <p><b>AIR CONTAMINANT DISCHARGE PERMITS</b> ▾</p> <hr/> <p><b>TITLE V PERMITS</b> ▾</p> <hr/> <p><a href="#">Short-Term 1-Hour and 24-Hour NAAQS Requirements</a></p> <p><a href="#">Incinerator Rule</a></p> <p><a href="#">Source Monitoring and Testing Guidance</a></p> <hr/> <p><b>SMALL BUSINESS ASSISTANCE</b></p> <p><a href="#">Cleaner Air Oregon Permitting</a></p>	<h2>Annual Fee Reporting Forms</h2> <p>The F1100 series provides Title V Operating Permit holders the forms needed to report emissions of regulated air pollutants subject to fees. Title V sources are required to pay emission fees for annual emissions, in addition to an annual base fee and user fees. Title V source owners/operators must report annual emissions of these air pollutants for fee assessment: particulates, oxides of nitrogen (NOx), sulfur dioxide (SO2) and volatile organic compounds (VOC). Owners and operators report emissions for only the pollutants for which their permit establishes emission limits.</p> <p>Please refer to your permit for instructions on where to send your reporting forms.</p> <ul style="list-style-type: none"><li><a href="#">F1100 Instructions</a> Overview of Emission Fee Reporting and the F1100 Form Series</li><li><a href="#">F1101 Instructions</a></li><li><a href="#">F1101 Regulated Pollutant Summary</a></li><li><a href="#">F1102 Assessable Emission Summary</a></li><li><a href="#">F1102 Instructions</a></li><li><a href="#">F1103 Actual Emissions by Verified Emission Factor</a></li><li><a href="#">F1103 Instructions</a></li><li><a href="#">F1103 Worksheet 1</a></li><li><a href="#">F1103 Worksheet 2</a></li><li><a href="#">F1104 Instructions</a></li></ul>	<h2>Annual Compliance Reporting Forms</h2> <p>The R1000 Series provides the necessary forms for each owner/operator of a facility operating under an Oregon Title V Operating Permit to report the compliance status of their facility with all permit conditions. Annual emission reporting and semi-annual compliance reporting is included. The forms are also used to report compliance with applicable regulations that became effective after the permit was issued, but are not included in the permit yet.</p> <ul style="list-style-type: none"><li><a href="#">R1000 Instructions</a></li><li><a href="#">R1001 Annual Report</a></li><li><a href="#">R1001-B Annual Emissions</a></li><li><a href="#">R1001-C Annual VOC Emissions</a></li><li><a href="#">R1001-C Annual VOC Emissions calculator</a></li><li><a href="#">R1002 Semi-Annual Compliance Certification</a></li><li><a href="#">R1003 Permit Deviation Summary</a></li><li><a href="#">R1004 Construction Completion Notice</a></li><li><a href="#">R1005 Emission Statement</a></li><li><a href="#">R1006 Excess Emissions Immediate Notification</a></li><li><a href="#">R1007 Excess Emissions Report</a></li><li><a href="#">R1008 Title V Prompt Deviation Report</a></li><li><a href="#">R1009 Emergency Engine Operation Notification (EEO)</a></li></ul>
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An example of emissions associated with shutdown and the subsequent startup exceeding those emissions resulting from continued operation would be:

If a furnace with a 2-field electrostatic precipitator (ESP) loses one field, it is likely going to have excess emissions. However, shutting down the furnace during the hours necessary for repair will result in a cold start of the furnace. During the shutdown and subsequent cold start, the ESP cannot safely operate at all and so hours of completely uncontrolled emissions will occur. Were the furnace to keep operating with the one field in the ESP controlling particulate, significantly less emissions would result than if the furnace went through a shutdown and subsequent cold start.

## Bottom Line

Steps to allow continued operation:

1. The source must follow the procedures in section (OAR 340-214-0030(3)) and fill out R1010 Other Excess Emissions Report – Request for Continued Operation.
2. The source can continue to operate under their plan to minimize the excess emissions to the greatest extent practicable.

3. If DEQ approves the request to continue operation, the owner or operator must follow the approved plans and timeline to minimize excess emissions and return the equipment or facility back to the applicable compliant emission limits.
4. If DEQ disapproves the request to continue operation, the owner or operator must cease operation of the equipment or facility within one hour of receiving DEQ's written disapproval.

**At any time during the period of excess emissions, DEQ may require the owner or operator to cease operation of the equipment or facility.**

## **102 – Reinstatement of an ACDP**

### **General Topic Overview**

The Environmental Quality Commission adopted rules on November 18, 2022 (effective March 1, 2023) to clarify when a terminated permit can be reinstated. This Tip of the Week explains when and how some permits can be reinstated and when the source must apply for a brand new permit.

### **Background**

The new rules regarding termination and reinstatement of an ACDP are in [OAR 340-216-0082](#):

#### **340-216-0082**

##### **Expiration, Termination, Reinstatement or Revocation of an ACDP**

(2) Termination. Except as provided in section (3), a source may not be operated after the termination of a permit. A permit terminates upon:

...

(c) Failure to submit a timely and complete application for permit renewal or reassignment as required in OAR 340-216-0040. Termination is effective on the permit expiration date;

(d) Failure to pay annual fees within 90 days of the invoice due date as issued by DEQ, unless prior arrangements for a payment plan have been approved in writing by DEQ.

(4) Reinstatement of Terminated Permit.

(a) A permit subject to termination under subsection (2)(c) may only be reinstated if, not later than 30 days after the permit expiration date, the permittee submits a complete renewal application and pays a late application fee equivalent to the initial new permitting application fee that would apply if the source was a new source, in which case the existing, expired permit will be reinstated effective as of the permit expiration date and will remain in effect until final action has been taken on the renewal application to issue or deny a permit;

(b) A permit terminated under subsection (2)(d) may only be reinstated if, not later than 90 days after termination, the permittee pays all unpaid annual fees and applicable late fees in which case the existing permit will be reinstated effective on the date of termination; and

(c) A terminated permit may only be reinstated as provided in subsections (a) and (b). If neither subsection (a) or (b) apply, the former permittee of a terminated permit who wishes to obtain an ACDP must submit a complete application for a new permit, including paying applicable new source permit application fees and any unpaid annual fees and late fees that were due under the terminated permit. Until DEQ issues or reassigns a new permit, the source may not operate.

## What You Need to Know:

There are two instances when a terminated permit can be reinstated:

<b>Reason for Termination</b>	1. Failure to submit a timely and complete application for permit renewal or reassignment	2. Failure to pay annual fees within 90 days of the invoice due date
<b>Termination date</b>	Permit expiration date	90 days after invoice due date (December 1 for most sources)
<b>DEQ action to prevent termination</b>	<p>Permit coordinators send out reminder letters to sources that permit renewal application is due. [This will be an automatic reminder under YDO.]</p> <ul style="list-style-type: none"> <li>• Basic permits - 30 days prior to the <u>due date</u></li> <li>• Standard and Simple - 4 months prior to <u>due date</u></li> <li>• TV - 6 months prior to the <u>due date</u></li> </ul>	<ul style="list-style-type: none"> <li>• Invoices mailed in Sept/Oct each year. Late notices mailed after the three late fee cutoffs: ~ 12/7, ~12/28, ~1/28. Final late notices and warning of permit termination mailed on 01/31.</li> <li>• Don Hendrix sends list of sources who haven't paid fees to the RMT and permit writers via MS Teams link in mid-February (2 weeks before March 1 due date).</li> <li>• Permit writers call/email sources to remind them to pay fees or else they will be operating without a permit and subject to enforcement.</li> </ul>
<b>Consequences of terminated permit</b>	Operating without a permit past expiration date.	Operating without a permit past March 1 termination date.

<b>Enforcement?</b>	Refer to the enforcement guidance (Table 2) violation reference 0054(2)(h).	Refer to the enforcement guidance (Table 2) violation reference 0054(2)(b).
<b>Action required to reinstate</b>	If the permittee submits a complete renewal application and pays a late application fee (equivalent to the initial new permitting application fee that would apply if the source was a new source found in OAR 340-216-8020 Table 2 Part 1) <b>not later than 30 days after the permit expiration date</b> , then the existing, expired permit will be reinstated effective as of the permit expiration date and will remain in effect until final action has been taken on the renewal application to issue or deny a permit.	If a permittee pays all unpaid annual fees and applicable late fees, <b>not later than 90 days after termination</b> , the existing permit will be reinstated on the date fees were paid effective as of the date of permit termination.
<b>What to do in TRAACS?</b>	TRAACS doesn't track the late fees. Staff can enter comments on the main page.	
<b>What happens if reinstatement action doesn't happen?</b>	If the permittee doesn't do either of these actions, they must apply as a new source and submit a complete application for a new permit, including paying applicable new source permit application fees and any unpaid annual fees and late fees that were due under the terminated permit (pro-rated based on the number of days the source had the previous permit). <b>Until DEQ issues or reassigns a new permit, the source may not operate.</b> If they do, they are subject to enforcement for operating without a permit.	
<b>What to do in TRAACS?</b>	Once the manager approves the termination, the permit coordinator cancels the permit and sends a letter to the source stating that the permit has been cancelled. The permit coordinator can change a permit status to 'terminated' and then later change it back to 'issued.' The PCs could simply update the comments field for that specific permit action to document the process with this note in the permit action comments field in TRAACS:  "Permit XX-XXXX-XX-01 was terminated due to ["failure to submit a timely permit renewal/reassignment application" OR "failure to submit timely annual fees"] on XX/XX/XXXX per OAR 340-216-0082. As of XX/XX/XXXX, the source ["submitted a complete permit renewal application and paid initial permit fees from OAR	

340-216-8020 Table 2, Part 1" OR "paid all applicable past due fees and late fees"] and the permit has been reinstated pursuant to OAR 340-216-0082."
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## Bottom Line

Permits that have been terminated because of a late renewal application or late payment of fees can be reinstated as long as the permittee follows the appropriate procedures for reinstatement. If not, the source is operating without a permit and enforcement action should be taken. [Note: After the permit is terminated, staff will need to confirm whether the source is actually operating before sending an enforcement action. This may include an informational site visit (not full compliance inspection), a phone call, or email to the source depending on the situation.]

## 103 – General Rulemaking Overview

### Overview

The Environmental Quality Commission adopted rules on November 18, 2022, to update, clarify, improve, and streamline Oregon's air quality permit programs. These rule changes become effective on 3/1/2023. There are three general categories of changes, which include:

- Policy changes that strengthen the permitting program, streamline the rules, and improve the permitting process;
- Technical changes that clarify the program and rules; and
- Corrections to typographical errors and non-technical changes.

### Background

The rule changes include the following policy changes and streamlining and process improvements:

#### **Strengthen** the efficacy of the air quality permitting program

- Prohibit issuance of all approvals for sources that will cause an exceedance of a National Ambient Air Quality Standard;
- Eliminate Generic Plant Site Emission Limits, which currently often allow greater emissions than a facility is physically capable of emitting and is incompatible with requirements to protect short term air quality standards ;
- Clarify and update the Notice of Intent to Construct rules;
- Require that sources must construct or modify in accordance with approved plans submitted with their applications;
- Change permit type if sources are on the wrong permit;
- Eliminate provisions that currently allow sources to operate without using pollution control devices for 48-hours under the excess emission rules;
- Clarify DEQ's ability to require and use modeling in addition to monitoring (by DEQ or sources) for NAAQS exceedance verification; and
- Clarify that permittees must comply with all conditions in their permits.

#### **Streamline** rules and make process improvements

- Extend permit terms for Simple permits to better allocate DEQ resources to work on more significant permitting issues;

- Provide no expiration date for New Source Review permits that must be incorporated into a Title V Operating Permit;
- Expand the use of short-term activity permits for temporary operations beyond unexpected and emergency activities, providing more flexibility for businesses;
- Provide a petition process for additional industrial categories to have general permits, rather than source-specific permits;
- Require more complete applications at permit renewal to ensure DEQ staff have sufficient information to process the renewal applications;
- Require additional information to be submitted by a date certain with an opportunity to request more time if needed rather than allowing 90 days for all submittals;
- Clarify reinstatement procedures for owners or operators whose permits have been terminated because of a late permit renewal application or late payment of fees;
- Add 1-bromopropane (1-BP) to the state list of Hazardous Air Pollutants to make it consistent with its listing under Section 112 of the Clean Air Act, as recently added by the EPA; and
- Provide flexibility for assessment of Exempt Toxics Emissions Units under the Cleaner Air Oregon program.

### Technical changes and corrections:

- Many of the proposed rule changes improve clarity, especially where rules may conflict, and correct cross-references and other errors. If you want to dive into the details of the rulemaking, you can find information here on the AQ Rules and Regulations page.
- More information is available on the Permit Writers' Resource Center via the 'AQ Permitting Updates 2022 Implementation' page, including, recorded presentations, documents explaining more issues/concepts, questions and answers from the training, and others!

## What You Need to Know

The AQ Permitting Updates 2022 Implementation page contains training materials that should be helpful in implementing the new rules.

AQ Permitting Updates 2022 Implementation

**Training Materials**

- Annotated Rules
- Generic PSEL Issue Paper
- Emissions Basis from TRAACS

**Documents**

NOTE: Documents in other areas on the PWRC, in addition to the permit templates and application forms, have been updated based on the adopted rules.

- Source Specific PSELS to Replace Generic PSELS
- Emission Detail Sheets
- Calculating emissions for NC types applicability
- Modeling for Type 2 and Type 3 NCs Flowchart
- Short term NAAQS Approval Conditions
- NC vs. Mod Flowchart
- NC vs. Mod Table and Fees
- Permit Mod Fees for PSEL Increases

**Notice to Construct Screening Tool**

**Presentations**

- Annotated Rules  
Recorded Presentation  
Training Presentation (Q&A)
- Source Specific PSELS  
Recorded Presentation  
Training Presentation (Q&A)  
Elimination of Generic PSEL talking point
- Emission Detail Sheets  
Recorded Presentation  
Training Presentation (Q&A)
- Notice of Intent to Construct  
Recorded Presentation  
Training Presentation (Q&A)
- Miscellaneous Rule Changes  
Recorded Presentation  
Training Presentation (Q&A)
- Training for Permit Coordinators
- Training for Regulated Facilities  
Recorded Presentation (includes Q&A)

Documents that contain details on implementation can be found here and throughout the Permit Writers Resource Center in the applicable topic area (i.e., PSEL page for changes to PSEL document that no longer



includes Generic PSELs; ACDP page for changes to Simple ACDPs, Standard ACDPs, and Permit Election Considerations – Simple/Standard ACDP).

## Documents

NOTE: Documents in other areas on the PWRC, in addition to the permit templates and application forms, have been updated based on the adopted rules.

- Source Specific PSELs to Replace Generic PSELs
- [Emission Detail Sheets](#)
- Calculating emissions for NC types applicability
- [Modeling for Type 2 and Type 3 NCs Flowchart](#)
- [Short term NAAQS Approval Conditions](#)
- [NC vs. Mod Flowchart](#)
- NC vs. Mod Table and Fees
- Permit Mod Fees for PSEL Increases

All the training PowerPoint presentations are on the rule implementation page along with recordings of the training session and questions asked during the presentation.

## Presentations

- Annotated Rules
  - [Recorded Presentation](#)
  - [Training Presentation \(Q&A\)](#)
- Source Specific PSELs
  - [Recorded Presentation](#)
  - [Training Presentation \(Q&A\)](#)
  - [Elimination of Generic PSEL talking points](#)
- Emission Detail Sheets
  - [Recorded Presentation](#)
  - [Training Presentation \(Q&A\)](#)
- Notice of Intent to Construct
  - [Recorded Presentation](#)
  - [Training Presentation \(Q&A\)](#)
- Miscellaneous Rule Changes
  - [Recorded Presentation](#)
  - [Training Presentation \(Q&A\)](#)
- Training for Permit Coordinators
- Training for Regulated Facilities
  - [Recorded Presentation \(includes Q&A\)](#)

## DEQ Notice To Construct Screening Tool

If sources are required to do modeling for a Type 2 NC or a Type 3 permit mod, Kristen Martin developed the Notice to Construct Screening Tool. The link can be found on the implementation page under the Documents section. Please try it out and provide any feedback to Kristen at [kristen.martin@deq.oregon.gov](mailto:kristen.martin@deq.oregon.gov).

## 104 – NC vs. Permit Mod

### General Topic Overview

When can construction be approved in an NC or when should we require a permit modification application? The rule changes adopted by the Environmental Quality Commission in November 2022 (effective 3/1/23), now state that a Type 1 or Type 2 NC **cannot** require a “permit or permit modification under OAR chapter 340, division 216.” Before this rule change, ACDP sources and permit writers had the option to complete the NC process then conduct a permit modification. This allowed a source to begin construction quickly with an NC first, then modify the permit later. For Title V sources, the NOA (what NCs are called for Title V sources) process and the permit mod are almost always two steps. To ensure consistency across the state, this tip also includes additional information regarding when a specific type of change should be a permit modification *instead* of an NC. Let’s dive in!

### Background

The Notice of Construction and Approval of Plans (NC or NOA - Notice of Approval for Title V sources) rules in OAR 340-210-0205 through OAR 340-210-0250 are used to approve the following types of construction:

- Type 1 changes
- Type 2 changes
- Type 3 permits or modifications
- Type 4 New Source Review permits

For detailed descriptions of the different types, see [OAR 340-210-0225](#). Type 1 and 2 changes can be approved using the NC process. Type 3 and 4 changes require permits or permit modifications.

In January 2020, the procedure for approving NCs changed because NCs must be enforceable orders since they have conditions that sources are required to comply with. Please see the Enforceable NC Implementation Plan on the PWRC. Since NCs have enforceable conditions, this makes them like a permit, which is also an enforceable order. More confusion.....keep reading for clarity on when an NC is required and when a permit mod is required.

### What You Need to Know:

#### NCs for Categorically Insignificant Activities – EMERGENCY ENGINES!

If the source on ANY type of permit is adding an engine that is CIA but the permit does not have the appropriate emergency engine permit conditions, a permit modification is required and the engine cannot be approved under a Type 1 or Type 2 NC.

- Basic ACDPs: To AQ Ops’ knowledge, Basic ACDP sources haven’t installed/used emergency backup engines. Per OAR 340-216-0056(3), a Basic ACDP “will contain only the most significant and relevant rules applicable to the source.” If you have a situation in which a Basic ACDP source wants to install a

small (CIA) emergency engine, please discuss with your manager and AQ Ops. Further discussion will be required to determine whether a permit mod or NC is appropriate.

- General ACDPs: If the currently assigned GP does *not* include all applicable requirements for the emergency engine, a General ACDP attachment or new Simple/Standard ACDP is required such that all applicable requirements are addressed in the source’s permit. Some sources have been able to apply for a GP attachment for their supplemental/associated processes, like installing a new emergency backup engine. In the case of emergency engines, you must carefully review what the source is planning to do with the engine. The qualifications section of the AQGP-18 (Electrical Power Generation general permit) specify which sources are eligible for assignment (as of 4/15/22, the source must be producing power for the grid or for their operations at times other than loss of utility power). If a General ACDP source will not qualify for assignment to the AQGP-18a (attachment), a Simple or Standard ACDP will be required to be issued prior to installation/operation of the unit.
- Simple/Standard ACDPs: Emergency engines can be approved under an NC as long as the permit contains the applicable requirements. If the permit does not contain the emergency engine applicable requirements, a permit modification is required to approve construction of the emergency engine.
- Title V permits: Emergency engines can be approved under an NOA. A permit modification may be needed if the permit does not contain the emergency engine applicable requirements to approve operation of the emergency engine. If the permit has the emergency engine applicable requirements, a modification is not required to approve operation of the emergency engine.

**For Simple and Standard ACDPs:**

Again, for a source’s construction to be approved under a Type 1 or Type 2 NC, the project cannot require a permit or permit modification (under OAR chapter 340, division 216). A table of examples (included below) was developed along with a flowchart to further explain what is needed in different situations to make this determination.

**NC or Permit Mod for ACDPs**

Permit Type	Construction Project	NC or Permit Mod?	Permit Mod Type[1]	Permit Fee*
<b>Air Contaminant Discharge Permits</b>				
ACDP	New PCD where permit <b>has</b> EALs, monitoring, recordkeeping, reporting requirements	NC	NA	NA
ACDP	New PCD where permit <b>does not have</b> EALs, monitoring,	Permit mod	Simple tech Moderate tech	\$1,800
				\$9,000

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	recordkeeping, reporting requirements			
ACDP	New PCD where source wants to use reduction and needs new EF and PSEL changes	Permit mod	Moderate tech	\$9,000
ACDP	New EU or modified EU where permit <b>has</b> applicable requirements, monitoring, recordkeeping, reporting requirements (no PSEL change)	<u>NC[2]</u>	NA	NA
ACDP	New EU or modified EU where permit <b>does not have</b> applicable requirements, monitoring, recordkeeping, reporting requirements (no PSEL change)	Permit mod	Simple tech	\$1,800
			Moderate tech	\$9,000
			Complex tech	\$18,000
<b>Type 2 NC Approvals with Modeling</b>				
ACDP	<u>Type 2 NC only needs permit conditions because of short term NAAQS modeling (state-only enforceable in the NC approval)[3]</u>	NC	NA	NA

<sup>[1]</sup> The type of permit mod depends on the complexity of the needed changes. Also, [OAR 340-216-0030](#) contains definitions of ACDP mods so be sure and check there to see what kind of permit mod should be required.

<sup>2</sup> General Condition in Simple/Standard ACDP template allows for operation of NCs approved during permit term.

<sup>3</sup> This is mainly for Type 2 NC modeling parameters that should be documented in the NC approval.

\*Note that a source may be required to pay the \$720 Type 2 NC fee per OAR 340-216-8020 Table 2 even when this table states 'N/A' for 'permit fee'.

PCD = Pollution Control Device.

EAL = Emission Action Level

EU = Emissions Unit

Because Simple & Standard ACDPs have the following condition, a permit modification is not required for operation of the approved NC:

#### 14.0 GENERAL CONDITIONS AND DISCLAIMERS

##### 14.1 Permitted Activities

- a. Until this permit expires or is modified or revoked, the permittee is allowed to discharge air contaminants from the following:
  - i. Processes and activities directly related to or associated with the devices/processes listed in Condition 1.0 of this permit;
  - ii. Any categorically insignificant activities, as defined in OAR 340-200-0020, at the source; and
  - iii. Construction or modification changes that are Type 1 or Type 2 changes under OAR 340-210-0225 that are approved by DEQ in accordance with OAR 340-210-0215 through 0250, if the permittee complies with all of the conditions of DEQ's approval to construct and all of the conditions of this permit.
- b. Discharge of air contaminants from any other equipment or activity not identified herein is not authorized by this permit.

#### For General ACDPs:

Below is the language from General ACDPs.

##### 1.3. Permitted Activities

Until this permit expires, is modified, or is revoked, the permittee is allowed to discharge air contaminants from processes and activities directly related to or associated with the air contaminant source(s) listed in on the first page of this permit in addition to any categorically insignificant activities, as defined in OAR 340-200-0020, at the source. Discharge of air contaminants from any other equipment or activity not identified herein is not authorized by this permit.

If the General ACDP is for that type of thing (or directly related/associated to it) included in the NC application, it can be covered. If it's a brand new type of process/EU that's not related to what their GP is for, it can't be approved by the permit to be operated. They need an attachment or SI/ST if it's a really different thing. Permit writers should be encouraged to ask their sources how the NC project as proposed is directly related to or associated with the source.

#### For Title V permits:

##### NOAs for Title V Permits

Permit Type	Construction Project	NC and Permit Mod	Permit Mod Type[4]	Permit Fee
Title V Permits				

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Title V	New PCD where permit <b>has</b> EALs, monitoring, recordkeeping, reporting requirements	NOA+502(b)(10)	502(b)(10)	No fee
Title V	New PCD where permit <b>does not have</b> EALs, monitoring, recordkeeping, reporting requirements	NOA+Permit mod	Minor mod	\$2,133
				\$15,995
Title V	New PCD where source wants to use reduction and needs new EF and PSEL changes	Permit mod	Moderate mod	\$15,995
Title V	New EU where permit <b>has</b> applicable requirements, monitoring, recordkeeping, reporting requirements (no PSEL change)	NOA+ 502(b)(10)	502(b)(10)	No fee
Title V	New EU or modified EU where permit <b>does not have</b> applicable requirements, monitoring, recordkeeping, reporting requirements (no PSEL change)	NOA+Permit mod	Simple	\$2,133
			Moderate	\$15,995
			Complex	\$31,989
Title V	Modified EU or modified PCD where permit <b>has</b> applicable requirements, monitoring, recordkeeping, reporting requirements (no PSEL change)	NOA	NA	NA
<b>Type 2 NC Approvals with Modeling</b>				
Title V	Type 2 NOA only needs permit conditions because of short term NAAQS modeling (state-only enforceable) <sup>3</sup>	See above		

<sup>4</sup> The type of permit mod depends on the complexity of the needed changes.

- Title V permits allow for operation only so approval of construction and operation of the approved construction are done in two steps.
- Title V permits do not have the General Condition that ACDPs have which automatically approves operation of the approved construction.
- Title V permits almost always require some type of permit modification to incorporate an NOA (e.g., if the construction approves modification of an existing emissions unit that doesn't change the current applicable requirements or existing monitoring, then a permit modification is not required).
- Title V approval of the NOA and the permit modification can be done at the same time or sequential. It depends on whether the source submitted a permit modification application at the same time as the NOA application.

When there are multiple types of permit mods and associated fees in the tables above, the type of mod would depend on how much work it is to modify the permit.

[Note: remember that we have example conditions for emission action levels (EALs) for different types of pollution control devices.]

## Bottom Line

If the permit already contains all applicable requirements, addition of a new pollution control device or emissions unit can usually be approved in an NC. If the permit doesn't contain the applicable requirements, a permit modification is definitely needed. Basically, an NC approval shouldn't look like a mini permit. As always, read the associated rules and permit language very carefully; discuss with your lead worker, manager, or AQ Ops staff, as necessary.

### **For Type 1 NCs where the source has NOT asked for review of de minimis emission calculations**

Permit coordinators should:

- Assign an application number;
- File the NC/NOA; and
- Email the confirmation of receipt of NC/NOA using the PC letter, choosing:
  - NC/NOA for the Letter Category; and
  - NC/NOA Received for the Letter Template.

### **For Type 1 NCs where the source has asked for review of de minimis emission calculations**

Permit coordinators should:

- Assign an application number; and
- File the NC/NOA.

Permit writers should approve or disapprove the Type 1 NC using the PW NC approval letter within 30 days of receipt of a COMPLETE application.

# 105 – Inspection Updates

## General Topic Overview

This tip is intended to increase consistency regarding inspection activities and post-inspection communications with sources statewide. And no- Jill and I didn't just decide on these and send them out to you! 😊 The AQ Regional Management Team (RMT) has established a Lead Inspector Group (LIG) to mirror the Lead Permit Writers group (LPW), but the LIG focuses on inspection work as opposed to the LPW's focus on permitting. The LIG and RMT have agreed on these recommendations and a documented version of these items is available on the PWRC here or at the location below. Note that this document will also tell you which of your colleagues are in the LIG.

For example:

- Should your inspection be announced or unannounced? How do you determine which to do and why?
- When you complete a compliance inspection, do you send the facility a copy of your inspection report? Every time? Upon request? Should you be doing this?
- Do you send the source copies of all photos you took onsite? Every time? Just some photos?
- When onsite what do you take pictures of? Do you take more than you need to make sure you have enough documentation? Do you always take pictures of X, Y, and Z when you get to a site? Does it vary based on permit type?

We'll attempt to address these questions, and more, in this tip of the week. Read on for more!

## Inspection Planning.

### Announced vs. Unannounced:

Determining when an inspection should be announced or unannounced is a multi-step decision process.

Step	Directive/Reason(s) <sup>1</sup>
1	Default to all inspections being unannounced.
2	If the inspector and regional manager agree it is appropriate to announce the inspection, the source will be provided a notification that the inspection will take place within a specific <b>two-week</b> window.



	<ul style="list-style-type: none"> <li>• Reasons it may be appropriate to announce an inspection include, but are not limited to: the location being very remote, the source being typically unmanned, there is significant distance to the source (e.g., several hours drive time for the inspector), a facility will need to coordinate with an HQ office (different location) to complete your inspection, etc.</li> <li>• The reasons associated with making this determination should be documented somewhere- either the inspection report itself or in the source file such that future inspection planning can refer to why this decision was made.</li> </ul>
3	<p>If the inspector and regional manager agree it is appropriate to announce the inspection and provide <b>notification of a specific inspection date</b>, the inspector may do so.</p> <ul style="list-style-type: none"> <li>• A reason it may be appropriate to announce an inspection and provide a specific date may be that a certain Health &amp; Safety or Engineer employee of the source must travel a substantial distance (e.g., fly into town) to accompany you on the inspection.</li> <li>• The reasons associated with making this determination should be documented somewhere- either the inspection report itself or in the source file such that future inspection planning can refer to why this decision was made.</li> </ul>

1: For inspections that were previously conducted as ‘announced’ (two-week or specific date notification), the subsequent inspection should include additional efforts to be conducted as ‘unannounced’ to ensure a level playing field and equitable approach to inspections.

**Onsite Records Review:**

Records must be readily available for your review when you are performing the inspection. Some inspectors may have previously advised sources that they can provide required records via email by X time (later that day) or by X time the following business day after the onsite inspection activities have concluded. This is not an acceptable practice. Records that are required to be retained by a permit must be made available upon request **during** the site visit.

If a source can’t produce the required records during the site visit, they are in violation of their permit (verify the permit language requires this) and the appropriate enforcement action should be initiated.

- It is recommended that inspectors discuss which records will be required to be reviewed during the introduction/entrance meeting early in the inspection. This provides the source as much time as possible to locate and produce the required records.
- There is some room for extenuating circumstances to provide additional time for records production- these situations will be case-by-case and should be discussed with your manager.
- If possible, make copies of key records *during the site visit*, especially if those records are evidence of a violation. Another option is to take a picture of the documentation.

**Post-Inspection Communications:**

After an inspection has concluded, the source should be provided a copy of the inspection report **every time**.

- Inspection reports should be sent digitally, via email, whenever possible. Hardcopy mailing of the report should only be done upon request by the source.

- Inspection reports should be sent as a PDF<sup>2</sup> and not MS Word document.
- Inspection reports should be accompanied by (or include in the body of the report) photographs, including all photos that document alleged violations or that will be necessary for the source to initiate corrective actions. (See below for more info on photographs)

2: Permit Coordinators all have a subscription to Adobe Acrobat Pro DC and can edit PDFs, merge them together, etc. PCs can assist with most PDF issues; AQ Operations staff can also assist with PDF issues, as needed.

**Communication Templates:**

DEQ staff must choose their language very carefully when communicating with a source after the inspection. Staff should never state ‘your facility is in compliance’ via email, letter, on the phone, or when providing a copy of the inspection report. Rather, the more accurate statement is, ‘**no violations were observed during the course of the site visit**’. There could be ongoing violations that the source doesn’t even know about, or that they’re hiding very well, or that are buried deep in a stack of information that won’t come up for another year, etc.

*The reason this language distinction is important:*

If you ever state to an owner/operator, “the inspection showed your facility is in compliance” the source now has a potential defense against any violations that are later found. Using the language below avoids using any terms that would allow the source to argue DEQ determined the source was wholly and completely in compliance and thus their later-found-violation is not actually a violation.

AQ Operations staff worked with the Office of Compliance and Enforcement to establish the following language that should be used when sending your inspection report to the source:

Option 1	Option 2
<p>“Attached is the inspection report documenting the air quality inspection activities conducted at your facility. Please let me know if you have any questions.”</p>	<p>“DEQ recently completed inspection activities associated with air permit XX-XXXX-XX. Attached is the inspection report with associated details and information. Please let me know if you have any questions. Thank you.”</p>

Staff may elect to slightly modify these two options; be sure to refrain from stating the source was/is in compliance. This language has been added to the ACDP inspection report.

**Photos To Include in Post-Inspection Communications:**

Some inspection reports have photographs embedded into the report, this is the preferred approach to sharing inspection photos with the source. If there are additional photos, not included within the report, that are being used to document alleged violations (or that are appropriate for the source to have in initiating corrective actions) they should be sent to the source as well. These may be as separate attachments, in a photo log, or added to the end of the inspection report. It is helpful to reference photo numbers in the narrative of your inspection report, to allow the reader to link the narrative to the relevant photographs. Another way to accomplish this is to include a brief narrative below each photo in your photo log.

If you need assistance combining documents into one PDF you can reach out to your Permit Coordinator, Joe Westersund, Dan DeFehr, or the ITServiceDesk. Further, if there are a substantial number of photographs to be

shared with the source and the file is too large for email, contact Joe Westersund or ITServiceDesk for assistance in setting up an FTP folder to share them with the source.

Outside of those photographs, the entire photo log (if there is a separate photo log) only needs to be provided to the source if it is requested.

### **FYI on Taking Photographs During an Inspection:**

The Lead Inspector Group has developed some recommended criteria for deciding when to take pictures, and of what, when on a site visit. The criteria include, but are not limited to:

- Type of source dictates how many pictures are taken and of what level of detail (e.g., Basic and General ACDP sources likely do not need the same level of detail regarding photographs as a Title V source)
- Each photograph should have a purpose or reason (e.g., to clearly document which building/entry point gains access to the permitted equipment, to clearly document alleged violations, etc.).
- Any alleged violations. The level of detail and number of photographs necessary to document each violation will vary by permit type, industry type, equipment type, and generally how many photographs you need to clearly establish the violation. (Always assume your documentation will be used in a contested case hearing and presented to an Administrative Law Judge- do you have enough (or too many) photos for an ALJ to clearly see what you saw?)
  - For many GDF violations (hoses, nozzles, etc.) I used to take multiple photos: 1) overview of the dispenser layout from a distance; 2) close-up of the specific dispenser where the worn/ineffective equipment was found, showing which dispenser number it was; 3) close-up of the specific hose/nozzle equipment that was worn/ineffective.
  - If a piece of equipment was installed without the required Notice of Construction, one photograph of the equipment at the facility is likely enough to document that it has been installed.
- Take photographs of the permitted equipment (e.g., boiler nameplate, each of the three furnaces on-site, engine nameplate, etc.)
  - This is even more important for portable sources- serial numbers, name plates, or other identifying information is vital to ensure the right equipment is reporting for, or associated with, the correct permit (i.e., good documentation and photos helps avoid any 'mix-ups' with portable permits and equipment).

### **Inspection Report Writing:**

All inspection reports should clearly explain how compliance was determined with an applicable condition/requirement. The SM80/TV inspection report template was updated within the past few years to clearly ask for this after EPA's State Review Framework recommendations. The ACDP inspection report template was updated to say this as well, but not as clearly. The ACDP inspection report template now (as of Nov 2022) has a clearer directive to ensure everybody is aware of the expectation for this in inspection reports. The level of detail required for any given condition will vary based on the requirement, how compliance is determined, and the type of source being inspected.

For example: when conducting an inspection at a source with a thermal oxidizer, determining compliance with the temperature requirements most likely includes reviewing 'circle charts' or other records of the unit's

operating temperature. For this condition in the inspection report, instead of writing 'in compliance', it should state what was done: 'Observed temperature records for 'X' random days from each of the past 'Y' years; all records reviewed demonstrate that the unit has been operating at or above the minimum required temperature of 'Z'.

Your manager may have further specific directive regarding the level of detail expected in an inspection report. AQ Operations plans to continue working with the Lead Inspector Group and Regional Management Team to clarify and/or provide training on inspection report writing as needed.

### **What You Need to Know:**

1. All compliance inspections should default to being unannounced. Any announced inspections should be unannounced during the next inspection whenever possible. You must discuss and receive manager approval before announcing an inspection.
2. Records required to be retained by the source must be made available during the site visit to demonstrate compliance (not by end of day, or X time the next business day).
3. After each inspection, the source should receive a copy of their inspection report.
4. Staff should be very careful with the language used in post-inspection communications.
5. ITServiceDesk can assist when DEQ staff have a file (or many files) to share externally and they are too big to email.
6. An inspection report should clearly explain how compliance was determined for each permit condition.

# 106 – Third Party Verification of GHG Reports

## General Topic Overview

DEQ requires third party verification under [OAR 340-272](#) of emissions reported by some sources to the Greenhouse Gas Reporting Program, under [OAR-340-215](#). Third party verification is required to improve data reliability and provide the necessary assurances that people doing business in Oregon are accurately calculating emissions and correctly meeting DEQ reporting requirements. DEQ has not been resourced to provide this additional level of review so has been unable to identify potential issues with GHG reporting. This tip covers the basics of third-party verification applicability and compliance for stationary sources. For more information, go to the [GHG Reporting Program Information for Responsible Entities](#) website.

2023 is the second year DEQ has required third party verification for entities subject to OAR 340-272 (Division 272 was filed and effective on 5/7/2020), so most permitted sources that meet the threshold have been through the verification process before. This TOTW is a reminder with information and resources for permit writers because the reporting deadline is March 31<sup>st</sup>. The GHG folks anticipate questions from sources about verification picking up in April and May.

**Last Year:** In the first year of verification 42 of the 257 air permitted sources that report to the Greenhouse Gas Reporting Program required third party verification. This resulted in approximately 70% of the emissions reported by sources being independently verified. Of the sources verified, 39 received a Positive Verification Statement (defined) and 3 received a Qualified Positive Verification Statement (defined), meaning that their reports may have contained nonconformances, but corrections were made and no Material Misstatements (defined) were identified. The process resulted in one enforcement, for a late submission, resolved in September of 2022.

## Key terms:

Responsible entity: Regulated entity or facility subject to third party verification requirements

Verification body: An external organization contracted by the responsible entity to provide verification services

Emissions data report: Complete greenhouse gas emissions data and related information submitted in compliance with OAR 340-215

Anthropogenic GHG emissions: the emissions of greenhouse gases, greenhouse gas precursors, and aerosols caused by human activities. These activities include the burning of fossil fuels, deforestation, land use changes, livestock production, fertilization, waste management, and industrial processes. CH<sub>4</sub> (methane) and N<sub>2</sub>O (nitrous oxide) from the combustion of biomass are also considered anthropogenic GHG emissions.

Biogenic GHG emissions: only the CO<sub>2</sub> emissions related to the natural carbon cycle, as well as those resulting from the combustion, harvest, combustion, digestion, fermentation, decomposition, or processing of biologically based materials.

## Third Party Verification Applicability:

Sources that report anthropogenic GHG emissions equal to or greater than 25,000 metric tons CO<sub>2</sub>e (carbon dioxide equivalent, defined in [Division 200](#)) are required to have their emissions data report verified by a DEQ-approved third party verification body. Though the applicability threshold applies only to anthropogenic emissions, entities that meet or exceed 25,000 metric tons CO<sub>2</sub>e must have their entire report verified for both anthropogenic and biogenic emissions. Municipal solid waste landfills are exempt from third party verification requirements. A list of stationary sources subject to the third party verification requirements is maintained [here](#).

## What do responsible entities need to do?

Sources meeting the applicability requirements are required to engage the services of a DEQ-approved Verification Body (defined) to verify their annual emissions data report. Only DEQ-approved verification bodies may provide verification services for Oregon stationary sources. DEQ trains and maintains a list of these approved verification bodies [here](#).

During verification, the verification body will review the submitted emissions data report and any supporting data and calculations. A site visit is conducted so the verification body can interview key facility staff, ask questions about data management and recordkeeping, review documentation, and verify the proper use of onsite emissions tracking and recording equipment. Any reporting discrepancies identified by the verification body must be corrected by the responsible entity in DEQ's reporting system. To conclude verification, the verification body submits a verification statement form to both the responsible entity and DEQ, detailing the result of the verification.

## **What should I do if I receive questions about third party verification compliance from a source?**

Please direct any questions regarding GHG reporting to Bill Brady through the reporting program email at [GHGReport@deq.oregon.gov](mailto:GHGReport@deq.oregon.gov).

For questions specific to third party verification, please reach out to Liz Hardee at [3PVerify@deq.oregon.gov](mailto:3PVerify@deq.oregon.gov).

GHG reporting and third-party verification program staff review each report and verification statement for compliance. If a source is found to not comply with the requirements and an enforcement is issued, GHG staff will notify the permit writer.

## **What are the important dates?**

Verification statements are due for stationary source reporters on August 31<sup>st</sup> of each year.

## **Where can I find more information?**

Trainings on third party verification applicability and process, as well as frequently asked questions documentation, are available on the [third party verification website](#). You can also contact Liz Hardee, the Third-Party Verification Program Administrator, at [Elizabeth.hardee@deq.oregon.gov](mailto:Elizabeth.hardee@deq.oregon.gov).

Third-party verification and GHG reporting work takes place within the Office of GHG Programs and the current manager is [Colin McConnaha](#).

## 107 – New Basic ACDP #8

### General Topic Overview

On 9/21/2020 a rulemaking was filed with the Oregon Secretary of State and became effective. Part of this rulemaking included establishing a new Basic ACDP (OAR 340-[216-8010](#) Table 1, Part A, #8). This new permit category was developed as a less costly and time-consuming way to permit some relatively simple sources that would otherwise require at least a Simple ACDP pursuant to Table 1, Part B, #85. When developed, managers suggested that this would most likely be used for sources with one emissions unit or seasonal sources that would likely never approach 8,760 hours/year of activity.

Since adoption, several questions have come up regarding these qualifications criteria and how they should be interpreted. In the interest of statewide consistency when this permit option is being discussed with external stakeholders, below are some further explanations and information regarding all criteria, (a) through (f).

This activity/source category reads as follows (as of 3/29/2023):

**8.** Sources subject to permitting under Part B of this table, number 85 if all of the following criteria are met:

- a.** The source is not subject to any category listed on this table other than Part B number 85;
- b.** The source has requested an enforceable limit on their actual emissions, if the source were to operate uncontrolled, to below Part B number 85 of this table as applicable depending on the source's location through one or both of the following:
  - i. A limit on hours of operation;
  - ii. A limit on production;
- c.** Control devices are not required to be used or otherwise accounted for to maintain emissions levels compliant with 8.b above;
- d.** The source is not subject to and does not have any affected emissions units subject to a 40 C.F.R. part 60, part 61, or part 63 standard (NSPS or NESHAP);
- e.** The source is not subject to any specific industry or operation standard in OAR chapter 340, divisions 232, 234, or 236.
- f.** DEQ has determined that the source is not required to conduct source testing and source testing for emission factor verification will not be required.

#### **Each Individual Criterion:**

##### **8. Subject to B.85**

"Sources subject to permitting under Part B of this table, number 85 if all of the following criteria are met:"

- Confirm that the source **is** subject to B.85. This is uncontrolled capacity at 8,760 hours of operation per year resulting in 10+ tons per year of a single criteria pollutant (or 5+ tons of PM2.5 or 10 if in nonattainment or maintenance area).

- Review the Category 85 Implementation Plan IMD for additional information on permitting under B.85.

### 8.a Other Categories

"The source is not subject to any category listed on this table other than Part B number 85;"

- For eligibility under the Basic, the source can't be subject to another listing on the table that requires a permit.
- Some permit categories in Table 1 list production (or similar) thresholds instead of simply listing an activity or operation.
  - For example: B.33 "Galvanizing and pipe coating, except galvanizing operations that use less than 100 tons of zinc/year."
- A source that is under the threshold of a potentially applicable listing on the table is not subject to the category (and is therefore potentially subject to Category B.85)..
- Category B.85 is reviewed for applicability if a source is going to be constructed that would use 90 tons of zinc/year. This source, if exceeding B.85 levels would be eligible to apply for the Basic #8 since they are **not** subject to another listing.
  - This source would be well advised to accept a zinc-based production limit in the Basic ACDP.

### 8.b Enforceable Limit

"The source has requested an enforceable limit on their actual emissions, if the source were to operate uncontrolled, to below Part B number 85 of this table as applicable depending on the source's location through one or both of the following:

i. A limit on hours of operation;

ii. A limit on production;"

- The application form for this Basic ACDP requires the source to request the enforceable limit to below B.85 levels. By signing and submitting the permit application, this part of the applicability is met.
- The source, based on the rule language "a limit," can accept **one limit on hours and one limit on production to be included in the permit**. When you calculate capacity for B.85 applicability, the source should be below the thresholds with no more than two total limits, up to one of each.
  - *Example 1: A source with one emissions unit on site that can emit 12 tons of NO<sub>x</sub>/year. By accepting a limit of 6,570 hours of operation per year (3/4 year), the source has reduced their capacity to emit to 9 tons/year.*



- *Example 2: A source with two emissions units on site can request an hours of operation and production limit from EU1 and calculate EU2 as uncontrolled; OR the source may use one limit for EU1 and the other limit for EU2.*
- *Example 3: A source with three emissions units on site can request a production limit for EU1 and an hours of operation limit for EU2. With those limits and EU3 operating uncontrolled at 8,760, the source must be below B.85 levels to be eligible for the Basic ACDP.*
- This Basic ACDP was intended to be less costly and time consuming for sources but was also designed to reduce permit writer workload (issuing more Basic ACDPs and less Simple/Standard ACDPs).
- Sources that require more limits (several hourly limits and several production limits) would result in significantly more work by regional staff to write the permit, review annual reports, and inspect to determine compliance. These sources are more appropriately regulated by a Simple ACDP.<sup>1</sup>
- The reference to 'source's location' is referring to the language in B.85 that lists the applicability level of emissions- 5 tons of PM in maintenance or nonattainment area and 10 tons of a criteria pollutant for anywhere in the state.

### **8.c No Control Devices**

"Control devices are not required to be used or otherwise accounted for to maintain emissions levels compliant with 8.b above;"

- A source is not eligible for this Basic ACDP if the control efficiency of a pollution control device must be accounted for to reduce capacity emissions to below B.85 levels. Pollution control devices need operation and maintenance permit conditions to ensure proper operation. See O&M Requirements on the Permit Writers' Resource Center for example language.
- The only emissions reductions from the B.85 capacity allowed are those from the hour or production limits referenced in 8.b.
- The Basic ACDP for this category is intended to be issued by staff relatively quickly; writing in monitoring, recordkeeping, reporting, etc. for control devices would complicate the permit and compliance determinations. These sources are more appropriately regulated by a Simple ACDP.

### **8.d No NSPS/NESHAPs**

"The source is not subject to and does not have any affected emissions units subject to a 40 C.F.R. part 60, part 61, or part 63 standard (NSPS or NESHAP);"

- If a source or any of their emissions units would be subject to an NSPS or NESHAP regulation, the source is not eligible for this Basic ACDP.

- Again, the permit is intended to be short and simple. Incorporating a federal regulation into this Basic ACDP would be inappropriate based on the amount of work that would be required and the applicable fees for the permit. These sources are more appropriately regulated by a Simple ACDP.

### 8.e No Source Specific Rules

"The source is not subject to any specific industry or operation standard in OAR chapter 340, divisions 232, 234, or 236."

- If a source or any of their emissions units would be subject to a specific industry rule in these divisions, the source is not eligible for this Basic ACDP.
  - [Division 232](#). VOC point sources. OAR 340-232-0010 describes the sources affected by this division.
  - [Division 234](#). Wood products industries. Various rules within the division describe the affected sources.
  - [Division 236](#). Standards for specific industries. Various rules within the division describe the affected sources.
- Again, the permit is intended to be short and simple. Incorporating a these specific rules into this Basic ACDP would be inappropriate based on the amount of work that would be required and the applicable fees for the permit. These sources are more appropriately regulated by a Simple ACDP.

### 8.f No Source Testing

"DEQ has determined that the source is not required to conduct source testing and source testing for emission factor verification will not be required."

- Many Simple and Standard ACDPs estimate their emissions based on an array of emission factor sources, then conduct source testing after the permit is issued to verify and adjust their emission factors. This process is not appropriate for a Basic ACDP, so any source that would need to do this 'typical' process of source testing for emission factor verification or recurring source testing is not eligible for this permit.
- Some sources may be in a position to conduct source testing before applying for a permit. In these cases, the source may submit source test results/information with the Basic ACDP permit application to support their emissions calculations and stance that future source testing should not be required.
  - Staff who receive source test results with a Basic ACDP application are encouraged to discuss the information with their lead worker, a source test coordinator, and/or their manager.

If a source meets each of the criteria (a through f), they can apply for this permit type. DEQ still retains broad authority (Division 216) to determine that a source is ineligible for any permit type and must apply for a different permit type, but in most cases if all the criteria are met the source will likely qualify.

These criteria understandably reduce the number of sources that may be eligible for this Basic ACDP, especially 8.b regarding the maximum of two limits. If you have sources that request more than two limits or are otherwise 'close' to being eligible for the permit category, please share the information with your manager and AQ Operations staff; the agency is interested in better understanding if changes to this Table 1 category are appropriate to broaden the number/type of sources that may be permitted under this listing.

## 108 – Renewable Diesel

### General Topic Overview

What is renewable diesel? Is renewable diesel the same as biodiesel? Are sources allowed to use renewable diesel? Is this fuel approved for use by permitted sources who are required to use Ultra Low Sulfur Diesel (ULSD)? What about older permits with references to distillate fuel or fuel oil #2? Can NSPS IIII-subject engines use this fuel? Is this fuel ok to use in older engines subject to NESHAP ZZZZ?

Huge thanks to Ania Loyd and the Data Center and Engine Working group for their help in working through some complicated questions about this fuel type! Let's try to answer some of these questions!

### What is renewable diesel?

Per [40 C.F.R. 1090.80](#), "renewable diesel fuel means diesel fuel that is made from renewable (nonpetroleum) feedstocks and is not a mono-alkyl ester."

**Note: Renewable diesel and biodiesel are NOT the same thing.** What is the difference? Biodiesel is composed of mono-alkyl esters and is produced by reacting lipids with short-chain alcohols (typically methanol or ethanol) in the presence of a catalyst. Renewable diesel is a non mono-alkyl ester fuel produced by hydrocracking or hydrogenation of triglycerides. Raw materials used in production of both fuels are vegetable and animal fats and oils. The two fuels have different physical and chemical properties and their combustion results in different emission profiles. This tip is specifically addressing renewable diesel.

### Are sources using this fuel?

There has been an increase in the number of sources requesting approval to use this fuel type in internal combustion engines (generators) or to conduct testing with this fuel to demonstrate that they are in compliance with applicable emission limits. Some permittees may already be using this fuel type. In all cases, permittees must comply with their permits and applicable requirements. DEQ staff may not provide a source with approval to do anything that is in violation of an applicable environmental law, regulation, or permit condition.

### Are NSPS-subject engines even allowed to use this fuel?

Per [NSPS IIII](#), sources must use ULSD fuel that meets the requirements of [40 C.F.R. 1090.305](#) for nonroad diesel in their engines ([40 C.F.R. 60.4207\(b\)](#)). Additionally, a source must install, configure, operate and maintain their EPA certified engine according to the manufacturer's emissions-related written instructions. And there is the EPA certification that was likely done using petroleum ULSD. How does renewable diesel fit into this? Good news! Use of renewable diesel does not void the EPA emission certification for the engine if all the following conditions are met:

- The renewable fuel meets the fuel requirements of [40 C.F.R. 60.4207\(b\)](#);

- The engine **manufacturer's warranty** for the engine (including the emission control systems) includes the use of the renewable fuel (or renewable fuel blend) being used in the engine; and
- The renewable diesel meets ASTM D975.

Owners/operators that install, configure, operate or maintain their engine outside of the manufacturer's emissions-related written instructions or use renewable diesel that does not meet the above standards (three bullets) are required to conduct performance tests as described in [40 C.F.R. 60.4211\(g\)](#) to show that the engine meets the applicable emission standards of NSPS IIII or develop their own operations and maintenance plan in accordance with the NSPS (depending on engine size).

**Tip:** *Manufacturer's written emissions-related instructions will likely include what fuel type(s) are accepted for use. If not, the permittee will need to obtain a written confirmation from the manufacturer that renewable diesel (or renewable fuel blend) use is allowed and does not void the warranty for the engine model. The landing bill usually has information on the fuel specifications.*

## Can older engines with requirements in NESHAP ZZZZ use renewable diesel?

Almost all engines are subject to NESHAP subpart ZZZZ. Older engines must comply with operation and maintenance requirements and new engines must comply with NSPS IIII. The definition of diesel fuel in this subpart ([40 C.F.R. 63.6675](#)) specifically covers non-distillate fuel such as renewable diesel. So yes, older engines can use renewable diesel. Note, that renewable diesel must meet the requirements in [40 C.F.R. 1090.305](#) for nonroad diesel fuel ([§ 63.6604](#)) and ASTM D975 specifications ([§ 1090.80](#)) (which is consistent with NSPS IIII as described above).

## Do permits allow this?

Recent versions of the SI/ST template and general permit AQGP-18 include provisions for this fuel. See screen shot below of SI/ST ACDP Permit Template condition 2.7(c) and the AQGP18 permit Condition 2.6.

### SI/ST Template:

- c. The permittee is allowed to use renewable diesel which is registered as a motor vehicle fuel or fuel additive under 40 Part 79 and meets the requirements of the ASTM D975 or D396. [OAR 340-228-0130(2)]

### AQGP-18 Permit:

#### 2.6. Fuels and Fuel Sulfur Content

The permittee must comply with the following fuel requirements for each stationary RICE:

- Compression ignition stationary RICE must only use Ultra Low Sulfur Diesel (ULSD) fuel with a maximum sulfur content of 15 ppm;
- Compression ignition stationary RICE may use renewable diesel that is registered as a motor vehicle fuel or fuel additive under 40 C.F.R. part 79 and meets the requirements of the ASTM D975 or D396; and
- Spark Ignition stationary RICE that use gasoline must only use gasoline that contains a maximum of 10-ppm sulfur per gallon.

What if an older permit does not contain specific references and requirements for renewable fuel? You may come across several variations of permit language such as: fuel oil #2, distillate oil #2, diesel fuel, ULSD fuel. Renewable diesel falls under the umbrella of all those definitions and the permittee is allowed to use it in place of petroleum diesel. Oregon Administrative Rules define "distillate fuel oil" as **any** oil meeting the specifications of ASTM Grade 1 or 2 fuel oils [OAR [340-228-0020](#)], while [40 C.F.R. 1090.80](#) specifically includes nonpetroleum diesel and diesel certified to ASTM D975 in the definition of diesel fuel.

Unless the permit specifically allows for use of petroleum diesel only (very unlikely), the permittee is allowed to use renewable diesel under the current permit.

If the engine is subject to NSPS IIII, the permit also contains a requirement to comply with that subpart. Most permits list specific language related to diesel fuel requirements, manufacturer's emission-related written instructions warranty and compliance with [40 C.F.R. 60.4211\(g\)](#).

## **How does CAO view renewable diesel?**

A source that has completed a Risk Assessment with petroleum ULSD that later is switching to renewable diesel does not require a revised Risk Assessment. This holds true only if ALL OTHER operational parameters remain the same (e.g., no additional hours of operation, stack parameter changes, etc.).

## **Emissions**

Renewable diesel generally emits less than distillate ULSD. See California Air Resource Board's document: [Multimedia Evaluation of Renewable Diesel](#) (conclusions begin on PDF page 98).

- Renewable diesel reduces PM emissions in diesel exhaust.
- Renewable diesel reduces emissions and health risk from PM in diesel exhaust.
- Renewable diesel reduces NOx emissions in diesel exhaust.
- Renewable diesel reduces CO emissions in diesel exhaust.
- The adverse effects of renewable diesel are expected to be less than or equal to diesel fuel.
- Emissions testing results for renewable diesel show reductions in PM, NOx, CO, and THC.
- Toxics test results show reductions in most PAHs and VOCs.

## **Conclusions**

Renewable diesel fuel use is allowed by NSPS IIII and NESHAP ZZZZ. Current data shows that emissions from renewable diesel are lower than from petroleum diesel. Most permits are currently written in a way that allows the use of this fuel with no modifications. Since there is no increase in emissions switching to renewable diesel, a Notice of Construction to make this fuel change is not required (but some sources might still do so). Compliance with NSPS IIII (three bullet points in the NSPS IIII paragraph above) should be verified during permitting actions and/or inspections.

## **What about biodiesel?**

When it comes to compliance with NSPS IIII and NESHAP ZZZZ, the clarification for use of biodiesel is the same as for the renewable diesel, except that biodiesel must meet ASTM D6751 specifications. At this point DEQ does not have data showing consistently lower emissions from biodiesel as compared to petroleum diesel. As such, permit writers will need to consider permitting and compliance implications on a case-by-case basis. You should carefully consider emission factors regarding PSEL and NAAQS compliance and the impacts on any CAO risk assessment processes.

# 109 – General ACDPs and NCs

## General Topic Overview

General Air Contaminant Discharge Permits are typically assigned to relatively simple operations, but that's not always the case. Some of you know very well that a General ACDP can be complex; determining compliance post-inspection, reviewing an annual report, processing a Notice of Construction application, or the permit **itself**. Since General ACDPs don't have the same supporting documentation as a Simple, Standard, Title V, or even Basic ACDP (review reports, detail sheets, etc.) for source specific equipment information, it has been requested that we send a Tip of the Week to talk a bit about General ACDPs (GPs), NC applications, and permit qualification.

With Simple and Standard ACDPs, you must determine if a project/construction proposed in an NC can be done via an NC or if the project requires a permit modification. One of the main considerations here is whether new permit conditions must be added to the permit or whether the permit already includes most/all conditions required to appropriately regulate that new 'thing'.

General ACDPs are similar- but it's not an NC vs. Permit Modification determination, it's NC vs. General ACDP Attachment vs. new Simple/Standard ACDP determination. Don't fret- the logic is the same but even clearer for GP sources.

## General ACDPs (Recap)

- Prior Tips of the Week cover information about General ACDPs (specifically #25, 57, 87); so I won't belabor the point here, but the important thing to know is that a General ACDP must include all the source's applicable requirements. If there are applicable requirements not in the GP, the source must apply for a GP attachment that **does** cover the requirements or apply for a Simple or Standard ACDP.
- Most GPs are set up to regulate one specific type of industry or activity (coffee roasters, rock crushers, boilers, etc.). When a single source has multiple types of activities/operations or proposes to add a different type of activity, you need to ensure they're allowed to do that under their currently assigned permit or if a permitting action will be required to approve it.
  - EXAMPLE: Hospitals with boilers often have an AQGP-11. If that hospital has a gasoline storage tank and dispensing point for their fleet vehicles, there are applicable requirements under OAR chapter 340 [division 244](#) for Gasoline Dispensing Facilities. These GDF rules are not found in the AQGP-11. But DEQ has issued an AQGP-22a that does cover most GDF rules. The hospital may elect to apply for this GDF attachment (if they qualify) OR a source specific ACDP (SI/ST). [Note: staff should continually refer to the definition of 'source' in Division 200 to ensure the planned permitting action continues to be appropriate.]
    - Attachments are much cheaper than a source-specific permit, but a Simple or Standard ACDP would include only the requirements applicable to the source (e.g., If the hospital's GDF operations were required to install a Stage 1 vapor balance system, a Simple ACDP for the source wouldn't include any conditions that apply to uncontrolled facilities. In this way, a source specific ACDP can be 'easier' for the source to review and comply with, but costs significantly more money.).

- When DEQ receives a General ACDP application, you should **always** look through TRAACS and/or YDO to confirm whether another General ACDP type has already been issued to that facility. One source can't be issued two permits.
- Single vs. multiple source determinations can quickly become complicated; while there **is** a tip of the week planned for the concept of 'adjacency' that will hopefully help this, please discuss questions about these situations with your lead worker, manager, and Program Operations staff.

## What does this mean for a GP source submitting an NC?

- This means that you must review that NC to ensure there are no applicable requirements for the project/construction that aren't already in the permit.
- If the NC is for the 'thing' that the source is already permitted for, this is pretty straight forward.
  - If the permitted Gasoline Dispensing Facility wants to add another storage tank or dispenser, the current permit will cover that. Same if the crematory incinerator source wants to add another incinerator or coffee roaster source wants to add another coffee roaster.
  - Note: if a source happens to already be close to their PSEL, adding another emissions unit might end up pushing them over the emission limit. Not many GP, if any, sources are close to their PSEL as of now, but it is something that must be considered (especially moving forward as Generic PSELs are removed from permits).
    - A note about that note- this wouldn't, in and of itself, be a reason to deny the NC but it should be a conversation with the source that a Simple or Standard permit may be required after the project is completed.
- If the NC is for a **new** thing that the source isn't permitted for, there's a bit of figuring required. First, see if the current GP has conditions that would 'cover' the project/emissions unit or whether any conditions would be necessary.
  - For example, in some GPs there are several different types of processes covered.
    - In the current Plating and Polishing AQGP-26, most sources conduct plating activities. The permit, however, also allows and covers thermal spraying operations and dry mechanical polishing. Not all sources conduct these activities, but they would be able to submit an NC to construct and begin them under their currently assigned AQGP-26 because the applicable requirements are already in the permit.
    - In the current Boiler AQGP-11, a unit subject to NSPS Dc or NESHAP JJJJJJ can be covered by the permit.
  - General conditions also exist within each General ACDP. So, if the source is looking to install an emissions unit that has no applicable requirements except fugitive, opacity, or visible emissions, those requirements are likely already covered by the GP language. For example, a plating and polishing source (AQGP-26) that wants to install a small natural gas fired heater (2.5 MMbtu/hr). The unit is above Categorically Insignificant Levels ([Division 200](#)) and subject to the NC

requirements, but there are otherwise no applicable requirements for the actual unit that aren't already written into the GP. This project could be approved under an NC and the source would remain qualified for the current AQGP-26.

- Until Your DEQ Online has been rolled out for Air Quality permitting, consider how you'd like to keep track of equipment information for your assigned GP sources (or discuss with your manager to see if they have a method for their region). TOTW #87 covered equipment tracking options/considerations for Basic and General ACDP sources in more detail.

## What You Need to Know:

1. Review all NCs for a GP source with an eye toward the qualification conditions of the currently assigned GP. [i.e., Does this NC change whether the source qualifies for the GP?]
2. Review the GP rule language in Division 216 occasionally; stay familiar with the intent, purpose, and processes for GP issuance, assignment, and attachments.
3. Consider what applicable requirements exist for the proposed change and determine if they are already found in the currently assigned GP or if they'll need to be addressed separately (attachment or SI/ST permit).
4. When reviewing a new GP assignment application, remember to check whether a GP (or other permit) already exists for that entity at that location (i.e., one 'source' can't have two permits).

## 110 – Marijuana and Hemp Processing

### General Topic Overview

What type of marijuana-related or hemp-adjacent operations require an air permit? What types of things are excluded from air regulation by the agricultural operations exemption? You're in luck! We have a guidance document and new page on the PWRC (Marijuana & Hemp) designed to answer these questions.

Read on for the gist of what you need to know or check out the new 'Marijuana & Hemp' PWRC page and the guidance document in its entirety.

### What You Need to Know:

1. Many agricultural operations and equipment used in ag operations are exempt from permitting.
2. Most hemp/marijuana drying operations are **not** exempt from permitting under the ag operations/equipment language.
3. CBD/oil extraction facilities are **not** exempt from permitting under the ag operations/equipment language.
4. There is a new PWRC page for hemp/marijuana operations. *If you have documents/resources you'd like to have added to the page please reach out to me* (Dan).

### What is the basis of the agricultural operations and equipment exemptions?

Both DEQ's underlying statutory authority (Oregon Revised Statutes; ORS) and Oregon Administrative Rules (OAR) include similar language around agricultural operations and equipment. The legislature clearly wanted to limit DEQ's air regulatory authority when it comes to various types of agricultural operations and activities.



The ORS states, in part, at [ORS 468A.020\(1\)](#)- [emphasis added]:

(1) Except as provided in subsection (2) of this section, the air pollution laws contained in ORS chapters 468, 468A and 468B do not apply to:

**(a) Agricultural operations**, including but not limited to:

(A) **Growing or harvesting crops**;

(B) Raising fowl or animals;

(C) **Clearing or grading agricultural land**;

(D) **Propagating and raising** nursery stock;

(E) Propane flaming of mint stubble; and

(F) Stack or pile burning of residue from Christmas trees, as defined in ORS 571.505, during the period beginning October 1 and ending May 31 of the following year.

**(b) Equipment used in agricultural operations**, except boilers **used in connection with propagating and raising** nursery stock.

ORS 468.020(1)(a) exempts 'agricultural operations' and (b) exempts most equipment used in agricultural operations.

The OAR, found in Division 200, is very similar [emphasis added]:

[340-200-0030](#)

#### **Exceptions**

(1) Except as provided in section (2), OAR chapter 340 divisions 200 through 268 do not apply to:

**(a) Agricultural operations**, including but not limited to:

(A) **Growing or harvesting crops**;

(B) Raising fowl or animals;

(C) **Clearing or grading agricultural land**;

(D) **Propagating and raising** nursery stock;

(E) Propane flaming of mint stubble; and

(F) Stack or pile burning of residue from Christmas trees, as defined in ORS 571.505, during the period beginning October 1 and ending May 31 of the following year.

**(b) Equipment used in agricultural operations**, except boilers **used in connection with propagating and raising** nursery stock.

**Is marijuana/hemp oil extraction an agricultural operation that is exempt; or is it subject to permitting? What about marijuana/hemp drying?**

An 'agricultural operation' is: "The science or art of cultivating the soil, harvesting crops, and raising livestock; ...the science or art of the production of plants and animals useful to man and in varying degrees the preparation of these products for man's use and their disposal" (as by marketing)...

Oil extraction processes are **not** exempt from permitting pursuant to the agricultural operations language. CBD oil extraction is a separate operation from the growing and harvesting of the crops. Extracting these oils from the crops does not involve cultivating the soil, preparing fields, or harvesting the crops. It is a separate process that happens after growth and harvesting.

Most sources\* that use equipment which burns fuel to dry hemp or marijuana are **not** exempt from permitting pursuant to the agricultural operations/equipment language. The drying of these products is a separate operation from the growing and harvesting of the crops. Drying the crops does not involve cultivating the soil, preparing fields, or harvesting the crops. It is a separate process that happens after growth and harvesting.

\*Note: if you encounter a source that cultivates the soil, prepares fields, grows hemp/marijuana, harvests the crop, then dries the product all at the same facility/site, there may be an argument that the equipment/process is exempt from permitting. Please discuss these situations with your manager and AQ Operations staff before making a permitting determination.

### **Example:**

On the new marijuana PWRC page there is also an example of a (since closed) Basic ACDP hemp drying source permitted by LRAPA. The facility's associated emissions detail sheet can also be found there.

### **Similar Operations:**

While permitting/regulation by DEQ of marijuana-related operations is relatively new, regulating agricultural-adjacent sources and activities has been a longstanding practice. For example, the EQC has adopted rules (and DEQ has issued permits) for the regulation of:

- Animal rendering and animal reduction facilities;
- beet sugar manufacturing;
- grain elevators;
- prepared feeds manufacturing;
- coffee roasting; and
- seed cleaning.

All these operations involve processing agricultural crops or livestock to prepare them for sale or use as products.

# 111 – Certified Engines Test Results

## General Topic Overview

EPA maintains a website [Annual Certification Data for Vehicles, Engines, and Equipment](#) that has data for engines! Even though engines are my very least favorite emissions unit, this website is helpful!

## Background

As part of the certification process, data is generated to demonstrate compliance with federal regulations. The data provided on the website represents information that is most commonly requested. Within each industry, data is separated into current and archived legacy files.

The data that is most helpful in writing permits are:

- **Nonroad Compression Ignition (NRCI) Engines**

For Model Year 2011, NRCI data can be found in both files listed below. MY 2011 certification data not found in one file will be located in the other. This is due to a transition in our database system.

- [NRCI Certification Data \(Model Years: 2011 – Present\) \(xlsx\)](#) (10.35 MB, January 2023)
- [Archive \(Model Years: 1996 – 2011\) \(xlsx\)](#) (24.09 MB, April 2018)

And

- **Large Nonroad Spark-Ignition (NRSI) Engines**

For Model Year 2011, Large NRSI data can be found in both files listed below. MY 2011 certification data not found in one file will be located in the other. This is due to a transition in our database system.

- [Large NRSI Engine Certification Data \(Model Years: 2011 – Present\) \(xlsx\)](#) (3.35 MB, January 2023)
- [Archive \(Model Years: 2004 – 2011\) \(zip\)](#) (159.33 KB, February 2018)

For a permit I was recently working on, I knew the engine family but that’s about it. When I looked up the engine family (HCEXL15.0AAI) in the [NRCI Certification Data \(Model Years: 2011 – Present\) \(xlsx\)](#) spreadsheet for Nonroad Compression Ignition (NRCI) Engines, I found that the engine has 6 cylinders and the total displacement is 14.948 liters on the **Model Info** sheet. With this information, I calculated the displacement/cylinder and found it was less than 30 l/cyl so that enabled me to use EPA’s JJJJ/IIII engine quiz to find out what the applicable requirements were for that compression ignition engine.

	1	2	3	4	5	6	7	8	9
2	Model Year	Engine Family	Engine Model	Engine Code	Engine Block Arrangement	Number Cylinders	Bore (MM)	Stroke (MM)	Rated Power (KW)
1875	2017	HCEXL15.0AAI	QSX15-G	3794:FR11012	Inline	6	137	169	521
1876	2018	JMVXL03.3CBA	D04EG-MECH-TAA	D04EG-MECH-P60-1	Inline	4	94	120	60
1877	2017	HKBXL01.5BPD	V1505-T-EF	V1505-T-EF02	Inline	4	78	78.4	30
1878	2017	HLHAL24.2VQT	D9508 A7-04	V08MQ7201	V-Shaped Engine	8	128	157	660

	31	32	33
2	Number Exhaust Valves Cylinder	Total Displacement	Sales Area
1875	2	14.948	Both

The engine spreadsheet also has data on emissions from certification test results on the **Family Info** sheet that should be used to calculate PSELs rather than AP-42 because it provides more updated/relevant data:

Model Year	Engine Family	Manufacturer	Power Category	Applicable Regulation	Applicable Tier	Fuel	Fuel Meter System	Engine Combustion Cycle	Non Aftertreatment Device Type	Aftertreatment Device Type
2017	HCEXL15.0AAI	Cummins Inc.	130<=kW<=560	Part 60 and 1039	Tier 4 (Final or Phase In)	7-15 ppm Ultra Low Sulfur Diesel	Direct Diesel Injection	4 Stroke Compression Ignition	Cooled EGR - Electronic/Electric; Electronic Control	Ammonia Slip Catalyst; Diesel Oxidation Catalyst; PTOX-DPF-Active; Selective Catalytic Reduction
Certification Level Steady-State Discrete Modal Test Results (g/kW-hr)										
NMHC		NOx		NMHC+N Ox		CO	PM	CO2	N2O	CH4
0		0.07				0	0	672	0.11	

# 112 – Permit Coordinator NC Letters

## General Topic Overview

The Environmental Quality Commission adopted rules on November 18, 2022 that update and clarify the Notice of Intent to Construct rules in [division 210](#) (OAR 340-210-0205 through 340-210-0250). The rule changes were explained in TOTW #99. This TOTW explains the changes that have been made to the permit coordinator letters (MS Word Templates) as a result of the NC rule changes.

## Background

There are a few different ways an applicant can submit an NC application (again, review TOTW #99 for more information):

1. Type 1 NC WITHOUT a request for DEQ staff to confirm the project status. (Construction can begin immediately after notification to DEQ)
2. Type 1 NC WITH a request for DEQ staff to confirm that the project qualifies as a Type 1. (DEQ has a 30-day review period)
3. Type 2 NC. (approved after 60 days or after DEQ approves)

Permit coordinators have typically sent out letters acknowledging receipt of NC applications. Since Type 1 NCs can either be “Notice & Go” without ANY type of review and approval\* or the source can request review of emissions calculations under de minimis to ensure that the NC is indeed a Type 1, it was appropriate to modify the template letters that permit coordinators send to applicants.

\*Note that your manager may have specific directives regarding Type 1 ‘Notice & Go’ NC reviews (e.g., conduct a minimal review to make sure the application appears complete; or conduct a minimal review to verify a signed LUCS was submitted, etc.). Please discuss with your manager as appropriate.

## NC Templates

The following templates are used in processing NCs:

- NC Approval: this template is usually used by permit writers.
- Permit Coordinator Letters: this template is usually used by Permit Coordinators. The template contains the NC-related letters.

## Select Permit Coordinator Letter Template

Region  
ER

Office  
Bend

Manager  
Mark W. Bailey

Permit Coordinator  
Cynthia Ferris

Permit Type  
All

Letter Category  
NC / NOA

Letter Template  
Approval of Type 2 or Type 1 w PW Review - see NC Approval  
Approval of Type 2 or Type 1 w PW Review - see NC Approval  
Type 1 Received (No PW Review Requested)  
Type 1 Received (PW Review Requested)  
Type 2 Received

You'll notice the first letter says 'see NC Approval'. This is because the typical 'NC Approval' letter is filled out by permit writers (not permit coordinators) after their review of an NC is complete and the project is approved. There is a separate template in MS Word for this.

- **Permit Writer Letters:** this template is usually used by permit writers, If a permit writer needs to send a denial letter or ask for more info from a facility, these letters can be found in Word under File | New | Shared | AQ.

## NC Approvals

Here's how to use these templates for the different NC situations that can happen:

1. Type 1 NC WITHOUT a request for DEQ staff to confirm the project status. (Construction can begin immediately after notification to DEQ)
  - Permit coordinator uses "Type 1 Received (No PW Review Requested)" template under "NC / NOA" category in Permit Coordinator Letters template. Thus, this template contains the NC general conditions since an approval letter will not be sent in this case.
2. Type 1 NC WITH a request for DEQ staff to confirm that the project qualifies as a Type 1. (DEQ has 30-day review period)
  - Permit coordinator uses "Type 1 Received (PW Review Requested)" template under "NC / NOA" category in Permit Coordinator Letters template. This letter does not contain the NC general conditions.
  - Permit writer reviews NC, determines if it is in fact a Type 1
  - Permit writer sends response letter:
    - If approving, use NC Approval template, which contains the NC general conditions;

- If denying, use the “Denial Letter” in the “NC / NOA” category in the Permit Writer Letters template; or
  - If you need more info, use the “More Info Letter” in the “NC / NOA” category in the Permit Writer Letters template.
3. Type 2 NC. (approved after 60 days or after DEQ approves)
- Permit coordinator uses “Type 2 Received” template under “NC / NOA” category in Permit Coordinator Letters template. This letter does not contain the NC general conditions.
  - Permit writer reviews NC;
  - Permit writer sends response letter:
    - If approving, use NC Approval template, which contains the NC general conditions.
    - If denying, use the “Denial Letter” in the “NC / NOA” category in the Permit Writer Letters template.
    - If you need more info, use the “More Info Letter” in the “NC / NOA” category in the Permit Writer Letters template.

These changes and general reorganization of NC-related letter templates were done to help expedite the review and processing of these applications.

## 113 – Sig Figures, Rounding, and PSELs (UPDATED)

After further discussion with the Lead Permit Writers, this TOTW has been modified. PSELs will be whole numbers, no decimal points for PSELs less than 10 tons/year, unless the pollutant has a Significant Emission Rate less than 1 ton/year. See **highlighted** language below. This change will help ensure that PSELs are set in simple and consistent way that is consistent with compliance determinations and the definition of ‘de minimis’ and equitable to all sources.

### General Topic Overview

This tip covers an update to how staff should be establishing Plant Site Emission Limits in permits since the rulemaking change that went into effect 3/1/2023.

What You Need to Know:

- Simple Air Contaminant Discharge Permits must not have generic PSELs.
- A PSEL is not established for any pollutant emitted below the de minimis level.
- Hazardous Air Pollutants- only establish a PSEL when requested by the source and for pollutants emitted above de minimis levels.
- **If the PTE is greater than or equal to 10; round the PSEL to the nearest whole integer unless the pollutant has a Significant Emission Rate that is less than 1 ton/year (lead SER = 0.6 tons/year). In that case, use one decimal point.**

- If the PTE is less than 10; include a decimal and one additional character. (e.g., PTE = 8.56 TPY, PSEL = 8.6 TPY.)
- When creating detail sheets, always keep 4 characters to the right of the decimal. Only drop them at the end.

## Simple ACDPs

One of the changes made in the rulemaking that was effective on 3/1/2023 was the removal of Generic PSELs. PSEL rules can be found in [Division 222](#).

Rule -0041(2) states that “For sources subject to a Simple ACDP, a PSEL will be set equal to the source’s potential to emit.”

This means that when you complete the detail sheet for a Simple ACDP source, you can use the Potential to Emit (PTE) to determine what the PSEL should be for the source. Read the other subtopics for more information about rounding and significant figures.

## When no PSEL is Required

DE MINIMIS:

The PSEL rules in Division 222 state that no PSEL is established for a pollutant which is emitted **below** the de minimis level. (OAR 340-[222-0020](#)(3)). The pollutants that are mostly commonly established PSELs are criteria pollutants- for the most part de minimis is one ton per year. You should always, however, review the de minimis levels defined in OAR 340-[200-0020](#)(39) to verify what ‘de minimis’ means for a specific pollutant.

HAPs:

The PSEL rules also state that a PSEL is not required for “hazardous air pollutants as listed in OAR 340-244-0040 Table 1” (OAR 340-[222-0020](#)(3)). This includes the HAPs that are typically regulated by NESHAP standards found in [Division 244](#). Many current permits include a HAP PSEL set at 9/24 (9 tons individual HAP and 24 tons of combined HAP) which ensures the source’s emissions are limited to prevent the source from becoming a major source of HAP emissions. In some cases, this is fine. In some cases, it is not appropriate.

The PSEL rules at OAR 340-[222-0060](#) further explain HAP PSELs specifically.

A HAP PSEL **may be established by DEQ if an owner or operator requests an enforceable PTE limit**. (OAR 340-222-0060(1)). In many cases a phone call or email during the permit drafting or application process can establish whether they would like to request a HAP PSEL (this communication should be documented). As referenced above, many sources might want this limit to help ensure they don’t inadvertently become a major source of HAPs. When the source DOES confirm they would like a HAP PSEL, OAR 340-[222-0060](#)(2) comes into play: [emphasis added]

- “PSELs will be set only for individual or combined HAPs and will not list HAPs by name. **The PSEL** will be set on a rolling 12 month basis and **will be set based on the potential to emit if more than the de minimis emission level** and to also comply with OAR chapter 340, division 245.”

## PTE, PSEL, and Significant Figures

Another change that was to be implemented with the 3/1/2023 effective rulemaking included significant figures. Since Generic PSELs are no longer included in permits, many ACDPs were likely going to have limits that are relatively low.

- For any PSELs, **both greater than 10 tons/year and less than or equal to 10 tons/year, established greater than 10, continue doing what you have been doing- namely rounding round** the PTE to the

nearest whole integer, **except as noted above when the SER is less than 1 ton/year**. (e.g., PTE of 14.7 tons per year rounds to a 15 tons per year PSEL; **5.4 tons per year rounds to 5 tons per year**).

- **For any PSELs established less than 10, include a decimal and one additional character.** (e.g., PTE of 6.24 tons per year is a 6.2 tons per year PSEL). In some cases, this may end up being a whole number, in which case a decimal by itself or with a 0 afterwards can suffice (e.g., PTE of 4.02 tons per year is a 4.0 tons per year PSEL, or '4.'). Personally, I would recommend using '4.0' so the limit is clearer for the permittees and the public.

It is important to remember that PSELs are set with rounding. Thus, compliance determinations regarding the PSEL must account for this (e.g., 15.4 tpy PTE = 15 tpy PSEL. Actual emissions of 15.4 tpy would not be a violation of the permit).

More information about PSELs (and this topic) can be found on the Permit Writers' Resource Center on the Plant Site Emission Limits page.

## Rounding

When creating the detail sheet for a source, always remember to retain 4 characters to the right of the decimal throughout your calculations. Once you have a final PTE for the plant site, you can round as appropriate to determine the PSEL.

## 114 – Registration

### General Topic Overview

What is a 'registration' and who has to get one? Why are they used, what's the purpose? What are the different types of registrations? Did you know there were more types of registration than just autobody and dry cleaners? This tip of the week will discuss DEQ's rules as they pertain to 'registration' under [Division 210](#).

### Background

As mentioned, registration requirements and rules can be found in Division 210. Specifically in rules -0100 through -0120. Registrations are like permits; they include operation and maintenance requirements, reporting, recordkeeping, etc. Some also require annual fees. I typically think of registration as a step between an unpermitted source and a Basic ACDP source.

### Types of Registration

There are three categories of registration:

<b>OAR 340-210-0100(1)</b> <b>"Any Source"</b>	<b>OAR 340-210-0100(2)</b> <b>"Motor Vehicle Coaters &amp; Dry Cleaners"</b>	<b>OAR 340-210-0100(3)</b> <b>"NSPS/NESHAP Sources without Permits"</b>
(1) Any air contaminant source not subject to Air Contaminant Discharge Permits, OAR chapter 340, division 216, or Oregon Title V Operating Permits, OAR chapter 340, division	(2) The owner or operator of an air contaminant source listed in subsection (a) that is certified through a DEQ approved environmental certification program, as provided in subsection (b), and that is subject to an Area Source NESHAP may register the source with	(3) The owner or operator of an air contaminant source that is subject to a federal NSPS in 40 CFR part 60 or NESHAP in 40 CFR part 63 and that is not located at a source that is required to obtain a permit under OAR chapter 340, division



<p>218, must register with DEQ upon request pursuant to OAR 340-210-0110 through 340-210-0120.</p>	<p>DEQ pursuant to OAR 340-210-0110 through 340-210-0120 in lieu of obtaining a permit otherwise required by OAR 340-216-0020, unless DEQ determines that the source has not complied with the requirements of the environmental certification program. A source registered under this section must pay fees as provided in subsection (c), is subject to termination of its registration for failure to pay fees as provided in subsection (d), and must keep records as provided in subsection (e).</p> <p>(a) The following sources may be registered under this section:  (A) Motor vehicle surface coating operations.  (B) Dry cleaners using perchloroethylene.</p> <p>(b) Approved environmental certification program. To be approved, the environmental certification program must, at a minimum, require certified sources to comply with all applicable state and federal rules and regulations and require additional measures to increase environmental protection.</p>	<p>216 (Air Contaminant Discharge Permits) or OAR chapter 340, division 218 (Oregon Title V Operating Permits), must register and maintain registration with DEQ pursuant to OAR 340-210-0110 through 340-210-0120 if requested in writing by DEQ (or by EPA at DEQ's request).</p>
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**So what does this actually mean?**

<p>Any source that doesn't require a permit can be asked by DEQ to register- and they must do so.</p>	<p>Motor vehicle surface coaters and dry cleaners subject to their respective NESHAP standards have the option to comply with additional requirements and register instead of getting an ACDP. Registration annual fees for these are less than their counterpart ACDPs.</p>	<p>Somewhat redundant of (1), this allows DEQ to require registration of any source that is subject to an NSPS or NESHAP but that doesn't require a permit.</p>
---	--	---

**Does this source pay fees?**

<p>No! This is free for the source.</p>	<p>Yes! OAR 340-210-0100(2)(c) points to the ACDP fee table (OAR 340-216-8020 Table 2), which identifies a fee for the motor vehicle coaters and the dry cleaners.</p>	<p>No! This is free for the source.</p>
---	--	---

## What's the purpose?

The different registrations in the table above serve different purposes. (2), which is the most common, is used by motor vehicle surface coaters (autobody shops) and dry cleaners (using perchloroethylene) to reduce the fiscal burden and simplify their permit documentation. Registration under these rules require additional steps be taken by the source, but generally have a lesser overall cost than an ACDP.

Registration under (1) and (3) are used by DEQ to:

- Ensure that sources which are below the threshold of OAR 340-216-8010 Table 1 Part B #84 (air quality concern) but that still warrant oversight are 'on the agency's radar'.
- Ensure that sources subject to a NESHAP but that are exempted by the language in Table 1 Part B #88 can remain 'on the radar'. Especially true if the 'exemption' from Table 1 is based on a throughput or other similar threshold.
- Ensure that sources which may need an air permit in the future are 'on the radar'.
- Ensure that sources for which additional information is determined necessary by DEQ can be obtained through recordkeeping/reporting requirements of the registration. This may be to better understand a new industry type, activity, or emissions unit and determine whether requirements apply to that process.

## Applications

Rule -0110 specifies the application requirements for each TYPE of registration. The table above differentiates between three unique types of registration.

For example, in -0110 it states:

(1) Registration pursuant to OAR 340-210-0100(1) or (3) must be completed within 30 days following the mailing date of the request by DEQ.

(3) In order to obtain registration pursuant to OAR 340-210-0100(1), the following information must be reported by registrants:...

(4) In order to obtain registration pursuant to OAR 340-210-0100(2), the following information must be submitted by a registrant:...

(5) In order to obtain registration pursuant to OAR 340-210-0100(3), the following information must be submitted by a registrant:...

Each section contains application requirements that are similar, but unique to that particular type of registration. Thus, it matters why the source is applying for a registration. Currently, sources have only registered pursuant to (2) for dry cleaners or motor vehicle coaters. DEQ has not yet required a source to register under (1) or (3)- but it is possible at any moment.

## YDO:

Your DEQ Online will have three different types of registrations available.

- 1- Dry Cleaners
- 2- Motor Vehicle Coaters
- 3- Other Sources

The other sources category will be used for any DEQ-required registration under OAR 340-210-0100(1) or (3).

## What requirements go into a registration?

There is no rule language that specifies what goes into a registration. The Basic ACDP rules at OAR 340-216-0056 specify that this permit type will ONLY contain “the most significant and relevant rules applicable to the source”. There is nothing like this language in the registration rules. However, the registrations that have been issued to dry cleaners and motor vehicle coaters are established in a very similar manner as Basic ACDPs. Feel free to review the templates in MS Word: New | Shared | AQ | “Registration..”

The requirements in a registration include but are not limited to:

- Nuisance/odor;
- Work practices;
- Training;
- Operation/maintenance;
- recordkeeping;
- annual certification requirements;
- records retention;
- annual reporting;
- startup notice;
- change of ownership notification;
- construction notice (NCs);
- reporting requirements; and
- A general requirements and disclaimers section.

In other words, generally applicable requirements and requirements specific to the emissions units or activities that occur at the facility. If you’re crafting a source-specific registration pursuant to OAR 340-210-0100(1) or (3), it is recommended that you begin with the current Simple/Standard ACDP template and review resources on the PWRC to determine what O&M requirements or similar emissions unit-specific permit conditions might be relevant.

## Sale/Transfer Difference

Registrations are slightly different than most ACDPs in that the rules in Division 210 specify that the owner/operator must report a sale/transfer to DEQ **within 30 days**, not 60. Further, there is no ACDP transfer application form that can be used.

The transfer is not subject to permit modification fees in OAR 340-216-8020 Table 2 or any ‘typical’ Division 216 requirements- they are only subject to the rules in Division 210 applicable to registrations. Thus, the previous or current owner must notify DEQ within 30 days, and the new owner must register pursuant to OAR 340-210-0110(2) and (5). This means basically applying for a new registration (regardless of type of registration) without fees. See OAR 340-[210-0120](#)(4) for the full rule language.

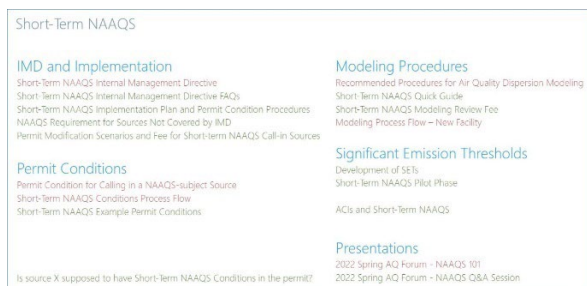
## What You Need to Know

- Be aware of the registration rules at OAR 340-210-0100 through -0120; understand that they are unique and different than an ACDP source and ACDP rules.
- DEQ has broad authority to require any source that doesn’t require a permit to register. [OAR 340-210-0100]
- Registrations only require fees if they are for dry cleaners or motor vehicle coaters. [OAR 340-210-0100(2)]
- Registrations can include requirements that are determined to be relevant or applicable- there is no rule requirement that they include (or don’t) specific requirements.

# 115 - Short Term NAAQS Permit Conditions

## General Topic Overview

Implementation on how sources will comply with the short-term National Ambient Air Quality Standards (NAAQS) was explained in TOTW #68 Short-Term NAAQS Implementation. The Short-Term NAAQS page is available under Permitting Concepts at Permit Writers' Resource Center SharePoint page (see screenshot below). Some sources may require specific permit conditions to ensure compliance with the short-term NAAQS while others may not. This TOTW explains when permit conditions are needed and where to find example permit conditions.



## Background

DEQ rules provide that DEQ will establish permit requirements "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." [OAR 340-226-0140(1)] Without modeling or monitoring, people have no way of knowing whether a source complies with the NAAQS.

## Procedures for modeling review

- Permit writers must review the short-term emissions that are included in the modeling analysis. This helps ensure that what modeling staff will review is accurate and/or representative of actual site conditions. Permit writers should check that emission factors and operational assumptions represent the maximum hourly and daily emissions.
- Modeling staff (Kristen Martin) will then review the modeling report submitted by the source for short-term NAAQS compliance. The modeling report is public information and can be accessed if more detail is needed. If permit writers need access to modeling reports submitted by a source before YDO is online, contact Kristen.
- Modeling staff will write a modeling memo that summarizes the modeling done by the source. The summary is excerpted from the source's modeling report. The modeling memo will show how close to the NAAQS the source is and whether permit conditions are needed. It will also contain any corrections in the modeling that were needed. The modeling memo should always be attached to the end of the Review Report.

## Results Snapshot

**Source Description:** Data center operating 112 diesel powered emergency generators in Boardman, OR.

### Review Report Language:

Per the September 1, 2021, Internal Management Directive, all new construction sources applying for a Standard ACDP must assess the potential impacts on short-term National Ambient Air Quality Standards (NAAQS). The permittee submitted an air dispersion modeling analysis of potential impacts on the following short-term NAAQS: 1-hour NO<sub>2</sub>, and 24-hour PM<sub>2.5</sub>. The permittee was below the Significant Emission Threshold (SET) of 3 lbs/hr for SO<sub>2</sub>, therefore no modeling was required for SO<sub>2</sub>.

The air quality analysis of the proposed facility shows that impacts are below the NAAQS. The results of the NAAQS analysis are summarized in the table below.

Pollutant Modeled	Total Impact (µg/m <sup>3</sup> )	NAAQS	Exceed NAAQS	% of NAAQS	Permit Conditions Needed?
NO <sub>2</sub> - 1 hour	155.6	188	No	83%	Yes
PM <sub>2.5</sub> - 24 Hour	26.36	35	No	75%	Yes

The NAAQS impact analysis uses specific modeling inputs and assumptions, such as emission rates, stack parameters, unit locations, and operating scenarios and schedule for testing and maintenance of the emergency generator engines. Permit includes conditions to ensure that the permittee follows modeling assumptions to protect NAAQS.

### Key Modeling Assumptions

- Testing and maintenance operations restricted to 6am to 4pm.
- See Appendix C for additional assumptions.

### DEQ Corrections Compared to Facility Modeling Report

- Background value for PM<sub>2.5</sub> was correct from 22.8 to 24.0 µg/m<sup>3</sup>.
- The permittee notified DEQ of a change to the water treatment building height. The permittee, via addendum, demonstrated that the change would only impact 2 generators at the facility and submitted modeling showing the maximum impact of this change. This additional impact was added to the results in the table above.

- Most 'key modeling assumptions' should be written into the permit as conditions.
- Notice the "See Appendix C for additional assumption." This will be used in cases where operational and modeling assumptions were complex and numerous. For example, details on how a data center should do their readiness and maintenance testing should be kept in a separate Testing and Maintenance Plan. The permit condition should say they must follow the approved plan, keep records to show the plan is followed, and update the plan as needed. We can ask for records during an inspection.
- Modeling staff will develop a checklist with references to pages in the submittal by source (met data, receptor placement, emissions summary, etc.) to make it easier for permit writer who want to find specific information. This checklist will be an internal document in the file, not attached to the review report.
- Modeling staff will notify the permit writer when the modeling review is complete.

## When short-term NAAQS permit conditions are needed

- Short term permit limits for Type 2 NC approvals and Type 3 permits/permit mods can be required for multiple scenarios:
  - A source can request a limit to emit less than the de minimis levels because it doesn't want to do modeling;
  - A source can request a limit to emit less than the Significant Emissions Thresholds;
  - A source doesn't want to model at the capacity of the emissions unit; or
  - A source models and the modeled impacts plus background are greater than 75% of an applicable short-term NAAQS. [NOTE: OAR 340-216-0064(4)(c)(B) for Simple ACDPs, OAR 340-216-0066(3)(c)(B) for Standard ACDPs and OAR 340-218-0050(1)(b)(B) for Title V permits allow a source to conduct ambient monitoring for 12 months to demonstrate no NAAQS exceedance. Consider discussing this option with the permittee before adding NAAQS conditions]
- If permit conditions are needed, permit writers are responsible for writing these permit conditions. This procedure is different than the Cleaner Air Oregon procedure where the CAO team writes the permit

conditions. The modeling for CAO is more complex because of cancer and noncancer risk so permit conditions to limit risk may be more complex than permit conditions to protect the short-term NAAQS.

- Example permit conditions for short-term NAAQS compliance have been compiled and are available on the PWRC here.

<b>Short Term NAAQS Example Permit Conditions</b>	
<b>(from issued permits)</b>	
<b>Contents</b>	
Data Centers .....	3
Amazon Data Services, Inc. (PDX178 [25-0063]).....	3
Amazon Data Services, Inc. (PDX130 [30-0086]).....	3
Amazon Data Services, Inc. (PDX109 [25-0062]).....	4
Vitesse, LLC (07-0037).....	4
STACK (34-0245-ST).....	7
Biocarbon production facility.....	8
National Carbon Technologies – Oregon, LLC dba Aymium (22-0072).....	8
Next industry Type.....	9
Generic Short term NAAQS permit conditions .....	10

- If you need help writing permit conditions for short-term NAAQS compliance, please contact Jill Inahara.
- Lead workers will review the permit conditions for short-term NAAQS compliance when they review the draft permit.
- If you develop short-term NAAQS permit conditions that can be used for other sources, please email them to Jill and she will incorporate them into the “Short-Term NAAQS Example Permit Conditions” document on the PWRC.

## General Condition for Modeling

Remember that a general condition for air quality modeling analysis has been added to the Simple/Standard and Title V permit templates:

<p><b>14.13 Air Quality Modeling Analysis</b></p> <p>The permittee may be required to submit an updated air quality modeling analyses to D the following:</p> <ol style="list-style-type: none"> <li>a. The permittee becomes aware that corrections or additional information are ne revise or update the most recent air quality analysis submitted to DEQ. DEQ notified in writing of such corrections within 30 days of becoming aware of th discrepancies; or,</li> <li>b. The permittee proposes to add or modify any physical or operational feature t used as a modeling parameter in the air quality analysis submitted to DEQ and results in an increase of the pollutant(s) ambient concentration(s), including b limited to a new device or activity, new emission location of an existing devic activity, lower stack height, slower exhaust gas velocity, cooler exhaust tempe construction of a new or modified building that could impact downwash. DEQ notified in writing at least 30 days prior to implementing the proposed physica modifications. [ORS 468A.025, ORS 468A.040, ORS 468A.050, OAR 340-2( OAR 340-214-0110 and OAR 340-226-0140 ]</li> </ol>
---

If a source has modified any physical or operational feature that was used in the modeling analysis, they are required to notify DEQ. This includes:

- Stack parameters included in Appendix A;
- Operational assumptions included in Appendix C for additional assumptions (see above in the modeling memo); and
- Details on how a data center should do their readiness and maintenance testing that are kept in a separate Testing and Maintenance Plan.

Upon evaluation, DEQ may require the source to resubmit an updated modeling analysis.

### **Bottom Line:**

- Permit writers must review the short-term emissions included in the modeling analysis (this is early in the process) for accuracy and appropriateness.
- Modeling staff will provide staff a memo that summarizes modeling done by the source, with a section that will readily show what types of conditions, if any, must be included in the permit.
- **It is a permit writer's responsibility to craft permit conditions to protect the NAAQS after modeling is completed, if permit conditions are required.**
- Some modeling assumptions can be included as requirements outside of the permit (e.g., a 'testing and maintenance plan' which must be drafted by the source to comply with all modeling assumptions; the permit should include a condition that the source draft and submit this plan to DEQ, then update it whenever a change occurs at the source that impacts any of the modeling assumptions). This will typically apply to sources that have complex operating scenarios and modeling assumptions, such as a data center.
- Sources that 'trigger' permit conditions to protect the NAAQS have the option to conduct 12-months of monitoring to demonstrate there is no exceedance. The monitoring requirement would be added to their permit. Permit conditions based on the modeling would not be added or possible denial of a permit would not be done until the monitoring was complete. DEQ would then evaluate the monitoring results to determine if there was an exceedance of the NAAQS or if permit conditions are required to ensure there is no exceedance of the NAAQS.

# 116 – YDO Sneak Peek!

## General Topic Overview

Several permit writers and other DEQ staff have been heavily involved in planning for and testing the new Your DEQ Online (YDO) system. YDO is an Environmental Data Management System (EDMS) that will move a lot of paperwork and processes to the cloud- on your computer accessed by the internet. If you haven't been involved in testing or attending the recurring meetings that talk about YDO, this tip is for you.

But first:

Here's a great document on DEQ's SharePoint page that covers a lot of great YDO-specific info in quickly digestible bullet-point style: [YDO talking points.pdf \(state.or.us\)](#)

If you want to dig deeper into the YDO process and status of the agency getting to a live system, you can find more info on this SharePoint page.

You've probably heard about YDO (a lot or a little) by now. We thought it might be a good idea to share a few screenshots of the system (all subject to change before the system is final and 'live') that permit writers (and many other staff) will engage with when it starts being used for day-to-day work. YDO won't solve all DEQ's problems, but I believe it will help the agency track a ton of metrics a lot better and help permit writers keep tabs on their assigned sources much better.

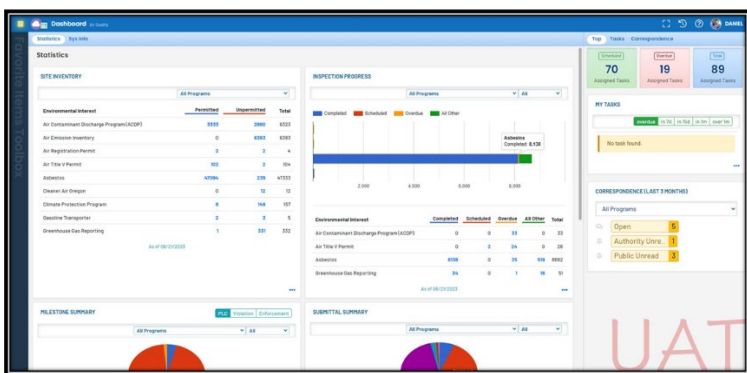
## System Orientation

YDO is accessed by various people in different ways. There are three main 'groups' of users:

1. Sources/Applicants
2. DEQ Staff
3. General Public

For almost everything, you'll be using the 'agency' portal which is for DEQ staff. When logging in, you will see the dashboard (shown below with fake data) which provides a high-level overview of permitting and inspections as well as a few other data points (scheduled tasks due, overdue tasks, messages from applicants about their applications, etc.). From here, you can drill down into different parts of the system to plan inspections, conduct inspections, schedule reports due, review reports/applications, process applications, view work assigned to you, etc.

### Agency User/DEQ Staff Dashboard:

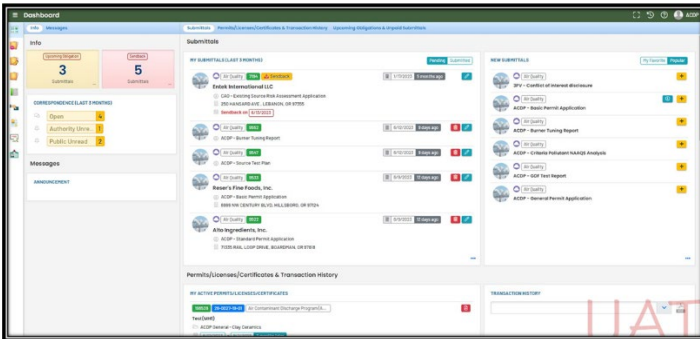


Applicants and sources will use the 'public' portal which shows them their issued permits, reporting obligations, submitted applications, and will be how they access new submittals (Notice of Construction, renewal applications, etc.)



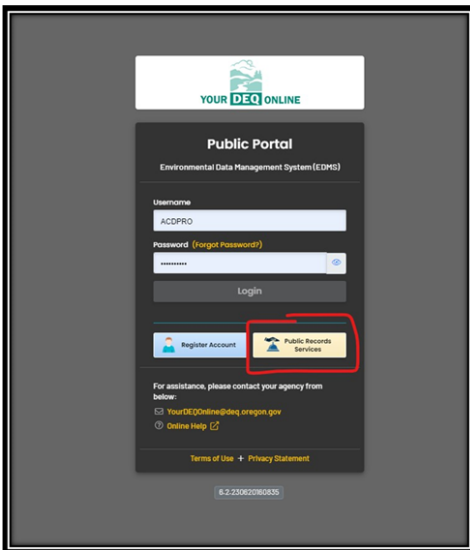
At a glance, the permittee can see they have 3 upcoming obligations (reports) and 5 applications that were sent back to them for corrections, fee payments, additional information, or some other reason. They can also check the status of any of their applications from the 'my submittals' part of their dashboard (in the middle of the screenshot). Below that, they can view their issued permits (Permits/Licenses/Certificates & Transaction History)- from here the owner/operator can view a copy of their permit, submit modification applications, NCs, etc.

### Source/Applicant Dashboard:



The general public will access publicly available information from the 'public records services' button found on the YDO login page (general public will not need an account to view permits, public notices, notices of hearing, and other public documents). When working in YDO, some documents (like issued permits) will have their status changed to 'viewable by the general public' and some will be viewable only to the 'agency' or 'applicant'.

### Login Screen:



### Terms and Acronyms:

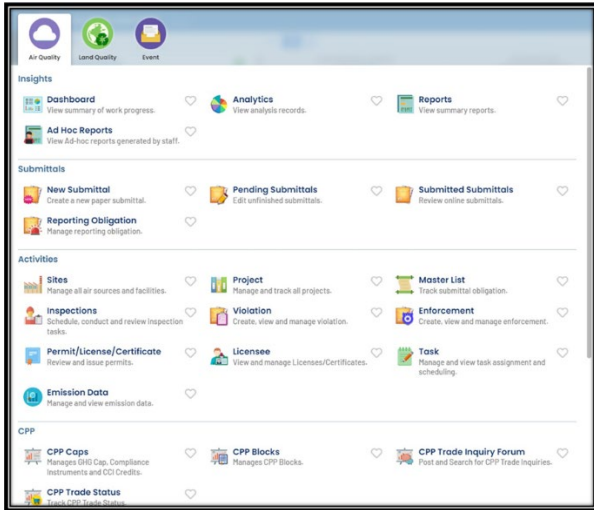
- YDO = Your DEQ Online
- EDMS = Environmental Data Management System
- PLC = Permits, Licenses, Certificates. (Means issued permits, ACDP or TV)
- Submittal = application. Documents submitted to DEQ through YDO are called 'submittals'.
- Module = a specific set of data or information that lives within the air quality subsystem. E.g., 'Submitted Submittals', 'Sites', and 'Enforcement' are all modules within the air quality subsystem. (See screenshot below)
- Environmental Interest = the overarching AQ program associated with that data element. (e.g., a Simple ACDP permit application is associated with the 'ACDP' environmental interest. A Cleaner Air Oregon risk

assessment would be associated with the 'CAO' environmental interest.). Environmental Interests for AQ include but are not limited to: CAO, ACDP, TV, GHG, EI (Emissions Inventory).

## System Navigation:

By using a button on the top left corner of the screen, you can access the navigation pane (shown below). Here, you can get to submittals sent to DEQ, reports on agency operations, view inspections, look through issued permits, etc. This is where you will navigate to almost all information and work that you will do in YDO. Each big blue section shown below is called a 'module'. For example, the 'Sites' module, 'inspections' module, etc.

## Agency User Navigation Menu:



## Reviewing Applications Submitted to DEQ

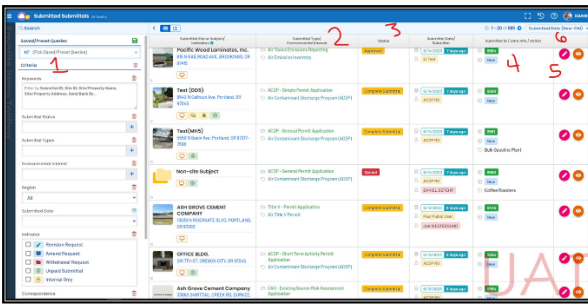
One of the parts of the system you'll likely engage with quite often is the 'submittals' section. Remember, YDO calls 'applications' submittals. Above, you'll see 'submitted submittals'- this includes all applications that Air Quality has received (CAO, Emissions Inventory, ACDP, TV, etc.). You would come here to review a new permit application, NC, request for permit termination, permit transfer, etc.

Here are a few quick notes about how this part of YDO is setup:

1. On the left side of the window is a filter and search tool. You can use these options to trim down the list of submittals that you're viewing. For example, you might only want to see the environmental interest 'ACDP' (not TV, EI, CAO, etc.). Or you may want to only see submittals that have not yet been reviewed and approved by DEQ. There is an easy way to save various filter options you use for quick access later as well (note the green floppy disk icon).
2. The submittal type is listed here- the blue text shows the 'program' for which the application was submitted, and the green text provides a bit more information about what was submitted.
3. The status of the submittal is shown here. Whether the application is complete (hasn't been reviewed/approved/denied yet), approved, denied, etc.
4. The submittal ID/Extra Info/Action column shows another set of important submittal-specific information. First- each submittal in YDO is assigned a unique identifier (white text/green box). Once known, you can always quickly find that exact submittal again by using the keyword search. The extra information will vary depending on the application (for example, when the submittal is for a General ACDP, the extra info will be the permit type). The 'action' clarifies what the application was for- a new source, renewal, permit termination, etc.
5. The last column is where you access the actual submittal or begin to work on the application. **Pencil** = view the application. **Eyeball** = work on the application. (I know- this seems backwards)

- Aside from the filters on the left of the screen, you can also sort the submittals that are being viewed by using the options found at the top right of the screen. This list includes various options like date received, facility name, permit number, program name, submittal status, etc.

## Reviewing All Submitted Applications:



## Reviewing and Processing an Application

Once you've found the application that you will be working on (there are other ways to find the submittals/applications to which you're assigned) and you open it up, you'll see a workflow. A workflow exists for each type of submittal and establishes the steps that must be completed to 'finish' the application. For a new permit application, the 'completed' workflow results in an issued permit, for an NC Type 2 an NC approval letter. For a portable source's relocation notice, there is no final 'deliverable' but the workflow being completed lets the agency track that the submittal was received, reviewed, and processed. It also lets the owner/operator see that their application has been received and processed by the agency.

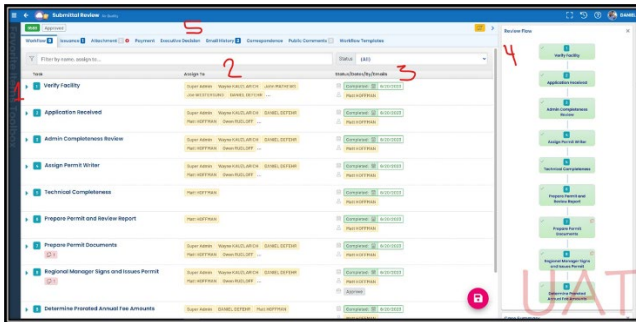
Below is an example (still in draft) of a Basic ACDP new permit application workflow. Note that some steps will be assigned to specific staff (e.g., permit coordinator, permit writer, or manager).

- Each workflow step includes a task 'name', or title. They are listed numerically as you go through the process. The task name will give you a general idea of what is to be completed during that task.
- Each workflow task can be assigned to a different person or group of people depending on how the system is setup. The staff assigned to complete the workflow task is listed here.
- The status of each task is shown here, including the date of completion (if applicable) and the staff who completed the task. For a task that has not yet been completed, this will show the scheduled due date.
- Here is a general overview of the workflow- the boxes will be different colors based on whether the task is complete or not (Green = complete; Yellow = incomplete).
- The tabs across the top provide access to other actions that can be taken when you're working on a submittal.
  - Issuance = the documents that are 'issued' when working on a submittal. Note that this will include documents associated with this application/permit but not all documents here will be the 'issued' permit. DEQ staff will control which documents are public-facing and which are 'internal only'.
  - Attachment = the documents the applicant attached to their submittal. (You can also add documents to this while you're working on the submittal)
  - Payment = this tab will mostly be used by the Invoice Coordinator- but it can be used to assess fees during the submittal review process, which will be appropriate in some cases (e.g., you must review the application to determine which type of permit modification is required).
  - Executive Decision = this tab is used to deny or send back the submittal. Maybe they applied for the wrong type of permit or did not include some information that you need to process the application, you would use this tab to send the application back or deny it completely.

- e. Email History = the system will automatically send the applicant an email at key points in the workflow, advising them of the progress or something that is required. The history of those can be found here. DEQ retains the ability to edit these template emails once the system goes live.
- f. Correspondence = when you're working on a submittal you can message the applicant directly regarding this specific application (note, this is not a message to the source generally, but only related to this specific submittal). Those records are retained here.
- g. Public Comments = will be used to retain public comments on a permit action as applicable.

Note that workflow steps will also allow the upload of documents at each step. In many workflow steps a document won't need to be uploaded but in some cases it will. The task will explain when this is expected or required.

### Individual Application Workflow Tasks:



# 117 – PWRC Navigation

## General Topic Overview

Have you used the Permit Writers' Resource Center (PWRC) recently? If so, you may have noticed that there have been some organizational changes. We've heard that there's a lot of information on this SharePoint page and that it can be difficult to locate the specific resource you may be looking for. We hear you! And thank you for providing us with your feedback!

And if you haven't visited the PWRC recently, this is a great time to spend a few minutes checking it out!

## Background

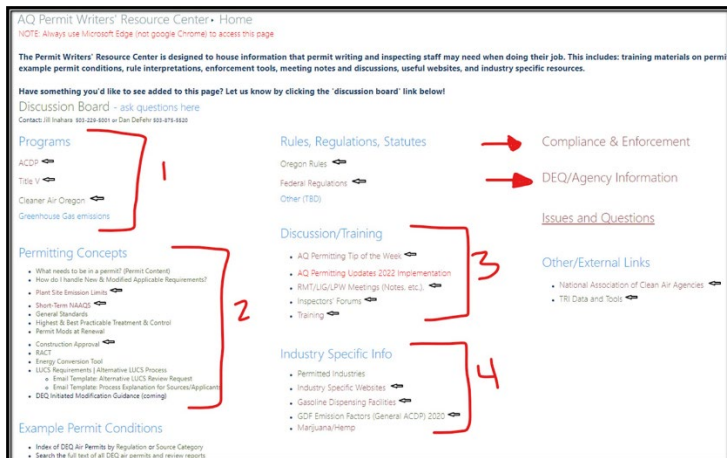
While the PWRC was reorganized/overhauled not too many years ago, AQ Ops continually adds new materials and resources to the site as they're developed. As such, it did appear that some documents could be better organized. Well, you're in luck! With the help of Ops' own Anna Ramos's expertise, we've moved many of the documents around. We hope that cleaning up the landing page and putting more documents into subpages based on their category/purpose will help ensure you can locate what you're looking for.

Of course, we're always looking to optimize and improve the PWRC, so feel free to speak up with any requests on organization or resources that you feel should be added!

## What You Need to Know

The PWRC landing page has moved many documents into subpages:

1. Several documents throughout the PWRC were specific to either ACDP or TV permits. If your topic is specific to one of these, it can likely be found within the ACDP/TV pages.
2. Some generally applicable guidance and resources for permitting are kept on the landing page for quick access under 'permitting concepts'. (e.g., LUCS directives, alternative LUCS process information and template language, access to the Short-Term NAAQS page, etc.)
3. If there was a training session that had a PowerPoint, PDF, or other resources that we said would be made available on the PWRC it can likely be found here. Also, you'll find notes for the Regional Management Team meetings, Lead Permit Writers' meetings, and much more.
4. Pages and resources designed for a specific industry type are housed here. Note that there are still several 'industry specific' pages that have some outdated materials- but we're working on it!



Under the 'Compliance and Enforcement' page, you'll also find a page titled 'Air Quality Inspections'. This page includes directives and agreements regarding inspection-related items specific to air quality. For example, should you announce your inspection or conduct it unannounced? There is clear directive that regional managers have agreed to! Can the source submit records via email later that day, so I don't have to wait around on-site? The answer is also found on this page (FYI: No, they can't.). Is there a specific way to conclude an inspection that includes sending some materials to the permittee? Yes!

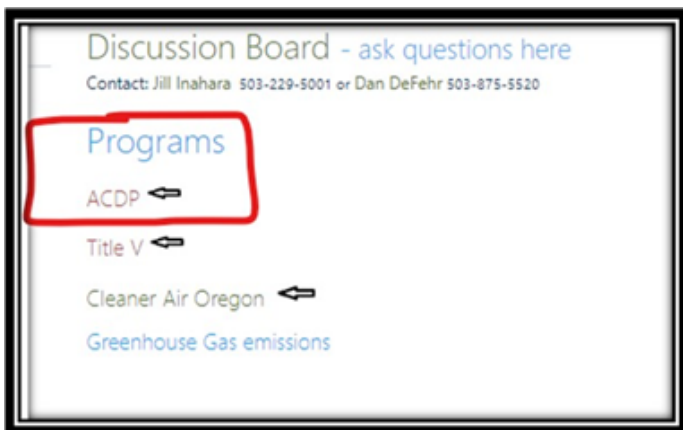
These decisions and recommendations stem from the Lead Inspector Group and have been agreed upon by the regional managers. Many of them also receive a consult with the Lead Permit Writers' group before being finalized.



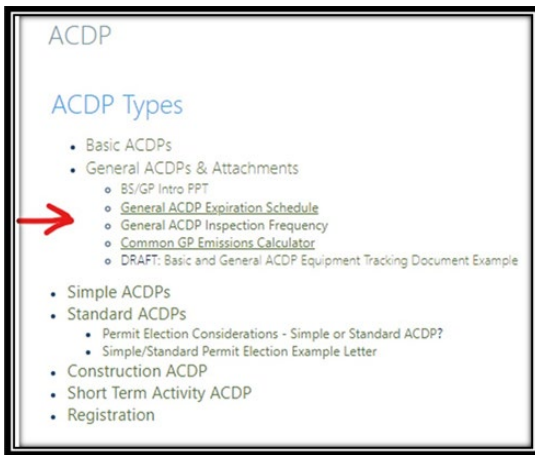
General ACDPs:

Do you know how often you're supposed to inspect a specific General ACDP type? Or how to quickly assess whether a source's annual report demonstrates compliance with their PSEL?

These are documents under 'Programs' > 'ACDP'



Then you'll see a few sub-bullets about Basic and General ACDPs. Here you'll find the answers/resources for these questions and more.



## 118 – Comment Response Procedures

### General Topic Overview

Public participation is an important part of permitting. Depending on the proposed permit, there can be little or no interest from the public or there can be hundreds of people who are interested. In the latter case, responding to public comments can be the hardest part of the permitting process.

### Background

[Division 209 Public Participation](#) contains rules on how we provide the public the opportunity to comment on permits. The four categories of public notice are:

- Category I — No prior public notice or opportunity for participation. However, DEQ will maintain a list of all permit actions processed under Category I and make the list available for public review.
- Category II — DEQ will provide public notice of the proposed permit action and a minimum of 30 days to submit written comments.
- Category III — DEQ will provide public notice of the proposed permit action and a minimum of 35 days to submit written comments. DEQ will provide a minimum of 30 days' notice for a hearing if one is scheduled.
- Category IV — DEQ will provide notice of the completed application and requested permit action; and schedule an informational meeting within the community where the facility will be or is located. DEQ will also provide public notice of the proposed permit and a minimum of 40 days to submit written comments and schedule a public hearing at a reasonable time and place to allow interested persons to submit oral or written comments.

The category of public notice depends on the type and complexity of the permit. If DEQ anticipates a lot of public interest, if the source has compliance or enforcement issues, if there is potential for significant environmental or public harm due to the location or type of facility, or if there are significant federal requirements, DEQ can also bump the permit to a higher category to provide more opportunity for the public to comment.

### How to respond to public comments

Permit coordinators will send the permit writers the comments received during the public notice period. The permit writer will make a record of the public comments, including the names and affiliation of persons who commented, and the issues raised during the public participation process. The public comment records may be in summary form rather than a verbatim transcript. The applicant may submit a written response to any

comments submitted by the public within 10 working days after DEQ provides the applicant with a copy of the written comments received by DEQ\*. DEQ will consider the applicant's response in making a final decision.

\*The applicant must ask DEQ (presumably the permit writer or permit coordinator) for a copy of the comments. These can be provided directly to the applicant without a public records request.

Responses to comments can be included in the review report or you can create a separate response to comments document. Adding the comments to the review report is the simplest option and works well when there are not many comments. For permit actions with a public hearing and/or a significant number of comments, it's usually simpler to organize everything in a separate document.

It is important to provide as much detail as possible in responding to relevant public comments. If the comment is unclear, you can reach out to the commenter after the public notice period for clarification only, not for additional comments. If the comment is about the bigger picture of air quality, please reach out to Dan or me (or the AQ Operations manager). We have probably responded to a similar comment in a rulemaking. Also reach out to your colleagues because they may have received a similar comment, especially if the permit is for the same type of source.

In the response to comment, you should state whether you agree with the commenter and say that you will change the permit in accordance with the comment or if you disagree, state why and that you will not change the permit. The response to comment document should be reviewed by your lead worker and your manager. For high profile or controversial facilities, the regional administrator and public affairs specialists should also be involved.

## **How to respond to *hearing* comments**

The presiding (hearings) officer should prepare a hearings report that summarizes the hearing:

- When the hearing was held;
- Who attended the hearing;
- Whether anyone commented; and
- If so, whether the comments were oral or written and a summary of the comments.

The presiding officer's report should be part of the response to comment document that gets included in the Review Report.

## **CARA Comment and Response Application**

Joe Westersund developed this amazing database that helped us respond to public comments for the Cleaner Air Oregon rulemaking: 'CARA' Comment and Response Application. It can also be extremely helpful when you receive many comments on a controversial permit. CARA lets you categorize the comments into similar topics and keeps track of the all the comments that have been submitted, assigns the response to the correct person, notes any outstanding issues, tells what stage the response is in, tells who has reviewed the response and indicates when the response is complete. Please reach out to Joe if you want to use CARA to help you organize a response to comments.

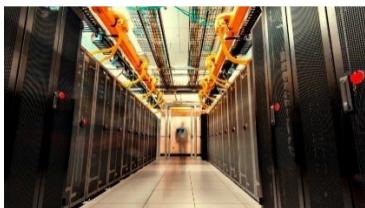


# 119 - Source Testing Data Centers

## General Topic Overview

DEQ currently has 29 data centers permitted and receives new permit applications or modification applications to existing permits frequently. The Air Quality Division has a data center group that meets regularly to discuss issues that arise from permitting these facilities, in order to ensure consistency across the state. You can find the data center resources on the Permit Writers' Resource Center here (website under development).

## Background – Why Oregon?



[Why the Pacific Northwest will be a data center powerhouse for years to come – GeekWire](#) **BY TOM KRAZIT on May 31, 2017**

Data centers want to locate in Oregon because of the following:

- Abundant clean energy sources, including solar and wind generation facilities and an ample supply of hydro-electric power;
- State of the art power grids;
- Business friendly tax incentives (2nd lowest in the United States);
- No sales tax;
- Undersea fiber-optic cables between the U.S. and Asia, landing in Seattle and Hillsboro;
- Climate that's ideal for keeping servers cool;
- Lower seismic threat compared to other West Coast markets;
- Long-haul connectivity to major cities and tech hubs such as Los Angeles, Seattle, and Silicon Valley; and
- Enterprise Zones that offer tax abatement to data centers for up to five years that bring new facilities, equipment, and employment to the region.

Resources:

- [Portland Emerges as the Hot Data Center Market for the Pacific Northwest | Data Center Frontier](#) May 14, 2020
- [Aligned Data Centers Expands into Pacific Northwest \(globenewswire.com\)](#) January 10, 2023
- [Why the Pacific Northwest will be a data center powerhouse for years to come – GeekWire](#) May 31, 2017
- [Enterprise Zones \(otec.coop\)](#)

## Permitting and Recommended Scope of Required Testing for Data Centers

Data centers are permitted on Standard ACDPs. New data centers must submit air quality modeling analyses for short term NAAQS compliance and Cleaner Air Oregon. Permit conditions are often required that limit how many emergency engines can be tested at one time. The following guidelines should be used to determine if source testing is required:

- If the ambient impacts are over 90% of the short term NAAQS for ANY pollutant (PM<sub>10</sub>, NO<sub>x</sub> or SO<sub>2</sub>), then source testing for all three pollutants is required. If all the ambient impacts are ≤ 90%, no source testing is required;
- If the facility's actual emissions are close to SER;
- Compliance with TAC limits (lb/1,000 gal ULSD); and
- Emission factor verification.

## Recommended Emissions Units to be Tested

- One representative engine in each main engine model group.
- If a data center has multiple main engine groups, a source test is required on each engine group once every five years at a minimum.
- For repeat testing (once every 5 years), the Source Test Coordinator group recommended testing a different engine every time.

Pollutants Measured	Reference Method	Purpose	Frequency
Total PM	ODEQ Method 5- three 60-minute runs*	<ul style="list-style-type: none"> <li>• Compliance with statewide grain loading limit</li> <li>• CAO Diesel PM limit</li> <li>• EF verification</li> <li>• Short term NAAQS compliance</li> </ul>	<ul style="list-style-type: none"> <li>• One test for compliance verification</li> <li>• One test for compliance verification</li> <li>• Repeat testing (once every 5 years)</li> <li>• One test for compliance verification</li> </ul>
Opacity	EPA Method 9 - three 6-minute runs	Statewide opacity limit compliance	One test for compliance verification
NOx	EPA Method 7E – three 60-minute runs	<ul style="list-style-type: none"> <li>• EF verification</li> <li>• Short term NAAQS compliance</li> </ul>	<ul style="list-style-type: none"> <li>• Repeat testing (once every 5 years)</li> <li>• One test for compliance verification</li> </ul>
CO	EPA Method 10– three 60-minute runs	EF verification	Repeat testing (once every 5 years)
VOC	EPA Method 25A - three 60-minute runs	EF verification	Repeat testing (once every 5 years)

<b>Pollutants Measured</b>	<b>Reference Method</b>	<b>Purpose</b>	<b>Frequency</b>
PAHs	EPA Method 23 – three 60-minute runs	CAO PAHs limit	Conditional requirement, only if source exceeds Diesel PM limits

\* EPA Method 201A/202 would generally be the best method for measuring PM<sub>2.5</sub> if ODEQ Method 5 overestimates emissions by assuming that PM = PM<sub>10</sub> = PM<sub>2.5</sub>. Be sure and talk with your source test coordinator as there are some concerns about exhaust temperature, exhaust diameter, size of engine and length of test runs.

## Required Operating Load During Testing

- All permits should require testing near 100% of design capacity: The test must be conducted within 10 percent of 100 percent peak (or the highest achievable) load.
- Depending on how the engines are to be operated, the engines should also be tested at approximately 10%-25% of load. Some of pollutants are emitted more at low load so we need to determine the highest emission rate for a pollutant. If an engine is equipped with controls, testing at higher low load conditions may be appropriate since diesel particulate filters and oxidation catalysts do not operate efficiently at low loads. Determination of required load should be facility and emissions unit specific. The facility can justify testing only at a higher load if they do not operate at a specified low load level to accommodate the controls they have.
- A NWR data center has pushed back on the 10% load source testing requirement because “it is bad for the engine to run 4 hours at 10% load. It also creates a lot of emissions on its own.” The idea is for the facility to test both high load at 90% and low load at 10%. They could test one high load run and then a low load run and repeat the high-low cycle 2 more times. This way the engine is only running for close to an hour at a low load before being ramped up to full load. This type of detail should be handled in the source testing protocol.
- If PAH testing is required, testing should be done at 25% of the engine’s rated capacity or lower. Determination of required load for PAH testing should be facility and emissions unit specific. If an engine is equipped with controls, testing at higher low load conditions may be appropriate. Once again, a facility can justify testing only at a higher load if they do not operate at a specified low load level to accommodate the controls they have.

## Testing Frequency

Source testing is recommended at a minimum of every five years (see the table above for more details on testing frequency). The permit writer has the discretion to add more frequent testing as needed, depending on age/usage of an engine and other factors. Factors contributing to requesting more frequent testing are:

- Variability in engine performance;
- Compliance with TAC limits (lb/1,000 gal ULSD);
- Compliance with short-term NAAQS (lb/hr) limits;
- Tier of engine (II, III or IV);
- Number of engines;
- Hour usage per engine (emergency and non-emergency hours);
- Location to nearest receptor;
- Airshed conditions;
- Maintenance schedule and procedures; and
- Existing data available on make and model of engine.

## Example of source testing permit conditions:

The permit modification for SI POR03, LLC, also known as STACK Infrastructure, Inc, (34-0245) is currently on public notice and contains source test permit conditions that can be used as an example. You can also search other data center permits in Index of DEQ Air Permits by Regulation or Source Category. A template for data center permits will be developed, and an email will be sent out when that template is available.

## 120 – Summer Break

### Tip Break:

We're taking a little break from sending tips of the week. We'll continue to collect tip ideas from all sources, and we'll keep drafting tips for when we pick back up.

But this tip is the antithesis to all previous tips. This tip is a technical break for your brain for the few minutes you're reading it. So, sit back, soak it in, and we'll see you in a while!

### Take Care of Yourself!

Here are 6 simple ways to take care of yourself every day. Take 'em or leave 'em 😊

1. **Be self-compassionate.** Pay attention to your self-talk and speak to yourself the way you would to someone you love.
2. **Get enough sleep (every night!). 8 hours.** Do it, it's worth it! "Many adapt to six to seven hours of sleep and feel basically OK, but studies show the risk of Alzheimer's, dementia, and heart attacks rises sharply even with 30 to 60 minutes less sleep than our bodies need." -Alex Lickerman, MD
3. **Nourish your body with healthy foods.** "...setting yourself up for nutritional success is a simple act of self-care. Maybe that means keeping healthy snacks prepped and ready, avoiding food shopping when you're hungry, and opting to split dessert at a restaurant instead of keeping a box of candy in the house." -Alex Lickerman, MD
4. **Meditate.** Meditation has been proven to reduce stress, increase feelings of empathy, improve focus, boost the immune system, and slow the signs of aging. There are a ton of free apps you can download on your phone to get started.
5. **Learn to say 'no'.** Learn to tolerate the anxiety that saying no likely brings. Once you learn to do this, you'll discover people don't dislike you for it. In fact, they'll likely respect you even more. (I'd recommend picking and choosing where you try this out; your manager or RDA might not like it!)
6. **Enjoy some time outside.** Bathe in nature. Go for a hike. Walk in the woods. Do some gardening. Being outside can help calm the central nervous system, elevate your mood, and increase energy levels.

### Try something fun or new!

[Travel Oregon](#) has a fantastic website in case you weren't aware. You can look through their calendar of events by type. Are you only interested in finding culinary events? Biking? Sports? Fairs? Shows and performances? They have you covered. Here are a few examples:

- [Annual Solar Eclipse](#). 10/14/23.
- [Finding a Farmer's market near you](#)
- [Guided stargazing experiences](#)
- [The State Fair!](#) (Salem, 8/25 – 9/4)
  - List of many more festivals/fairs: [GuideToOregon](#).

If you don't want to travel far, use the Travel Oregon [MAP](#) to find events in your backyard.

## Relax!

Whether you do this in your backyard, on your patio, [in the forest with a tent, in a cabin](#), or on a couch, just relax. Take some time to breathe deeply and remember that you're valued. You're important. And you're awesome, in so many ways.

## What You Need to Know

- Relax **OR** do something really fun this year. Whatever floats your boat. Or float in a boat if you have a boat and floating in a boat floats your boat.
- You're the best and you're super cool.
- Celebrate your favorite holidays with vigor! Such as...
  - 8/1 spider man day
  - 8/2 national coloring book day
  - 8/3 national big forehead day
  - 8/4 national water balloon day
  - 8/5 sand castle day
  - 8/6 national friendship day
  - 8/7 British Columbia day (ok, so there *are* better 8/7 ones but the Canadian in me took over here. OoOooOOOhh Caaannaaaadaaaaaa).

Of course the list goes on and on for every day of the year. Take a peek at these fun 'holiday' calendars and find a reason to celebrate 😊

## 121 – Calculating Short-term Emissions

### General Topic Overview

In order for sources to show compliance with the short term NAAQS, computer modeling of emissions is often necessary. The emissions that are modeled should be short term emission rates based on the short term capacity of the emissions unit/device/equipment. It is the job of the applicant/permittee to calculate their short term emission rates. Permit writers must review these emission calculations and confirm their accuracy for our air quality modelers.

### How to calculate short term emissions

To check emissions calculations submitted by the applicant/permittee, a document that explains how to calculate short term emissions has been developed. It also contains a link to a spreadsheet that has examples of short term emission calculations for the following:

- Oven/boiler
- Engines
- Paint booths
- Welding
- Blasting
- Paved roads
- Unpaved roads

Please save a copy of the spreadsheet to your computer before using; be sure to always get the latest version of the excel document from the PWRC Short Term NAAQS page.

# Examples

The worksheet for paint booths is copied below. Formulas are included to calculate the emissions. Green shaded cells show where you need to enter source specific data. Once that data is entered, the worksheet will calculate the emission in pounds/day and tons/year. The worksheet also contains details on what the assumptions are and the reference for those assumptions. If your assumptions do not match those in the worksheet, please change them accordingly.

**Short Term Emission Calculation Examples** Need to enter data

**Paint Booth Criteria Pollutant Emissions**

Product	Pollutant	Weight Percent (%)		Emission Factor (lb/lb)		Usage <sup>(M)</sup>		Emissions Estimates	
		Maximum <sup>(N)</sup>	Average <sup>(O)</sup>	Daily	Annual	Daily (lb/day)	Annual (lb/yr)	Daily <sup>(M)</sup> (lb/day)	Annual <sup>(M)</sup> (tons/yr)
Total	PM/PM <sub>10</sub> /PM <sub>2.5</sub>	8.00	5.60	6.0E-03 <sup>(H)</sup>	4.2E-03 <sup>(H)</sup>	12.0	120	0.072	2.5E-04
	VOC	82.3	79.8	0.82 <sup>(H)</sup>	0.80 <sup>(H)</sup>				
Product	Pollutant	Weight Percent <sup>(N)</sup> (%)							
Rust-Oleum High Performance Safety Blue	PM/PM <sub>10</sub> /PM <sub>2.5</sub>	3.20							
	VOC	77.3							
Rust-Oleum Spray-N-Go Flat Black	PM/PM <sub>10</sub> /PM <sub>2.5</sub>	8.00							
	VOC	82.3							

**Notes**

PM = Particulate matter  
VOC = Volatile organic compounds

<sup>(M)</sup> Daily emissions estimate (lb/day) = (daily product usage (lb/day)) x (emission factor (lb/lb))  
<sup>(N)</sup> Annual emissions estimate (lb/yr) = (annual product usage (lb/yr)) x (emission factor (lb/lb)) x (ton/2,000 lb)  
<sup>(H)</sup> Daily emission factor (lb/lb) = (maximum weight percent (N)/100) x (1 - (transfer efficiency (N)/100)) x (1 - (filter efficiency (N)/100))  
Transfer efficiency (N) = 25.0 (4)  
Filter efficiency (N) = 90.0 (5)  
<sup>(M)</sup> Annual emission factor (lb/lb) = (average weight percent (N)/100) x (1 - (transfer efficiency (N)/100)) x (1 - (filter efficiency (N)/100))  
Transfer efficiency (N) = 25.0 (4)  
Filter efficiency (N) = 90.0 (5)  
<sup>(M)</sup> Daily emission factor (lb/lb) = (maximum weight percent (N)/100)  
<sup>(N)</sup> Annual emission factor (lb/lb) = (average weight percent (N)/100)

**References**

- <sup>(N)</sup> Maximum pollutant content of paints used in Paint Booth 1.
- <sup>(O)</sup> Average pollutant content of paints used in Paint Booth 1.
- <sup>(M)</sup> Usage from source
- <sup>(H)</sup> AP-42 Chapter 4.2.12 (May 1983) Table 4.2.12-1 "Coating Method Transfer Efficiencies." Assume transfer efficiency for air atomized spray. See "Transfer Efficiencies" sheet for other examples.
- <sup>(M)</sup> HULP spray equipment can achieve up to 65% transfer efficiency. <http://www.epa.gov/home/permits/spray-equipment-transfer-efficiency>
- <sup>(M)</sup> Filter efficiency ranges from 90-99%
- <sup>(M)</sup> Comparison information from vendor:
  - Subpart HHHHHH—National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources**
  - 40 CFR 63.10777(b)(2)(ii) requires that the manufacturer of the filter technology that is demonstrated to be the most effective available technology (MFAT) for the control of hazardous air pollutants (HAPs) in the spray booth exhaust stream must be consistent with the ANSI/NFPA Standard 52-2-2017 (incorporated by reference, see § 63.14). The filter efficiency shall be based on the difference between the quantity of dust injected and the quantity captured on the final filter with no test device in place. The filter will be challenged with 150 grams of blasting dust and the final filter weight will be the nearest 0.1 gram. EPA Method 319 of Appendix A to 40 CFR part 63 may be used as an alternative to ANSI/NFPA Standard 52-2-2017. Owners and operators may use published filter efficiency data provided by filter vendors to demonstrate compliance with this requirement and are not required to perform this measurement. The requirements of this paragraph do not apply to water wash spray booths that are specifically designed and maintained according to the manufacturer's specifications.
  - EPA 746-F-08-001**
  - Spray booth exhaust filters are typically capable of removing between 90% to more than 99% of the oxidized automotive coating mist and particles that are contained in the spray booth exhaust stream, thus reducing the shop's emissions of potentially hazardous paint materials into the air. These materials may otherwise settle out of the air and fall into neighboring properties and water sources.

Part of the worksheet for paved roads is copied below. The orange shaded cells show the assumptions that were made in calculating the short term emission rate. These assumptions come from some of the referenced material that is also included on the worksheet. These assumptions may need to change, depending on the particular situation.

**PM EMISSIONS FROM PAVED ROADS**

Particle Size Multiplier (k)	(1)	(lb/VMT)	0.011
Silt Loading (sL)	(2)	(g/m <sup>2</sup> )	7.4
Average Weight (W)	(3)	(tons)	27.6
# of Vehicles/day	(3)	V/day	10
Emission Factor	(a)	(lb/VMT)	2.0050
Daily Vehicle Miles Traveled	(3)	(VMT/day)	5
Control Efficiency for sweeping	(4)	(%)	7
Control Efficiency for watering	(5)	69-.231V%	66.69
PM Emissions Estimate	(c)	(lb/day)	3.1

## 122 – AQ Annual Report Process 2024

### Annual Report process 2024: What to Expect When You're Expecting (an Annual Report to be Submitted)

Staff from HQ and each region have worked together to come up with a plan for processing annual reports this year. Here's what permit writers need to know:

#### HQ is sending reminder emails and hard copy reminder letters to facilities this week.

- One email will be sent to each email address that is listed as a Facility Contact, Mailing Contact, or Site Contact in TRAACS. (These are the folks that have AQ Document Upload PINs.)
- One hard copy letter will be mailed by DAS to each source. They'll likely start arriving next week.
- The emails and letters will have customized info for that source- see examples here.
- Permit Writers will not be cc'd on the emails or letters. This saves paper and prevents anyone's inbox from getting bombarded with hundreds of emails. But, I will save PDFs / email files and can provide those if needed later. Permit coordinators will have access and can print or save the email or letter to the source file if needed.
- Most facilities have an annual report deadline of Feb 15<sup>th</sup>. The letters and emails aren't smart enough to know which permits have a different deadline, so they just say, "Please submit... your completed annual report for 2023 no later than February 15, 2024 unless there is another date specified in your permit."

#### The annual report process will work like it did last year

- The reminder email and letter ask sources to send 2 copies of their annual report to DEQ:
  - Mail one hard copy to the regional office; AND
  - Upload one electronic copy to AQ Document Upload, using the PIN they have received by email.
- Permit writers can go to [AQ Permits Online](#) to view and review annual reports for their facilities.
- For ACDP facilities, the paper copy is optional- if DEQ receives an electronic copy but no paper copy, permit coordinators can print a copy for our official files.
- Title V facilities **must** mail in a paper copy. We can't just print out an electronic copy, due to an EPA rule called [CROMERR](#).
- Once YDO for AQ permitting launches, hopefully in May of this year, facilities will no longer have to mail us hard copies. That's something we can all look forward to. But for now, Title V facilities still need to mail us a hard copy of their annual report.
- I plan to send out a second email reminder just after Feb 15<sup>th</sup>, to sources with Feb 15<sup>th</sup> due dates that haven't submitted their reports on time.

## 123 – How to add up HAP/TAC emissions from all EUs up HAP/TAC emissions

As you well know, we verify/calculate HAP/TAC emissions for new sources and also at permit renewal. CAO has combustion calculator Combustion Emission Factors Tool that sources and you can use to calculate TACs from different types of equipment using different kinds of fuels and a bunch of other resources [here](#) to help verify/calculate HAP/TAC emissions.

So after you calculate HAPs/TACs for a bunch of different EUs, how do you add them up? NOT MANUALLY!

Joe Westersund created a video that explains how to use the UNIQUE, SORT and SUMIF functions: Excel Tip of the Week video: UNIQUE, SORT and SUMIF functions. Once you start playing the video, there is a “full screen” button that will make the screenshare easier to see.

## 124 – How to Separate HAPs from TACs for Review Reports

### Separating HAP/TAC emissions

TOTW #123 showed how to add up emissions from individual HAPs/TACs. But how do you add up just the HAP emissions to see whether the source is a major source for HAPs and to include only the HAP emissions in the review report? NOT MANUALLY! This TOTW builds on TOTW #123 and uses the same spreadsheet.

Joe Westersund created a video: [Excel tip: using XLOOKUP, SUMIFS and MAXIFS to calculate max and total HAPS.mp4](#)

Once you start playing the video, there is a “full screen” button that will make the screenshare easier to see.



full screen button

Below are step-by-step instructions. The spreadsheet that Joe used in the video is also attached so you can see the actual equations. Here are the steps:

1. Download a list of which pollutants are HAPS. (Here's we've used the latest air toxics emissions inventory reporting form from <https://www.oregon.gov/deq/air-toxics/pages/air-toxics-emissions-inventory.aspx>)
2. Use the XLOOKUP function to look up whether each pollutant is a HAP
3. Fix any pollutant names that XLOOKUP couldn't find (XLOOKUP returns the error message "#N/A" if the pollutant name wasn't found in the list)
4. Use the SUMIFS function to calculate the total HAP emissions. (Note: the SUMIF function would also work. It just has a slightly different order for the inputs to the function.)
5. Use the MAXIFS function to calculate the max emissions of any single HAP.



6. In the Review Report, you can copy the table of HAPs along with the total to explain whether the source is or isn't a major source of HAPs (25 tons/year total).
7. You can also use the emissions (max single HAP) to explain whether the source is or isn't a major source of HAPs based on a single pollutant (10 tons/year).

## Contact

### [Regional Contacts](#)

Eastern Region AQ Permit Coordinator

[eraqpermits@deq.oregon.gov](mailto:eraqpermits@deq.oregon.gov)

541-633-2021 or toll-free: 866-863-6668

Northwest Region AQ Permit Coordinator

[nwraqpermits@deq.oregon.gov](mailto:nwraqpermits@deq.oregon.gov)

503-229-5582 or toll-free: 800-452-4011

Western Region AQ Permit Coordinator

[wraqpermits@deq.oregon.gov](mailto:wraqpermits@deq.oregon.gov)

503-378-8240 or toll-free: 800-349-7677

Eugene Area

[Lane Regional Air Protection Agency](#)

541-736-1056 or toll-free: 877-285-7272

## Non-discrimination statement

DEQ does not discriminate on the basis of race, color, national origin, disability, age, sex, religion, sexual orientation, gender identity, or marital status in the administration of its programs and activities. Visit DEQ's [Civil Rights and Environmental Justice page](#).