State of Oregon
DEQ Department of Environmental Quality

Staff Report

Federal Actions 2025

Aug. 15, 2025

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DEQ recommendation to the DEQ Director

The Oregon Department of Environmental Quality recommends the director adopt the proposed rules in Attachment A 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; and

Direct DEQ to submit the SIP revision to the U.S. Environmental Protection Agency for approval.

Introduction

The Oregon Department of Environmental Quality is updating its air quality rules to match recent changes made to related federal rules. This process ensures Oregon's rules remain at least as protective as federal standards and streamlines the permitting process. Permit writers must apply the most protective standards to all facilities operating in Oregon. Aligning Oregon's rules with federal rules makes the permitting process more efficient. DEQ proposes rules to adopt federal regulations by reference as summarized below in Table 1.

Table 1: 'Federal Actions 2025 summary of rules being changed' details the four groupings of rules being updated because of this rulemaking, including the Oregon Administrative Revision(s) being changed.

#	Rule Concept/Topic	Oregon Administrative Revision(s)
1	Typical adoption of federal regulations by reference, Code of Federal Regulations date change	OAR 340-200-0035(1), 340-238-0040(4), 340-238-0060, 340-244-0030(3), 340-244-0220
2	Startup Shutdown Malfunction affirmative defense	OAR 340-214-0300, 340-214-0330, 340-214-0340, 340-214-0360
3	PM 2.5 National Ambient Air Quality Standard	OAR 340-202-0060, 340-200-0035, 340-200-0020(162)
4	SO_2 NAAQS	OAR 340-202-0070

Typical adoption of federal regulations by reference, Code of Federal Regulations date change

The federal Clean Air Act requires the U.S. Environmental Protection Agency to establish National Emission Standards for Hazardous Air Pollutants, known as NESHAPs, for hazardous air pollutants. EPA finished establishing major source standards in 2004. EPA began establishing area source standards in 2006 and concluded in 2011. EPA may create additional NESHAPs in the future for new source categories or source categories it may have missed.

The Clean Air Act also requires EPA to develop New Source Performance Standards, known as NSPS, for categories of sources that cause or significantly contribute to air pollution that may endanger public health or welfare. Such regulations apply to each new source within a category without regard to source location or existing air quality.

The Environmental Quality Commission has historically adopted many of these federal regulations into Oregon Law. NSPS and NESHAP regulations adopted by reference are established in Oregon Administrative Rules divisions 238 and 244, respectively. For many air permits issued by DEQ, the EQC must adopt any changes made by EPA before they can be included in an air permit. Oregon DEQ regularly proposes to update these rules to ensure Oregon law aligns with federal regulations.

EPA performs a residual risk analysis for major source NESHAPs and periodic technology reviews for NSPS and NESHAPs. These reviews are ongoing and, in some cases, result in EPA updating or amending the standards. EPA also revises NESHAPs to address errors,

implementation issues and court rulings. Adopting federal regulations by reference can be classified as a 'housekeeping' measure because when EPA's rulemaking is final, changes to the regulatory landscape are already made. The EQC adopting regulations into state law only simplifies permitting and compliance efforts. This term, 'housekeeping', as used by the EQC during the July 2019 federal regulation adoption rulemaking, remains an appropriate descriptor for this rule update considering the significant similarities. This portion of the rulemaking regulates facilities subject to the new or modified NESHAP and NSPS regulations listed herein.

Startup Shutdown Malfunction affirmative defense

The Environmental Protection Agency removed the ''emergency'' affirmative defense provisions from the EPA's Title V operating permit program regulations. These provisions established an affirmative defense that sources could have asserted in enforcement cases brought for noncompliance with technology-based emission limitations in operating permits, provided that the exceedances occurred due to qualifying emergency circumstances. These provisions were removed because they are inconsistent with rulings from the U.S. Court of Appeals for the D.C. Circuit. The removal of these provisions is also consistent with other recent EPA actions involving affirmative defenses and would harmonize the EPA's treatment of affirmative defenses across different Clean Air Act programs. EPA's removal requires the removal of the emergency affirmative defense provisions from DEQ's rules and the submittal of program revisions to the EPA to remove similar Title V affirmative defense provisions from DEQ's EPA-approved Title V program.

$PM_{2.5}$ National Ambient Air Quality Standard

The Clean Air Act requires EPA to set national air quality standards for six criteria pollutants considered harmful to public health and the environment. The law also requires EPA to periodically review the standards to ensure that they provide adequate health and environmental protection, and to update those standards as necessary. On Feb. 7, 2024, EPA adopted a revised PM2.5 NAAQS. On December 27, 2024, EPA adopted revised SO2 NAAQS. With revised NAAQS, Oregon must also revise the values for the NAAQS referenced in Oregon law, including any changes to implementation tools like Significant Impact Levels for PM2.5, that may result from those revised standards. Below are summary tables of the particulate matter and sulfur dioxide NAAQS.

Table 2: Shows the history of updates to particulate matter NAAQS from 1971 to present.

Final Rule/ Decision	Primary/ Secondary	Indicator[1]	Averaging Time	Level[2]	Form
1971 36 FR 8186 Apr 30, 1971	Primary	TSP	24 hour	260 $\mu g/m^3$	Not to be exceeded more than once per year
1971 36 FR 8186 Apr 30, 1971	Primary	TSP	Annual	75 $\mu g/m^3$	Annual geometric mean

Final Rule/ Decision	Primary/ Secondary	Indicator[1]	Averaging Time	Level[2]	Form
1971 36 FR 8186 Apr 30, 1971	Secondary	TSP	24 hour	150 $\mu g/m^3$	Not to be exceeded more than once per year
1971 36 FR 8186 Apr 30, 1971	Secondary	TSP	Annual	60 $\mu g/m^3$	Annual geometric mean
1987 52 FR 24634 Jul 1, 1987	Primary and Secondary	PM_{10}	24 hour	150 $\mu g/m^3$	Not to be exceeded more than once per year on average over a 3-year period
1987 52 FR 24634 Jul 1, 1987	Primary and Secondary	PM_{10}	Annual	50 $\mu g/m^3$	Annual arithmetic mean, averaged over 3 years
1997 62 FR 38652 Jul 18, 1997 (pdf) (1,878 KB)	Primary and Secondary	$PM_{2.5}$	24 hour	65 $\mu g/m^3$	98th percentile, averaged over 3 years
1997 62 FR 38652 Jul 18, 1997 (pdf) (1,878 KB)	Primary and Secondary	$PM_{2.5}$	Annual	15.0 $\mu g/m^3$	Annual arithmetic mean, averaged over 3 years [3, 4]
1997 62 FR 38652 Jul 18, 1997 (pdf) (1,878 KB)	Primary and Secondary	PM_{10}	24 hour	150 $\mu g/m^3$	Initially promulgated 99th percentile, averaged over 3 years; when 1997 standards for PM_{10} were vacated, the form of 1987 standards remained in place (not to be exceeded more than once per year on average over a 3-year period) [5]
1997 62 FR 38652 Jul 18, 1997	Primary and Secondary	PM_{10}	Annual	50 $\mu g/m^3$	Annual arithmetic mean, averaged over 3 years

Final Rule/ Decision	Primary/ Secondary	Indicator[1]	Averaging Time	Level[2]	Form
(pdf) (1,878 KB)					
2006 71 FR 61144 Oct 17, 2006 (pdf) (768 KB)	Primary and Secondary	$PM_{2.5}$	24 hour	35 µg/m^3	98th percentile, averaged over 3 years [6]
2006 71 FR 61144 Oct 17, 2006 (pdf) (768 KB)	Primary and Secondary	$PM_{2.5}$	Annual	15.0 µg/m^3	Annual arithmetic mean, averaged over 3 years [2, 7]
2006 71 FR 61144 Oct 17, 2006 (pdf) (768 KB)	Primary and Secondary	PM_{10}	24 hour	150 µg/m^3	Not to be exceeded more than once per year on average over a 3-year period
2012 78 FR 3085 Jan 15, 2013 (pdf) (4 MB)	Primary	$PM_{2.5}$	Annual	12.0 µg/m^3	Annual arithmetic mean, averaged over 3 years [2, 7]
2012 78 FR 3085 Jan 15, 2013 (pdf) (4 MB)	Secondary	$PM_{2.5}$	Annual	15.0 µg/m^3	Annual arithmetic mean, averaged over 3 years [2, 7]
2012 78 FR 3085 Jan 15, 2013 (pdf) (4 MB)	Primary and Secondary	$PM_{2.5}$	24 hour	35 µg/m^3	98th percentile, averaged over 3 years [6]
2012 78 FR 3085 Jan 15, 2013 (pdf) (4 MB)	Primary and Secondary	PM_{10}	24 hour [8]	150 µg/m^3	Not to be exceeded more than once per year on average over a 3-year period
2020 85 FR 82684 Dec 18, 2020 (pdf) (640 KB)	Primary and secondary standards retained, without revision.				

Final Rule/ Decision	Primary/ Secondary	Indicator[1]	Averaging Time	Level[2]	Form
2024 89 FR 16202 Mar 6, 2024 (pdf) (4.8 MB)	Primary	$PM_{2.5}$	Annual	9.0 µg/m^3	Annual arithmetic mean, averaged over 3 years [2, 7]
2024 89 FR 16202 Mar 6, 2024 (pdf) (4.8 MB) 89 FR 105692 Dec 27, 2024 (pdf) (1,510 KB)	Secondary $PM_{2.5}$ standards, and primary and secondary PM_{10} standards, retained without revision.				

1. TSP = Total Suspended Particles
2. Units of measure are micrograms per cubic meter of air (µg/m3).
3. The level of the annual standard is defined to one decimal place (i.e., 15.0 µg/m^3) as determined by rounding. For example, a 3-year average annual mean of 15.04 µg/m^3 would round to 15.0 µg/m^3 and, thus, meet the annual standard and a 3-year average of 15.05 µg/m^3 would round to 15.1 µg/m^3 and, hence, violate the annual standard (40 CFR part 50 Appendix N (pdf) (365 KB)).
4. The level of the standard was to be compared to measurements made at sites that represent "community-wide air quality" recording the highest level, or, if specific requirements were satisfied, to average measurements from multiple community-wide air quality monitoring sites ("spatial averaging").
5. See 69 FR 45592 (pdf) (173 KB), July 30, 2004.
6. The level of the 24-hour standard is defined as an integer (zero decimal places) as determined by rounding. For example, a 3-year average 98th percentile concentration of 35.49 µg/m^3 would round to 35 µg/m^3 and thus meet the 24-hour standard and a 3-year average of 35.50 µg/m^3 would round to 36 and, hence, violate the 24-hour standard (40 CFR part 50 Appendix N (pdf) (365 KB)).
7. The EPA tightened the constraints on the spatial averaging criteria by further limiting the conditions under which some areas may average measurements from multiple community-oriented monitors to determine compliance (see 71 FR 61165 - 61167 (pdf) (768 KB)).
8. The EPA revoked the annual PM_{10} NAAQS in 2006.

SO_2 NAAQS

Table 3: Shows the history of updates to sulfur dioxide NAAQS from 1971 to present.

Final Rule/ Decision	Primary/ Secondary	Indicator (1)	Averaging Time	Level (2)	Form
1971 36 FR 8186 Apr 30, 1971 (pdf) (5.2 MB)	Primary	SO_2	24-Hour	0.14 ppm	Not to be exceeded more than once per year

Final Rule/ Decision	Primary/ Secondary	Indicator [1]	Averaging Time	Level [2]	Form
1971 36 FR 8186 Apr 30, 1971 (pdf) (5.2 MB)	Primary	SO_2	Annual	0.03 ppm	Annual arithmetic average
1971 36 FR 8186 Apr 30, 1971 (pdf) (5.2 MB)	Secondary	SO_2	3-Hour	0.5 ppm	Not to be exceeded more than once per year
1971 36 FR 8186 Apr 30, 1971 (pdf) (5.2 MB)	Secondary	SO_2	Annual [3]	0.02 ppm	Annual arithmetic average
1973 38 FR 25678 Sept 14, 1973	Secondary	Secondary 3-hour SO_2 standard retained, without revision; secondary annual SO_2 standard revoked.			
1996 61 FR 25566 May 22, 1996 (pdf) (226 KB)	Primary	Existing primary SO_2 standards retained, without revision.			
2010 75 FR 35520 Jun 22, 2010 [4]	Primary	SO_2	1-hour	75 ppb	99th percentile, averaged over 3 years [5]
		Primary annual and 24-hour SO_2 standards revoked.			
2012 77 FR 20218 April 3, 2012 (pdf) (1,974 KB)	Secondary	Existing secondary SO_2 standard (3-hour average) retained, without revision.			

Final Rule/ Decision	Primary/ Secondary	Indicator [1]	Averaging Time	Level [2]	Form
2019 84 FR 9866 March 18, 2019	Primary	Existing primary SO_2 standard retained, without revision.			
2024 89 FR 105692 Dec 27, 2024 (pdf) (1,510 KB)	Secondary	Secondary SO_2 standard revised to be an annual standard.			
2024 89 FR 105692 Dec 27, 2024 (pdf) (1,510 KB)	Secondary	SO_2	Annual	10 ppb	Averaged over 3 years

[1] SO_2 = sulfur dioxide

[2] Units of measure are in parts per million (ppm) and parts per billion (ppb).

[3] The 1971 final rule also included a secondary 24-hour SO_2 standard of 0.1 ppm, maximum 24-hour concentration not to be exceeded more than once per year, as a guide to be used in assessing implementation plans to achieve the annual standard.

[4] The 1-hour SO_2 standard established in 2010 is a primary standard.

[5] The form of the 1-hour standard is the 3-year average of the 99th percentile of the yearly distribution of 1-hour daily maximum SO_2 concentrations.

Statement of need

What need would the proposed rules address?

The need the proposed rules would address is aligning Oregon rules with federal rules.

How would the proposed rule address the need?

The proposed rules will address this need by adopting by reference the federal rules.

How will DEQ know the rule addressed the need?

Oregon DEQ will know the rules addressed the need when Oregon rules align with federal rules.

Federal relationship

ORS 183.332, 468A.327 and OAR 340-011-0029 require DEQ to attempt to adopt rules that correspond with existing equivalent federal laws and rules unless there are reasons not to do so.

The proposed rules would adopt federal requirements by reference or verbatim, and nothing more, and are therefore not different from or in addition to federal requirements.

Table 4: The federal rules and regulation names that are proposed for adoption.

40 CFR Part 60 and 63 Subpart	Regulation Name
NESHAP AA	Phosphoric Acid Manufacturing
NESHAP AAAA	Municipal Solid Waste Landfills
NESHAP AAAAA (5A)	Lime Manufacturing Plants
NESHAP AAAAAAA (7A)	Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing
NESHAP BB	Phosphate Fertilizers
NESHAP BBBBB (5B)	Semiconductor Manufacturing
NESHAP BBBBBB (6B)	Area Sources: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities
NESHAP BBBBBBB (7B)	Area Sources: Chemical Preparations Industry
NESHAP CC	Petroleum Refineries
NESHAP CCC	Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants

40 CFR Part 60 and 63 Subpart	Regulation Name
NESHAP CCCCC (5C)	Coke Oven: Pushing, Quenching & Battery Stacks
NESHAP CCCCCCC (7C)	Area Sources: Paints and Allied Products Manufacturing
NESHAP DD	Off-Site Waste and Recovery
NESHAP DDD	Mineral Wool Production
NESHAP DDDD	Plywood and Composite Wood Products Manufacture
NESHAP DDDDD (5D)	Industrial, Commercial and Institutional Boilers and Process Heaters
NESHAP EE	Magnetic Tape Manufacturing
NESHAP EEE	Hazardous Waste Combustors
NESHAP EEEE	Organic Liquids Distribution (non-gasoline)
NESHAP EEEEE (5E)	Iron & Steel Foundries
NESHAP EEEEEE (6E)	Area Sources: Primary Copper Smelting
NESHAP F	Synthetic Organic Chemical Manufacturing Industry
NESHAP FFFF	Misc. Organic Chemical Production and Processes (MON)
NESHAP FFFFF (5F)	Integrated Iron & Steel Manufacturing Facilities
NESHAP G	SOCMI - Process Vents, Storage Vessels, Transfer Operations, and Wastewater
NESHAP GG	Aerospace Manufacturing and Rework
NESHAP GGG	Pharmaceuticals Production
NESHAP GGGG	Solvent Extraction for Vegetable Oil Production
NESHAP GGGGG (5G)	Site Remediation
NESHAP H	SOCMI - Equipment Leaks and Fenceline Monitoring for All Emission Sources
NESHAP HH	Oil and Natural Gas Production Facilities
NESHAP HHH	Natural Gas Transmission and Storage Facilities
NESHAP HHHH	Wet Formed Fiberglass Mat Production
NESHAP HHHHH (5H)	Miscellaneous Coating Manufacturing
NESHAP HHHHHHH (6H)	Area Sources: Paint Stripping and Miscellaneous Surface Coating Operations

40 CFR Part 60 and 63 Subpart	Regulation Name
NESHAP HHHHHHH (7H)	Polyvinyl Chloride and Copolymers Production
NESHAP I	Certain Processes Subject to the Negotiated Regulations for Equipment Leaks
NESHAP II	Shipbuilding and Ship Repair
NESHAP III	Flexible Polyurethane Foam Production
NESHAP IIII	Surface Coating of Automobiles & Light Duty Trucks
NESHAP IIIII (5I)	Mercury Cell Chlor-Alkali Plants
NESHAP J	Polyvinyl Chloride and Copolymers Production
NESHAP JJ	Wood Furniture Manufacturing
NESHAP JJJ	Group IV Polymers and Resins
NESHAP JJJJ	Paper & Other Web Coating (Surface Coating)
NESHAP JJJJJ (5J)	Brick and Structural Clay Products Manufacturing
NESHAP KK	Printing and Publishing
NESHAP KKKK	Metal Can (Surface Coating)
NESHAP KKKKK (5K)	Clay Ceramics Manufacturing
NESHAP L	Coke Oven Batteries
NESHAP LL	Primary Aluminum Reduction
NESHAP LLL	Portland Cement Manufacturing
NESHAP LLLLL (5L)	Asphalt Processing & Asphalt Roofing Manufacturing
NESHAP M	Perchloroethylene Dry Cleaners
NESHAP MM	Chemical Recovery Combustion Sources at Pulp Mills
NESHAP MMM	Pesticide Active Ingredient Production
NESHAP MMMM	Miscellaneous Metal Parts and Products (Surface Coating)
NESHAP MMMMM (5M)	Flexible Polyurethane Foam Fabrication Operation
NESHAP N	Hard and Decorative Chromium Electroplating and Chromium Anodizing
NESHAP NNN	Wool Fiberglass Manufacturing
NESHAP NNNN	Large Appliances (Surface Coating)
NESHAP NNNNN (5N)	Hydrochloric Acid Production
NESHAP O	Ethylene Oxide Sterilization
NESHAP OOO	Manufacture of Amino/Phenolic Resins

40 CFR Part 60 and 63 Subpart	Regulation Name
NESHAP OOOO	Printing, Coating, and Dyeing of Fabrics and Other Textiles
NESHAP OOOOOO (6O)	Area Sources: Flexible Polyurethane Production and Fabrication
NESHAP PPP	Polyether Polyols Production
NESHAP PPPP	Plastic Parts (Surface Coating)
NESHAP PPPPP (5P)	Engine Test Cells/Stands
NESHAP PPPPPP (6P)	Area Sources: Lead Acid Battery Manufacturing
NESHAP Q	Industrial Process Cooling Towers
NESHAP QQQ	Primary Copper
NESHAP QQQQ	Wood Building Products (Surface Coating)
NESHAP QQQQQ (5Q)	Friction Materials Manufacturing
NESHAP QQQQQQ (6Q)	Area Sources: Wood Preserving
NESHAP R	Gasoline Distribution Facilities
NESHAP RRR	Secondary Aluminum Production
NESHAP RRRR	Metal Furniture (Surface Coating)
NESHAP RRRRR (5R)	Taconite Iron Ore Processing
NESHAP RRRRRR (6R)	Area Sources: Clay Ceramics Manufacturing
NESHAP S	Pulp and Paper Industry (non-combustion)
NESHAP SS	Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process
NESHAP SSSS	Metal Coil (Surface Coating) Industry
NESHAP SSSSS (5S)	Refractories Products Manufacturing
NESHAP T	Halogenated Solvent Cleaning
NESHAP TTT	Primary Lead Smelting
NESHAP TTTT	Leather Finishing Operations
NESHAP TTTTT (5T)	Primary Magnesium Refining
NESHAP TTTTTT (6T)	Area Sources: Secondary Nonferrous Metals Processing

40 CFR Part 60 and 63 Subpart	Regulation Name
NESHAP U	Group I Polymers and Resins
NESHAP UUU	Petroleum Refineries-Catalytic Cracking, Catalytic Reforming & Sulfur Plant Units
NESHAP UUUU	Cellulose Product Manufacturing
NESHAP VVV	Publicly Owned Treatment Works
NESHAP VVVV	Boat Manufacturing
NESHAP W	Epoxy Resins Production and Non-Nylon Polyamides Production
NESHAP WWWW	Reinforced Plastics Composites Production
NESHAP WWWWW (5W)	Area Sources: Hospital Ethylene Oxide Sterilizers
NESHAP WWWWWW (6W)	Area Sources: Plating and Polishing Operations
NESHAP X	Secondary Lead Smelting
NESHAP XX	Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations
NESHAP XXX	Ferroalloys Production: Ferromanganese and Silicomanganese
NESHAP XXXX	Rubber Tire Manufacturing
NESHAP XXXXXX (6X)	Area Sources: Nine Metal Fabrication and Finishing Source Categories
NESHAP Y	Marine Tank Loading Operations
NESHAP YY	Generic MACT
NESHAP YYYY	Combustion Turbines
NESHAP YYYYYY (6Y)	Area Sources: Ferroalloys Production Facilities
NESHAP ZZZZ	Recip. Internal Combustion Engines (RICE)
NESHAP ZZZZZ (5Z)	Area Sources: Iron and Steel Foundries
NSPS A	General Provisions
NSPS AA	Steel Plants: Electric Arc Furnaces Constructed After 10/21/74 and on or Before 8/17/83
NSPS AAa	Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After 8/7/83
NSPS AAb	Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After 5/16/2022
NSPS BBa	Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commences After May 23, 2013
NSPS CCCC	Commercial and Industrial Solid Waste Incineration Units

40 CFR Part 60 and 63 Subpart	Regulation Name
NSPS EEEE	Other Solid Waste Incineration Units
NSPS III	VOC Emissions from the Synthetic Organic Chemical Manufacturing Industry Air Oxidation Unit Processes
NSPS IIIa	VOC Emissions from SOCMI Air Oxidation Unit Processes for which construction, reconstruction, or modification commenced after April 25, 2023
NSPS IIII	Stationary Compression Ignition Internal Combustion Engines
NSPS Ja	Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007
NSPS JJJJ	Stationary Spark Ignition Internal Combustion Engines
NSPS Kb	Volatile Organic Liquid Storage Vessels (including petroleum liquid) Constructed, modified, or reconstructed After July 23, 1984, and on or before October 4, 2023
NSPS Kc	Volatile Organic Liquid Storage Vessels (including petroleum liquid) constructed, modified, or reconstructed after October 4, 2023
NSPS KK	Lead-acid Battery Manufacturing Plants
NSPS KKa	Lead Acid Battery Manufacturing Plants for which construction, modification, or reconstruction commenced after February 23, 2022
NSPS KKK	Equipment Leaks of VOC from Onshore Natural Gas Processing Plants
NSPS KKKK	Stationary Combustion Turbines
NSPS L	Secondary Lead Smelters for which construction, reconstruction, or modification commenced after June 11, 1973, and on or before December 1, 2022
NSPS La	Secondary Lead smelters for which construction, reconstruction, or modification commenced after December 1, 2022
NSPS MM	Automobile and Light-Duty Truck Surface Coating Operations after October 10, 1979 and on or before May 18, 2022
NSPS MMa	Automobile and Light-Duty Truck Surface Coating Operations after May 15. 2022
NSPS NNN	VOC Emissions from the Synthetic Organic Chemical Manufacturing Industry Distillation Operations after December 30, 1983, and on or before April 25, 2023
NSPS NNNa	VOC Emissions from SOCMI Distillation Operations for which construction, reconstruction, or modification commenced after April 25, 2023
NSPS RRR	VOC Emissions from the Synthetic Organic Chemical Manufacturing Industry Distillation Operations
NSPS RRRa	VOC Emissions from SOCMI Reactor Processes for which construction, reconstruction, or modification commenced after April 25, 2023
NSPS TTT	Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines
NSPS TTTa	Industrial Surface Coating of Plastic Parts for Business Machines for Which Construction, Reconstruction, or Modification Commenced After June 21, 2022
NSPS VVa	Equipment Leaks of VOC in the SOCMI for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006

40 CFR Part 60 and 63 Subpart	Regulation Name
NSPS VVb	Equipment Leaks of VOC in the SOCMI for which construction, reconstruction, or modification commenced after April 25, 2023
NSPS WWW	Municipal Solid Waste Landfills
NSPS XX	Bulk Gasoline Terminals after December 17, 1980, but on or before June 10, 2022
NSPS XXa	Bulk Gasoline Terminals after June 10, 2022
NSPS XXX	Municipal Solid Waste Landfills that Commenced Construction, Reconstruction, or Modification after July 17, 2014

What alternatives did DEQ consider if any?

DEQ considered:

- Not adopting standards to implement the updated federal standards. DEQ rejected this alternative because it would establish two different standards, the federal and the state, with which a facility would need to comply. This would complicate DEQ's ability to ensure compliance and reduce DEQ's ability regulate Oregon sources.

- Making state specific changes to some federal standards. DEQ rejected this alternative because consistency with the federal rules reduces cost and complexity for affected sources.

Rules affected, authorities, supporting documents

Lead division

Air Quality

Program or activity

Air Operations

Chapter 340 action

Table 5: Table 5 lists the Chapter 340 rules that will be amended and repealed because of this rulemaking.

Amend		
Division	**Rule**	**Title**
340	238-0040	New Source Performance Standards: Definitions
340	238-0060	Federal Regulations Adopted by Reference
340	244-0030	General Provisions for Stationary Sources
340	244-0220	Emission Standards
340	214-0300	Excess Emissions and Emergency Provision: Purpose
340	214-0330	Excess Emissions and Emergency Provision: Other Emissions
340	214-0340	Excess Emissions Reporting Requirements
340	202-0060	Ambient Air Quality Standards: Suspended Particulate Matter
340	202-0070	Ambient Air Quality Standards: Sulfur Dioxide
340	200-0040	State of Oregon Clean Air Act Implementation Plan
340	200-0035	Reference Materials
340	200-0020	General Air Quality Definitions
Repeal		
340	214-0360	Excess Emissions and Emergency Provision: Emergency as an Affirmative Defense for Title V Permitted Sources

NOTE: A previous version of the Public Notice document did not include OAR 340-200-0040 which was inadvertently left out. The qualitative text of the document noted that the State Implementation Plan will be updated as a result of this rule.

Table 6: Table 6 lists the authorizing statutes for this rulemaking that give the Environmental Quality Commission the authority to make a rule.

Statutory authority - ORS				
468A.050	468.020	468A.310	468A.025	-

Table 7: Table 7 lists the statutes being implemented for this specific rulemaking.

Statutes implemented - ORS

468A.055	468A.025	468A.035	468A.070	468A.050
468A.310	-	-	-	-

Rules summary

As OAR 166-500-0030(1)(e) requires, the following are included to provide a summary of the proposed new rules and existing rules affected by this rulemaking.

OAR chapter 340

Table 8: This table shows the rule number, title, and the explanation for the rule change.

Rule Number	Rule Title	Explanation
238-0040	New Source Performance Standards: Definitions	To update adoption to a more recent version of NSPS regulations, the defined term 'CFR' in rule needs to be updated with a more recent date. Change "C.F.R." to "CFR" throughout.
238-0060	Federal Regulations Adopted by Reference	New federal regulations proposed for adoption are being added. The names of several regulations are being adjusted to more closely align with the name of the federal regulation as promulgated by US EPA.
244-0030	General Provisions for Stationary Sources: Definitions	To update adoption to a more recent version of the NESHAP regulations, the defined term 'CFR' in rule needs to be updated with a more recent date. Change "C.F.R." to "CFR" throughout.
244-0220	Emission Standards: Federal Regulations Adopted by Reference	While no new NESHAP regulations are proposed for adoption, the names of several regulations are being adjusted to more closely align with the name of the federal regulation as promulgated by US EPA.
214-0300	Excess Emissions and Emergency Provision: Purpose and Applicability	The rule cross references need to change since OAR 340-214-0360 is being repealed. Affirmative defense due to an emergency for Title V sources is no longer allowed by EPA rule. Clarification regarding enforcement for EPA or citizens has been added.
214-0330	Excess Emissions and Emergency Provision: All Other Excess Emissions	The rule cross references need to change since OAR 340-214-0360 is being repealed. Clarification regarding enforcement for a request to continue operation has been added.
214-0340	Excess Emissions and Emergency Provision: Reporting Requirements	Affirmative defense due to an emergency for Title V sources is no longer allowed by EPA rule.
214-0360	Excess Emissions and Emergency Provision:	Affirmative defense due to an emergency for Title V sources is no longer allowed by EPA rule.

Rule Number	Rule Title	Explanation
	Emergency as an Affirmative Defense for Title V Permitted Sources	
202-0060	Ambient Air Quality Standards: Suspended Particulate Matter	Modifies PM2.5 concentration threshold to match federal PM2.5 NAAQS promulgated Feb 7, 2024.
202-0070	Ambient Air Quality Standards: Sulfur Dioxide	Modifies SO2 concentration threshold and units and removes statistics to match federal SO2 NAAQS promulgated Dec 27, 2004.
200-0040	State of Oregon Clean Air Act Implementation Plan	Updating date for last SIP amendment to reflect incorporation of the rules in this rulemaking.
200-0035	Reference Materials	Modifies date to specify most recent Code of Federal Regulations edition.
200-0020	General Air Quality Definitions	Modifies Significant Impact Levels of PM2.5 to match guidance from EPA so as to not exceed PM2.5 NAAQS promulgated Feb 7, 2024.

Fee analysis

This rulemaking does not involve fees.

Statement of fiscal and economic impact

Fiscal and economic impact

These federal requirements already apply directly to sources, so Oregon DEQ's adoption of them by reference will not add any new costs for sources but may decrease the administrative burden by streamlining the permitting process. Additionally, cost impacts of all NSPS and NESHAPs have been prepared by EPA and are provided in the Federal Register notices for those rules. For brevity, because Oregon DEQ is adopting many rules by reference, the EPA fiscal impact statement for each NSPS and NESHAP rule is not included here. EPA evaluated the fiscal and economic effects of their rules and lists those effects in the preambles to their regulations. Based on the applicability date of EPA's rules, including the Startup Shutdown Malfunction and NAAQS updates, any economic impacts may have already occurred for Oregon agencies and businesses. DEQ has no choice but to update the NAAQS, to maintain authority to implement the Clean Air Act in Oregon, and to make the Startup Shutdown Malfunction rule update, based on the federal court's decision on that issue. Oregon is aligning its rules to EPA's federal standards, so there are not additional financial impacts outside of EPA's assessments. One benefit of aligning Oregon with federal standards is that it reduces the administrative cost of compliance with differing federal and state standards.

Statement of cost of compliance

Local governments

DEQ gives air permits to local governments for activities that affect air quality—like running gas stations, crushing rocks, or managing landfills. These governments are checked just like businesses to make sure they follow the rules.

Sometimes, a business or facility must follow both state and federal rules, which can mean doing almost the same report twice. This takes extra time and effort. But if the rules are the same, DEQ can combine them into one clear requirement in the permit, streamlining the process.

Oregon law says that state environmental rules must be at least as strict as federal rules as they were on January 19, 2017[1]. So, when Oregon and federal rules match, DEQ can simplify things by using just one version in the permit. This helps businesses save time and helps DEQ work more efficiently by not having to compare old and new rules one by one.

DEQ, as a state administrative agency, complies with various Land Conservation and Development rules in Oregon Administrative Rules chapter 660. This includes, in part, implementing the 'State Agency Coordination' rules of OAR chapter 340 division 18. Division 18 requires operations and businesses which require air permits, and some construction or modification project notifications, to demonstrate compliance with statewide planning goals by obtaining an approved Land Use Compatibility Statements from the local city or county jurisdiction. Thus, an indirect impact on local governments is when affected businesses that are

[1] HB2250 passed by the 2019 legislature: https://olis.oregonlegislature.gov/liz/2019R1/Downloads/MeasureDocument/HB2250

required to have a permit request a Land Use Compatibility Statement. Local governments process those Land Use Compatibility Statements and may or may not charge fees. Cities and counties that do not charge a fee, or do not charge sufficient fees to cover their costs, may have new workload without adequate revenue. DEQ does not have available information to estimate these fiscal impacts and does not expect this rulemaking to result in any currently unpermitted operations or businesses to newly be subject to air quality permitting.

For these reasons, DEQ is proposing to align current state rules with federal law to the extent possible, while complying with House Bill 2250 and does not find adequate reason to believe this rulemaking would result in a fiscal increase to local governments.

Public

The proposed rules could affect the public indirectly if any permitted business or other operation change the price of goods and services to offset any increased or decreased costs from obtaining a permit, paying permit fees, or complying with any changes in accordance with the applicable regulation. DEQ does not have available information to estimate these potential fiscal impacts. The proposed rules would not affect the public directly.

Small businesses – businesses with 50 or fewer employees

The proposed rules are not expected to economically affect small businesses. By aligning federal and state requirements, the permitting process will be more streamlined for affected sources. These proposed rule updates do not require permitted sources that previously did not need a permit to obtain one.

Large businesses - businesses with more than 50 employees

DEQ expects any fiscal and economic impacts on large businesses to be the same as those estimated for small businesses.

ORS 183.336 Cost of Compliance Effect on Small Businesses

a. Estimated number of small businesses and types of businesses and industries with small businesses subject to proposed rule.

Any of the amended federal standards proposed for adoption could be applicable to a business regardless of the number of employees.

For rule concept/topic 1 (as identified in Table 1, above) “Typical adoption of federal regulations by reference, Code of Federal Regulations date change” The number of facilities in Oregon known to be subject to each regulation is listed in Table 9 below.

Table 9: The number of Title V, Air Contaminant Discharge Permits, and Aquifer Storage and Recovery facilities in Oregon known to be subject to each federal regulation is shown below. The federal rules and regulation names that are proposed for adoption.

40 CFR Part 60 & 63 Subpart	Regulation Name	Approx Number of ACDP, TV, ASR sites in OR affected
NESHAP AA	Phosphoric Acid Manufacturing	0

40 CFR Part 60 & 63 Subpart	Regulation Name	Approx Number of ACDP, TV, ASR sites in OR affected
NESHAP AAAA	Municipal Solid Waste Landfills	5
NESHAP AAAAA (5A)	Lime Manufacturing Plants	0
NESHAP AAAAAAA (7A)	Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing	4
NESHAP BB	Phosphate Fertilizers	0
NESHAP BBBBB (5B)	Semiconductor Manufacturing	0
NESHAP BBBBBB (6B)	Area Sources: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities	70
NESHAP BBBBBBB (7B)	Area Sources: Chemical Preparations Industry	0
NESHAP CC	Petroleum Refineries	0
NESHAP CCC	Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants	0
NESHAP CCCCC (5C)	Coke Oven: Pushing, Quenching & Battery Stacks	6
NESHAP CCCCCCC (7C)	Area Sources: Paints and Allied Products Manufacturing	4
NESHAP DD	Off-Site Waste and Recovery	0
NESHAP DDD	Mineral Wool Production	0
NESHAP DDDD	Plywood and Composite Wood Products Manufacture	17
NESHAP DDDDD (5D)	Industrial, Commercial and Institutional Boilers and Process Heaters	18
NESHAP EE	Magnetic Tape Manufacturing	0
NESHAP EEE	Hazardous Waste Combustors	0
NESHAP EEEE	Organic Liquids Distribution (non-gasoline)	0
NESHAP EEEEE (5E)	Iron & Steel Foundries	0
NESHAP EEEEEE (6E)	Area Sources: Primary Copper Smelting	0
NESHAP F	Synthetic Organic Chemical Manufacturing Industry	0
NESHAP FFFF	Misc. Organic Chemical Production and Processes (MON)	0
NESHAP FFFFF (5F)	Integrated Iron & Steel Manufacturing Facilities	0

40 CFR Part 60 & 63 Subpart	Regulation Name	Approx Number of ACDP, TV, ASR sites in OR affected
NESHAP G	SOCMI - Process Vents, Storage Vessels, Transfer Operations, and Wastewater	0
NESHAP GG	Aerospace Manufacturing and Rework	0
NESHAP GGG	Pharmaceuticals Production	0
NESHAP GGGG	Solvent Extraction for Vegetable Oil Production	0
NESHAP GGGGG (5G)	Site Remediation	0
NESHAP H	SOCMI - Equipment Leaks and Fenceline Monitoring for All Emission Sources	0
NESHAP HH	Oil and Natural Gas Production Facilities	2
NESHAP HHH	Natural Gas Transmission and Storage Facilities	0
NESHAP HHHH	Wet Formed Fiberglass Mat Production	0
NESHAP HHHHH (5H)	Miscellaneous Coating Manufacturing	0
NESHAP HHHHHHH (6H)	Area Sources: Paint Stripping and Miscellaneous Surface Coating Operations	44
NESHAP HHHHHHH (7H)	Polyvinyl Chloride and Copolymers Production	0
NESHAP I	Certain Processes Subject to the Negotiated Regulations for Equipment Leaks	0
NESHAP II	Shipbuilding and Ship Repair	2
NESHAP III	Flexible Polyurethane Foam Production	0
NESHAP IIII	Surface Coating of Automobiles & Light Duty Trucks	0
NESHAP IIIII (5I)	Mercury Cell Chlor-Alkali Plants	0
NESHAP J	Polyvinyl Chloride and Copolymers Production	0
NESHAP JJ	Wood Furniture Manufacturing	5
NESHAP JJJ	Group IV Polymers and Resins	0
NESHAP JJJJ	Paper & Other Web Coating (Surface Coating)	3
NESHAP JJJJJ (5J)	Brick and Structural Clay Products Manufacturing	0
NESHAP KK	Printing and Publishing	1
NESHAP KKKK	Metal Can (Surface Coating)	0
NESHAP KKKKK (5K)	Clay Ceramics Manufacturing	0

40 CFR Part 60 & 63 Subpart	Regulation Name	Approx Number of ACDP, TV, ASR sites in OR affected
NESHAP L	Coke Oven Batteries	0
NESHAP LL	Primary Aluminum Reduction	0
NESHAP LLL	Portland Cement Manufacturing	1
NESHAP LLLLL (5L)	Asphalt Processing & Asphalt Roofing Manufacturing	0
NESHAP M	Perchloroethylene Dry Cleaners	20
NESHAP MM	Chemical Recovery Combustion Sources at Pulp Mills	4
NESHAP MMM	Pesticide Active Ingredient Production	0
NESHAP MMMM	Miscellaneous Metal Parts and Products (Surface Coating)	6
NESHAP MMMMM (5M)	Flexible Polyurethane Foam Fabrication Operation	0
NESHAP N	Hard and Decorative Chromium Electroplating and Chromium Anodizing	4
NESHAP NNN	Wool Fiberglass Manufacturing	0
NESHAP NNNN	Large Appliances (Surface Coating)	0
NESHAP NNNNN (5N)	Hydrochloric Acid Production	0
NESHAP O	Ethylene Oxide Sterilization	0
NESHAP OOO	Manufacture of Amino/Phenolic Resins	1
NESHAP OOOO	Printing, Coating, and Dyeing of Fabrics and Other Textiles	0
NESHAP OOOOOO (6O)	Area Sources: Flexible Polyurethane Production and Fabrication	1
NESHAP PPP	Polyether Polyols Production	0
NESHAP PPPP	Plastic Parts (Surface Coating)	1
NESHAP PPPPP (5P)	Engine Test Cells/Stands	0
NESHAP PPPPPP (6P)	Area Sources: Lead Acid Battery Manufacturing	1
NESHAP Q	Industrial Process Cooling Towers	1
NESHAP QQQ	Primary Copper	0
NESHAP QQQQ	Wood Building Products (Surface Coating)	6

40 CFR Part 60 & 63 Subpart	Regulation Name	Approx Number of ACDP, TV, ASR sites in OR affected
NESHAP QQQQQ (5Q)	Friction Materials Manufacturing	0
NESHAP QQQQQQ (6Q)	Area Sources: Wood Preserving	2
NESHAP R	Gasoline Distribution Facilities	0
NESHAP RRR	Secondary Aluminum Production	1
NESHAP RRRR	Metal Furniture (Surface Coating)	0
NESHAP RRRRR (5R)	Taconite Iron Ore Processing	0
NESHAP RRRRRR (6R)	Area Sources: Clay Ceramics Manufacturing	2
NESHAP S	Pulp and Paper Industry (non-combustion)	4
NESHAP SS	Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process	0
NESHAP SSSS	Metal Coil (Surface Coating) Industry	0
NESHAP SSSSS (5S)	Refractories Products Manufacturing	0
NESHAP T	Halogenated Solvent Cleaning	4
NESHAP TTT	Primary Lead Smelting	0
NESHAP TTTT	Leather Finishing Operations	0
NESHAP TTTTT (5T)	Primary Magnesium Refining	0
NESHAP TTTTTT (6T)	Area Sources: Secondary Nonferrous Metals Processing	0
NESHAP U	Group I Polymers and Resins	0
NESHAP UUU	Petroleum Refineries-Catalytic Cracking, Catalytic Reforming & Sulfur Plant Units	0
NESHAP UUUU	Cellulose Product Manufacturing	1
NESHAP VVV	Publicly Owned Treatment Works	0
NESHAP VVVV	Boat Manufacturing	1
NESHAP W	Epoxy Resins Production and Non-Nylon Polyamides Production	0
NESHAP WWWW	Reinforced Plastics Composites Production	6

40 CFR Part 60 & 63 Subpart	Regulation Name	Approx Number of ACDP, TV, ASR sites in OR affected
NESHAP WWWWW (5W)	Area Sources: Hospital Ethylene Oxide Sterilizers	2
NESHAP WWWWWW (6W)	Area Sources: Plating and Polishing Operations	30
NESHAP X	Secondary Lead Smelting	0
NESHAP XX	Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations	0
NESHAP XXX	Ferroalloys Production: Ferromanganese and Silicomanganese	0
NESHAP XXXX	Rubber Tire Manufacturing	0
NESHAP XXXXXX (6X)	Area Sources: Nine Metal Fabrication and Finishing Source Categories	51
NESHAP Y	Marine Tank Loading Operations	0
NESHAP YY	Generic MACT	0
NESHAP YYYY	Combustion Turbines	1
NESHAP YYYYYY (6Y)	Area Sources: Ferroalloys Production Facilities	0
NESHAP ZZZZ	Recip. Internal Combustion Engines (RICE)	177
NESHAP ZZZZZ (5Z)	Area Sources: Iron and Steel Foundries	4
NSPS A	General Provisions	46
NSPS AA	Steel Plants: Electric Arc Furnaces Constructed After 10/21/74 and on or Before 8/17/83	0
NSPS AAa	Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After 8/7/83	1
NSPS AAb	Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After 5/16/2022	0
NSPS BBa	Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commences After May 23, 2013	0
NSPS CCCC	Commercial and Industrial Solid Waste Incineration Units	6
NSPS EEEE	Other Solid Waste Incineration Units	7
NSPS III	VOC Emissions from the Synthetic Organic Chemical Manufacturing Industry Air Oxidation Unit Processes	0
NSPS IIIa	VOC Emissions from SOCMI Air Oxidation Unit Processes for which construction, reconstruction, or modification commenced after April 25, 2023	0

40 CFR Part 60 & 63 Subpart	Regulation Name	Approx Number of ACDP, TV, ASR sites in OR affected
NSPS IIII	Stationary Compression Ignition Internal Combustion Engines	102
NSPS Ja	Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007	0
NSPS JJJJ	Stationary Spark Ignition Internal Combustion Engines	30
NSPS Kb	Volatile Organic Liquid Storage Vessels (including petroleum liquid) Constructed, modified, or reconstructed After July 23, 1984, and on or before October 4, 2023	14
NSPS Kc	Volatile Organic Liquid Storage Vessels (including petroleum liquid) constructed, modified, or reconstructed after October 4, 2023	0
NSPS KK	Lead-acid Battery Manufacturing Plants	1
NSPS KKa	Lead Acid Battery Manufacturing Plants for which construction, modification, or reconstruction commenced after February 23, 2022	0
NSPS KKK	Equipment Leaks of VOC from Onshore Natural Gas Processing Plants	0
NSPS KKKK	Stationary Combustion Turbines	9
NSPS L	Secondary Lead Smelters for which construction, reconstruction, or modification commenced after June 11, 1973, and on or before December 1, 2022	0
NSPS La	Secondary Lead smelters for which construction, reconstruction, or modification commenced after December 1, 2022	0
NSPS MM	Automobile and Light-Duty Truck Surface Coating Operations after October 10, 1979 and on or before May 18, 2022	0
NSPS MMa	Automobile and Light-Duty Truck Surface Coating Operations after May 15. 2022	0
NSPS NNN	VOC Emissions from the Synthetic Organic Chemical Manufacturing Industry Distillation Operations after December 30, 1983, and on or before April 25, 2023	2
NSPS NNNa	VOC Emissions from SOCMI Distillation Operations for which construction, reconstruction, or modification commenced after April 25, 2023	0
NSPS RRR	VOC Emissions from the Synthetic Organic Chemical Manufacturing Industry Distillation Operations	2
NSPS RRRa	VOC Emissions from SOCMI Reactor Processes for which construction, reconstruction, or modification commenced after April 25, 2023	0
NSPS TTT	Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines	0

40 CFR Part 60 & 63 Subpart	Regulation Name	Approx Number of ACDP, TV, ASR sites in OR affected
NSPS TTTa	Industrial Surface Coating of Plastic Parts for Business Machines for Which Construction, Reconstruction, or Modification Commenced After June 21, 2022	0
NSPS VVa	Equipment Leaks of VOC in the SOCMI for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006	2
NSPS VVb	Equipment Leaks of VOC in the SOCMI for which construction, reconstruction, or modification commenced after April 25, 2023	0
NSPS WWW	Municipal Solid Waste Landfills	6
NSPS XX	Bulk Gasoline Terminals after December 17, 1980, but on or before June 10, 2022	5
NSPS XXa	Bulk Gasoline Terminals after June 10, 2022	0
NSPS XXX	Municipal Solid Waste Landfills that Commenced Construction, Reconstruction, or Modification after July 17, 2014	0

For rule concept/topic 2 “Startup Shutdown Malfunction affirmative defense” there are approximately 12 small businesses that have TV permits.

For rule concept/topic 3 and 4 “PM 2.5 National Ambient Air Quality Standard” and “SO_2 NAAQS” the approximate number of facilities affected will be none. All PM2.5 sources have already adjusted to the May 6, 2024 change in federal rules and all the SO_2 sources have already adjusted to the Jan 27, 2025 change in federal rules. There are no additional impacts from bringing Oregon's rules into alignment.

Documents relied on for fiscal and economic impact

The requirement to list the documents relied on to determine fiscal impact is separate from and in addition to the similar list in the Rules affected, authorities, supporting documents section above.

Document title	Document location
State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA’s SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction	2015-12905.pdf
Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen, Oxides of Sulfur, and Particulate Matter	2024-29463.pdf

Advisory committee fiscal review

DEQ did not appoint a fiscal advisory committee because Oregon is adopting the proposed rules to align with federal standards. As such, any fiscal impacts from the proposed rules have already occurred.

Housing cost

As ORS 183.534 requires, DEQ evaluated whether the proposed rules would have an effect on the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached, single-family dwelling on that parcel.

The federal regulations proposed for adoption by reference could have a negative impact on the cost of development of a 6,000 square-foot parcel and the construction of a 1,200 square-foot detached single-family dwelling on that parcel. This impact could occur if permit holders affected by new or updated federal standards obtain a permit and pass the permitting fees for such development or required changes through to the consumer. DEQ does not have available information to quantify how many permit holders would pass the permitting fees or other costs through to the consumer and any such estimate would be speculative. DEQ does not anticipate any business to become subject to regulatory oversight by DEQ or newly require an air permit because of this rulemaking.

Racial equity

ORS 183.335(2)(b)(F) requires state agencies to provide a statement identifying how adoption of this rule will affect racial equity in this state.

DEQ does not expect that implementing these draft rules will impact existing racial equity either positively or negatively; it maintains the status quo. Because this rulemaking is in response to federal requirements, DEQ does not anticipate significant impacts on services and or fees because the action is matching federal requirements with applicability dates that have already passed for those federal requirements.

Environmental justice considerations

ORS 182.545 requires natural resource agencies to consider the effects of their actions on environmental justice issues. Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, culture, education or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies. DEQ is committed to incorporating environmental justice best practices into its programs and decision-making, to ensure all people in Oregon have equitable environmental and public health protections.

ORS 182.545 requires natural resource agencies to consider the effects of their actions on environmental justice issues. DEQ considered these effects by reviewing DEQ's "Rulemaking Racial Equity Guidance". Based on the scope of the rulemaking updates proposed, there is not expected to be impacts to environmental justice communities.

Environmental justice communities may experience health benefits from the federal NAAQS standards being lowered for PM2.5 and SO2. It is expected that the updates to the NAAQS standards will reduce cumulative health risks for Oregonians, and particularly those in environmental justice communities who experience higher cumulative health risks because of air quality. The decision to update the standard has already occurred at the federal level, and Oregon is aligning its state rules with federal ones – so there are not additional environmental justice considerations for the action of aligning Oregon rules with federal rules.

Land use

Land-use considerations

In adopting new or amended rules, ORS 197.180 and OAR 340-018-0070 require DEQ to determine whether the proposed rules significantly affect land use. If so, DEQ must explain how the proposed rules comply with statewide land-use planning goals and local acknowledged comprehensive plans.

Under OAR 660-030-0005 and OAR 340 Division 18, DEQ considers that rules affect land use if:

- The statewide land use planning goals specifically refer to the rule or program, or
- The rule or program is reasonably expected to have significant effects on:
- Resources, objects, or areas identified in the statewide planning goals, or
- Present or future land uses identified in acknowledge comprehensive plans

DEQ determined whether the proposed rules involve programs or actions that affect land use by reviewing its Statewide Agency Coordination plan. The plan describes the programs that DEQ determined significantly affect land use. DEQ considers that its programs specifically relate to the following statewide goals:

Goal	Title
5	Natural Resources, Scenic and Historic Areas, and Open Spaces
6	Air, Water and Land Resources Quality
11	Public Facilities and Services
16	Estuarine Resources
19	Ocean Resources

Statewide goals also specifically reference the following DEQ programs:

- Nonpoint source discharge water quality program – Goal 16
- Water quality and sewage disposal systems – Goal 16
- Water quality permits and oil spill regulations – Goal 19

Determination

DEQ determined that these proposed rules do not affect land use under OAR 340-018-0030 or DEQ's State Agency Coordination Program.

DEQ's proposed rules align Oregon Administrative Rules with current federal regulations. While the programs and actions under OAR 340-018-0030(1)(c) and (d) will be impacted by these rule updates, none of the underlying processes or procedures for reviewing and approving them in compliance with the State Agency Coordination Program or Division 18 are proposed to change.

EQC prior involvement

At the 430th Oregon Environmental Quality Commission meeting on Jan. 24, 2024, the Environmental Quality Commission authorized delegation to Director Leah Feldon for the air quality rules to address federal regulations rulemaking.

Advisory committee

DEQ did not convene an advisory committee because Oregon is adopting the proposed rules to align with existing federal standards.

Public engagement

Public notice

DEQ provided notice of the proposed rulemaking and rulemaking hearing by:

- On June 12, 2025, filing notice with the Oregon Secretary of State for publication in the July 2025 Oregon Bulletin
- Notifying the EPA by mail
- Posting the notice, invitation to comment and draft rules on DEQ's rulemaking web page
- Emailing approximately 21,609 interested parties on the following DEQ lists through GovDelivery:
    - Rulemaking
    - DEQ Public Notices
    - Air Quality Permits
    - NSPS/NESHAP
- Emailing the following key legislators required under ORS 183.335:
    - Senator Mark Wagner
    - Representative Julie Fahey
- Posting on the DEQ event calendar

Virtual public hearing

DEQ held one virtual public hearing. DEQ received no comments at the hearing. Later sections of this document include a summary of the one comment received during the open public comment period, DEQ's responses, and a list of the commenters. Original comments are on file with DEQ.

Presiding officers' record

Hearing

Date	Jul 15, 2025
Place	virtual
Start Time	4 p.m.
End Time	4:49 p.m.
Presiding Officer	Hillarie Sales

Presiding officer:

The presiding officer convened the hearing, summarized procedures for the hearing, and explained that DEQ was recording the hearing. The presiding officer asked people who wanted to present verbal comments to sign the registration list, or if attending by phone, to indicate their intent to present comments. The presiding officer advised all attending parties interested in receiving future information about the rulemaking to sign up for GovDelivery email notices.

No person presented any oral testimony or written comments.

Summary of public comments and DEQ responses

Public comment period

DEQ accepted public comment on the proposed rulemaking from June 12, 2025 until 4 p.m. on July 21, 2025. Original comments are on file with DEQ.

DEQ did not change the proposed rules in response to comments.

Commenter 1 of 1: Chad Darby
Maul Foster Alongi, Inc.
This commenter submitted comments related to clarifying information Oregon DEQ posted on its Federal Actions Rulemaking page. Oregon DEQ had previously posted that this rulemaking would include a topic referred to as “once in [the Title V program] always in” but after further review, Oregon DEQ determined this would not be included. Chad Darby’s call and written comment were to determine if the rule update would include this topic, which it does not. This comment led to an update to the Federal Actions Rulemaking page to remove reference to this topic.

Chad Darby’s written comment June 13,2025:

> Since the rule changes are about consistency with federal rules, I would encourage us to be consistent with the federal policy. The DEQ has the ability to add conditions to a permit (PSEL for HAPs, for instance) so that no backsliding occurs. In general, it’s good policy to reward facilities for reducing emissions to avoid some regulatory burden. I do not believe it is right to lock a facility into the Title V program.
>
> Guidance for Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act | US EPA
> This memorandum withdraws the "once in, always in" policy.

Oregon DEQ Response June 16, 2025:

> Thank you for your call and feedback. I wanted to let you know that based on your feedback we updated the Federal Actions webpage on Friday. I'm still discussing with my manager any potential communications to clarify the change.

Implementation

Notification

The proposed rules would become effective upon filing on approximately Aug 21, 2025. Tim Wollerman is the Implementation Project Manager and notified Air Quality permit writers and managers of this rulemaking at various times over the past few months.

Compliance and enforcement

None

Measuring, sampling, monitoring and reporting

None

Systems

None

Training

None

Five-year review

Requirement

Oregon law requires DEQ to review new rules within five years after EQC adopts them. The law also exempts some rules from review. DEQ determined whether the rules described in this report are subject to the five-year review. DEQ based its analysis on the law in effect when EQC adopted these rules.

Exemption from five-year rule review

The Administrative Procedures Act exempts all of the proposed rules from the five-year review because the proposed rules would:

- Amend or repeal an existing rule. ORS 183.405(4).
- Adopt a federal law or rule by reference. ORS 183.405((5)(b).

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.

Attachment A

Draft rules – edits shown

Key to Identifying Changed Text:

~~Deleted Text~~
New/inserted text

Division 200
GENERAL AIR POLLUTION PROCEDURES AND DEFINITIONS

340-200-0020
General Air Quality Definitions

As used in OAR chapter 340, divisions 200 through 268, unless specifically defined otherwise:

(1) "Act" or "FCAA" means the Federal Clean Air Act, 42 U.S.C.A. § 7401 to 7671q.

(2) "Activity" means any process, operation, action, or reaction (e.g., chemical) at a source that emits a regulated pollutant.

(3) "Actual emissions" means the mass emissions of a regulated pollutant from an emissions source during a specified time period as set forth in OAR chapter 340, divisions 214, 220 and 222.

(4) "Adjacent", as used in the definitions of major source and source and in OAR 340-216-0070, means interdependent facilities that are nearby to each other.

(5) "Affected source" means a source that includes one or more affected units that are subject to emission reduction requirements or limitations under Title IV of the FCAA.

(6) "Affected states" means all states:

(a) Whose air quality may be affected by a proposed permit, permit modification, or permit renewal and that are contiguous to Oregon; or

(b) That are within 50 miles of the permitted source.

(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 CO2e for greenhouse gases.

(8) "Air contaminant" means a dust, fume, gas, mist, odor, smoke, vapor, pollen, soot, carbon, acid, particulate matter, regulated pollutant, or any combination thereof, exclusive of uncombined water.

(9) "Air Contaminant Discharge Permit" or "ACDP" means written authorization issued, renewed, amended, or revised by DEQ, under OAR chapter 340, division 216.

(10) “Air pollution control device” or “control device” means equipment, other than inherent process equipment that is used to destroy or remove a regulated pollutant prior to discharge to the atmosphere.

(a) The types of equipment that may commonly be used as control devices include, but are not limited to, fabric filters; mechanical collectors; electrostatic precipitators; inertial separators; afterburners; thermal or catalytic incinerators; adsorption devices (e.g., carbon beds, condensers); scrubbers (e.g., wet collection and gas absorption devices); selective catalytic or non-catalytic reduction systems; flue gas recirculation systems; spray dryers; spray towers; mist eliminators at acid plants and sulfur recovery plants; injection systems (e.g., water, steam, ammonia, sorbent or limestone injection); and combustion devices independent of the particular process being conducted at an emissions unit (e.g., the destruction of emissions achieved by venting process emission streams to flares, boilers or process heaters).

(b)(A) For purposes of OAR 340-212-0200 through 340-212-0280, a control device does not include passive control measures that act to prevent regulated pollutants from forming, such as the use of seals, lids, or roofs to prevent the release of regulated pollutants, use of low-polluting fuel or feedstocks, or the use of combustion or other process design features or characteristics.

(B) If an applicable requirement establishes that particular equipment which otherwise meets this definition of a control device does not constitute a control device as applied to a particular regulated pollutant-specific emissions unit, then that definition will be binding for purposes of OAR 340-212-0200 through 340-212-0280.

(11) "Alternative method" means any method of sampling and analyzing for an air pollutant which is not a reference or equivalent method but which has been demonstrated to DEQ's satisfaction to, in specific cases, produce results adequate for determination of compliance. The alternative method must comply with the intent of the rules, is at least equivalent in objectivity and reliability to the uniform recognized procedures, and is demonstrated to be reproducible, selective, sensitive, accurate, and applicable to the program. An alternative method used to meet an applicable federal requirement for which a reference method is specified must be approved by EPA unless EPA has delegated authority for the approval to DEQ.

(12) "Ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access.

(13) "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 chapter 340, division 216, including any term or condition of any preconstruction permits issued under OAR chapter 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.

(14) “Attainment area” or “unclassified area” means an area that has not otherwise been designated by EPA as nonattainment with ambient air quality standards for a particular regulated pollutant. Attainment areas or unclassified areas may also be referred to as sustainment or maintenance areas as designated in OAR chapter 340, division 204. Any particular location may be part of an attainment area or unclassified area for one regulated pollutant while also being in a different type of designated area for another regulated pollutant.

(15) “Attainment pollutant” means a pollutant for which an area is designated an attainment or unclassified area.

(16) "Baseline emission rate" means the actual emission rate during a baseline period as determined under OAR chapter 340, division 222.

(17) "Baseline period" means the period used to determine the baseline emission rate for each regulated pollutant under OAR chapter 340, division 222.

(18) "Best Available Control Technology" or "BACT" means an emission limitation, including, but not limited to, a visible emission standard, based on the maximum degree of reduction of each air contaminant subject to regulation under the FCAA which would be emitted from any proposed major source or major modification which, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air contaminant. In no event may the application of BACT result in emissions of any air contaminant that would exceed the emissions allowed by any applicable new source performance standard or any standard for hazardous air pollutant. If an emission limitation is not feasible, a design, equipment, work practice, or operational standard, or combination thereof, may be required. Such standard must, to the degree possible, set forth the emission reduction achievable and provide for compliance by prescribing appropriate permit conditions.

(19) "Biomass" means non-fossilized and biodegradable organic material originating from plants, animals, and microorganisms, including products, byproducts, residues and waste from agriculture, forestry, and related industries as well as the non-fossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of non-fossilized and biodegradable organic matter.

(20) "Capacity" means the maximum regulated pollutant emissions from a stationary source under its physical and operational design.

(21) “Capture efficiency” means the amount of regulated pollutant collected and routed to an air pollution control device divided by the amount of total emissions generated by the process being controlled.

(22) "Capture system" means the equipment, including but not limited to hoods, ducts, fans, and booths, used to contain, capture and transport a regulated pollutant to a control device.

(23) "Carbon dioxide equivalent" or "CO2e" means an amount of a greenhouse gas or gases expressed as the equivalent amount of carbon dioxide, and is computed by multiplying the mass of each of the greenhouse gases by the global warming potential published for each gas at 40 C.F.R. part 98, subpart A, Table A–1-Global Warming Potentials, and adding the resulting value for each greenhouse gas to compute the total equivalent amount of carbon dioxide.

(24) "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.

(a) Constituents of a chemical mixture present at less than 1 percent by weight of any chemical or compound regulated under divisions 200 through 268 excluding divisions 248 and 262 of this chapter, or less than 0.1 percent by weight of any carcinogen listed in the U.S. Department of Health and Human Service's Annual Report on Carcinogens when usage of the chemical mixture is less than 100,000 pounds/year;

(b) Evaporative and tailpipe emissions from on-site motor vehicle operation;

(c) Distillate oil, kerosene, gasoline, natural gas or propane burning equipment, provided the aggregate expected actual emissions of the equipment identified as categorically insignificant do not exceed the de minimis level for any regulated pollutant, based on the expected maximum annual operation of the equipment. If a source’s expected emissions from all such equipment exceed the de minimis levels, then the source may identify a subgroup of such equipment as categorically insignificant with the remainder not categorically insignificant. The following equipment may never be included as categorically insignificant:

(A) Any individual distillate oil, kerosene or gasoline burning equipment with a rating greater than 0.4 million Btu/hour;

(B) Any individual natural gas or propane burning equipment with a rating greater than 2.0 million Btu/hour.

(d) Distillate oil, kerosene, gasoline, natural gas or propane burning equipment brought on site for six months or less for maintenance, construction or similar purposes, such as but not limited to generators, pumps, hot water pressure washers and space heaters, provided that any such equipment that performs the same function as the permanent equipment, must be operated within the source's existing PSEL;

(e) Office activities;

(f) Food service activities;

(g) Janitorial activities;

(h) Personal care activities;

(i) Groundskeeping activities including, but not limited to building painting and road and parking lot maintenance;

(j) On-site laundry activities;

(k) On-site recreation facilities;

(l) Instrument calibration;

(m) Maintenance and repair shop;

(n) Automotive repair shops or storage garages;

(o) Air cooling or ventilating equipment not designed to remove air contaminants generated by or released from associated equipment;

(p) Refrigeration systems with less than 50 pounds of charge of ozone depleting substances regulated under Title VI, including pressure tanks used in refrigeration systems but excluding any combustion equipment associated with such systems;

(q) Bench scale laboratory equipment and laboratory equipment used exclusively for chemical and physical analysis, including associated vacuum producing devices but excluding research and development facilities;

(r) Temporary construction activities;

(s) Warehouse activities;

(t) Accidental fires;

(u) Air vents from air compressors;

(v) Air purification systems;

(w) Continuous emissions monitoring vent lines;

(x) Demineralized water tanks;

(y) Pre-treatment of municipal water, including use of deionized water purification systems;

(z) Electrical charging stations;

(aa) Fire brigade training;

(bb) Instrument air dryers and distribution;

(cc) Process raw water filtration systems;

(dd) Pharmaceutical packaging;

(ee) Fire suppression;

(ff) Blueprint making;

(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;

(hh) Electric motors;

(ii) Storage tanks, reservoirs, transfer and lubricating equipment used for ASTM grade distillate or residual fuels, lubricants, and hydraulic fluids;

(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;

(kk) Natural gas, propane, and liquefied petroleum gas (LPG) storage tanks and transfer equipment;

(ll) Pressurized tanks containing gaseous compounds;

(mm) Vacuum sheet stacker vents;

(nn) Emissions from wastewater discharges to publicly owned treatment works (POTW) provided the source is authorized to discharge to the POTW, not including on-site wastewater treatment and/or holding facilities;

(oo) Log ponds;

(pp) Stormwater settling basins;

(qq) Fire suppression and training;

(rr) Paved roads and paved parking lots within an urban growth boundary;

(ss) Hazardous air pollutant emissions in fugitive dust from paved and unpaved roads except for those sources that have processes or activities that contribute to the deposition and entrainment of hazardous air pollutants from surface soils;

(tt) Health, safety, and emergency response activities;

(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;

(vv) Non-contact steam vents and leaks and safety and relief valves for boiler steam distribution systems;

(ww) Non-contact steam condensate flash tanks;

(xx) Non-contact steam vents on condensate receivers, deaerators and similar equipment;

(yy) Boiler blowdown tanks;

(zz) Industrial cooling towers that do not use chromium-based water treatment chemicals;

(aaa) Ash piles maintained in a wetted condition and associated handling systems and activities;

(bbb) Uncontrolled oil/water separators in effluent treatment systems, excluding systems with a throughput of more than 400,000 gallons per year of effluent located at the following sources:

(A) Petroleum refineries;

(B) Sources that perform petroleum refining and re-refining of lubricating oils and greases including asphalt production by distillation and the reprocessing of oils and/or solvents for fuels; or

(C) Bulk gasoline plants, bulk gasoline terminals, and pipeline facilities;

(ccc) Combustion source flame safety purging on startup;

(ddd) Broke beaters, pulp and repulping tanks, stock chests and pulp handling equipment, excluding thickening equipment and repulpers;

(eee) Stock cleaning and pressurized pulp washing, excluding open stock washing systems; and

(fff) White water storage tanks.

(25) "Certifying individual" means the responsible person or official authorized by the owner or operator of a source who certifies the accuracy of the emission statement.

(26) "Class I area" or “PSD Class I area” means any Federal, State or Indian reservation land which is classified or reclassified as a Class I area under OAR 340-204-0050 and 340-204-0060.

(27) “Class II area” or “PSD Class II area’ means any land which is classified or reclassified as a Class II area under OAR 340-204-0050 and 340-204-0060.

(28) “Class III area” or “PSD Class III area’ means any land which is reclassified as a Class III area under OAR 340-204-0060.

(29) "Commence" or "commencement" means that the owner or operator has obtained all necessary preconstruction approvals required by the FCAA and either has:

(a) Begun, or caused to begin, a continuous program of actual on-site construction of the source to be completed in a reasonable time; or

(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.

(30) "Commission" or "EQC" means Environmental Quality Commission.

(31) "Constant process rate" means the average variation in process rate for the calendar year is not greater than plus or minus ten percent of the average process rate.

(32) "Construction":

(a) Except as provided in subsection (b) means any physical change including, but not limited to, fabrication, erection, installation, demolition, replacement, or modification of a source or part of a source;

(b) As used in OAR chapter 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.

(33) "Continuous compliance determination method" means a method, specified by the applicable standard or an applicable permit condition, which:

(a) Is used to determine compliance with an emission limitation or standard on a continuous basis, consistent with the averaging period established for the emission limitation or standard; and

(b) Provides data either in units of the standard or correlated directly with the compliance limit.

(34) "Continuous monitoring systems" means sampling and analysis, in a timed sequence, using techniques which will adequately reflect actual emissions or concentrations on a continuing basis as specified in the DEQ Continuous Monitoring Manual, found in OAR 340-200-0035, and includes continuous emission monitoring systems, continuous opacity monitoring system (COMS) and continuous parameter monitoring systems.

(35) “Control efficiency” means the product of the capture and removal efficiencies.

(36) "Criteria pollutant" means any of the following regulated pollutants: nitrogen oxides, volatile organic compounds, particulate matter, PM10, PM2.5, sulfur dioxide, carbon monoxide, and lead.

(37) "Data" means the results of any type of monitoring or method, including the results of instrumental or non-instrumental monitoring, emission calculations, manual sampling procedures, recordkeeping procedures, or any other form of information collection procedure used in connection with any type of monitoring or method.

(38) “Day” means a 24-hour period beginning at 12:00 a.m. midnight or a 24-hour period as specified in a permit.

(39) "De minimis emission level" means the level for the regulated pollutants listed below:

(a) Greenhouse Gases (CO2e) = 2,756 tons per year.

(b) CO = 1 ton per year.

(c) NOx = 1 ton per year.

(d) SO2 = 1 ton per year.

(e) VOC = 1 ton per year.

(f) PM = 1 ton per year.

(g) PM10 (except Medford AQMA) = 1 ton per year.

(h) PM10 (Medford AQMA) = 0.5 ton per year and 5.0 pounds/day.

(i) Direct PM2.5 = 1 ton per year.

(j) Lead = 0.1 ton per year.

(k) Fluorides = 0.3 ton per year.

(l) Sulfuric Acid Mist = 0.7 ton per year.

(m) Hydrogen Sulfide = 1 ton per year.

(n) Total Reduced Sulfur (including hydrogen sulfide) = 1 ton per year.

(o) Reduced Sulfur = 1 ton per year.

(p) Municipal waste combustor organics (dioxin and furans) = 0.0000005 ton per year.

(q) Municipal waste combustor metals = 1 ton per year.

(r) Municipal waste combustor acid gases = 1 ton per year.

(s) Municipal solid waste landfill gases (measured as nonmethane organic compounds) = 1 ton per year

(t) Single HAP = 1 ton per year

(u) Combined HAP (aggregate) = 1 ton per year

(40) "Department" or “DEQ”:

(a) Means Department of Environmental Quality; except

(b) As used in OAR chapter 340, divisions 218 and 220 means Department of Environmental Quality, or in the case of Lane County, LRAPA.

(41) “DEQ method [#]” means the sampling method and protocols for measuring a regulated pollutant as described in the DEQ Source Sampling Manual, found in OAR 340-200-0035.

(42) “Designated area” means an area that has been designated as an attainment, unclassified, sustainment, nonattainment, reattainment, or maintenance area under OAR chapter 340, division 204 or applicable provisions of the FCAA.

(43) “Destruction efficiency” means removal efficiency.

(44) "Device" means any machine, equipment, raw material, product, or byproduct at a source that produces or emits a regulated pollutant.

(45) "Direct PM2.5" has the meaning provided in the definition of PM2.5.

(46) "Director" means the Director of DEQ or the Director's designee.

(47) "Draft permit" means the version of an Oregon Title V Operating Permit for which DEQ or LRAPA offers public participation under OAR 340-218-0210 or the EPA and affected State review under 340-218-0230.

(48) "Dry standard cubic foot" means the amount of gas that would occupy a volume of one cubic foot, if the gas were free of uncombined water at standard conditions.

(49) "Effective date of the program" means the date that the EPA approves the Oregon Title V Operating Permit program submitted by DEQ on a full or interim basis. In case of a partial approval, the "effective date of the program" for each portion of the program is the date of the EPA approval of that portion.

(50) "Emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the owner or operator, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency does not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

(51) "Emission" means a release into the atmosphere of any regulated pollutant or any air contaminant.

(52) "Emission estimate adjustment factor" or "EEAF" means an adjustment applied to an emission factor to account for the relative inaccuracy of the emission factor.

(53) "Emission factor" means an estimate of the rate at which a regulated pollutant is released into the atmosphere, as the result of some activity, divided by the rate of that activity (e.g., production or process rate).

(54) "Emission(s) limitation," “emission(s) limit,” "emission(s) standard or “emission(s) limitation or standard” means:

(a) Except as provided in subsection (b), a requirement established by a state, local government, or EPA rule; a permit condition or order, which limits the quantity, rate, or

concentration of emissions of regulated pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

(b) As used in OAR 340-212-0200 through 340-212-0280, any applicable requirement that constitutes an emission(s) limit, emission(s) limitation, emission(s) standard, standard of performance or means of emission(s) limitation as defined under the FCAA. An emission limitation or standard may be expressed in terms of the pollutant, expressed either as a specific quantity, rate or concentration of emissions, e.g., pounds of SO2 per hour, pounds of SO2 per million British thermal units of fuel input, kilograms of VOC per liter of applied coating solids, or parts per million by volume of SO2, or as the relationship of uncontrolled to controlled emissions, e.g., percentage capture and destruction efficiency of VOC or percentage reduction of SO2. An emission limitation or standard may also be expressed either as a work practice, process or control device parameter, or other form of specific design, equipment, operational, or operation and maintenance requirement. For purposes of 340-212-0200 through 340-212-0280, an emission limitation or standard does not include general operation requirements that an owner or operator may be required to meet, such as requirements to obtain a permit, operate and maintain sources using good air pollution control practices, develop and maintain a malfunction abatement plan, keep records, submit reports, or conduct monitoring.

(55) "Emission reduction credit banking" means to presently reserve, subject to requirements of OAR chapter 340, division 268, Emission Reduction Credits, emission reductions for use by the reserver or assignee for future compliance with air pollution reduction requirements.

(56) "Emission reporting form" means a paper or electronic form developed by DEQ that must be completed by the permittee to report calculated emissions, actual emissions, or permitted emissions for interim emission fee assessment purposes.

(57) "Emissions unit" means any part or activity of a source that emits or has the potential to emit any regulated pollutant.

(a) A part of a source is any machine, equipment, raw material, product, or byproduct that produces or emits regulated pollutants. An activity is any process, operation, action, or reaction, e.g., chemical, at a stationary source that emits regulated pollutants. Except as described in subsection (d), parts and activities may be grouped for purposes of defining an emissions unit if the following conditions are met:

(A) The group used to define the emissions unit may not include discrete parts or activities to which a distinct emissions standard applies or for which different compliance demonstration requirements apply; and

(B) The emissions from the emissions unit are quantifiable.

(b) Emissions units may be defined on a regulated pollutant by regulated pollutant basis where applicable.

(c) The term emissions unit is not meant to alter or affect the definition of the term "unit" under Title IV of the FCAA.

(d) Parts and activities cannot be grouped for determining emissions increases from an emissions unit under OAR chapter 340, divisions 210 and 224, or for determining the applicability of any New Source Performance Standard.

(58) "EPA" or "Administrator" means the Administrator of the United States Environmental Protection Agency or the Administrator's designee.

(59) "EPA Method 9" means the method for Visual Determination of the Opacity of Emissions From Stationary Sources described in 40 C.F.R. part 60, Appendix A–4.

(60) "Equivalent method" means any method of sampling and analyzing for a regulated pollutant that has been demonstrated to DEQ's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions. An equivalent method used to meet an applicable federal requirement for which a reference method is specified must be approved by EPA unless EPA has delegated authority for the approval to DEQ.

(61) "Event" means excess emissions that arise from the same condition and occur during a single calendar day or continue into subsequent calendar days.

(62) "Exceedance" means a condition that is detected by monitoring that provides data in terms of an emission limitation or standard and that indicates that emissions, or opacity, are greater than the applicable emission limitation or standard, or less than the applicable standard in the case of a percent reduction requirement, consistent with any averaging period specified for averaging the results of the monitoring.

(63) "Excess emissions" means emissions in excess of an emission limit, or a risk limit under OAR chapter 340, division 245, contained in an applicable requirement, a permit or permit attachment limit; or emissions in violation of any applicable air quality rule.

(64) "Excursion" means a departure from an indicator range established for monitoring under OAR 340-212-0200 through 340-212-0280 and 340-218-0050(3)(a), consistent with any averaging period specified for averaging the results of the monitoring.

(65) "Federal Land Manager" means with respect to any lands in the United States, the Secretary of the federal department with authority over such lands.

(66) "Federal Major Source" means any source listed in subsections (a) or (d) below:

(a) A source with potential to emit:

(A) 100 tons per year or more of any individual regulated pollutant, excluding greenhouse gases and hazardous air pollutants listed in OAR chapter 340, division 244 if in a source category listed in subsection (c), or

(B) 250 tons per year or more of any individual regulated pollutant, excluding greenhouse gases and hazardous air pollutants listed in OAR chapter 340, division 244, if not in a source category listed in subsection (c).

(b) Calculations for determining a source’s potential to emit for purposes of subsections (a) and (d) must include the following:

(A) Fugitive emissions and insignificant activity emissions; and

(B) Increases or decreases due to a new or modified source.

(c) Source categories:

(A) Fossil fuel-fired steam electric plants of more than 250 million BTU/hour heat input;

(B) Coal cleaning plants with thermal dryer(C) Kraft pulp mills;

(D) Portland cement plants;

(E) Primary zinc smelters;

(F) Iron and steel mill plants;

(G) Primary aluminum ore reduction plants;

(H) Primary copper smelters;

(I) Municipal incinerators capable of charging more than 50 tons of refuse per day;

(J) Hydrofluoric acid plants;

(K) Sulfuric acid plants;

(L) Nitric acid plants;

(M) Petroleum refineries;

(N) Lime plants;

(O) Phosphate rock processing plants;

(P) Coke oven batteries;

(Q) Sulfur recovery plants;

(R) Carbon black plants, furnace process;

(S) Primary lead smelters;

(T) Fuel conversion plants;

(U) Sintering plants;

(V) Secondary metal production plants;

(W) Chemical process plants, excluding ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;

(X) Fossil fuel fired boilers, or combinations thereof, totaling more than 250 million BTU per hour heat input;

(Y) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(Z) Taconite ore processing plants;

(AA) Glass fiber processing plants;

(BB) Charcoal production plants.

(d) A major stationary source as defined in part D of Title I of the FCAA, including:

(A) For ozone nonattainment areas, sources with the potential to emit 100 tons per year or more of VOCs or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tons per year or more in areas classified as "serious," 25 tons per year or more in areas classified as "severe," and 10 tons per year or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25, and 10 tons per year of nitrogen oxides do not apply with respect to any source for which the Administrator has made a finding, under section 182(f)(1) or (2) of the FCAA, that requirements under section 182(f) of the FCAA do not apply;

(B) For ozone transport regions established under section 184 of the FCAA, sources with the potential to emit 50 tons per year or more of VOCs;

(C) For carbon monoxide nonattainment areas that are classified as "serious" and in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator, sources with the potential to emit 50 tons per year or more of carbon monoxide.

(D) For PM10 nonattainment areas classified as "serious," sources with the potential to emit 70 tons per year or more of PM10.

(67) "Final permit" means the version of an Oregon Title V Operating Permit issued by DEQ or LRAPA that has completed all review procedures required by OAR 340-218-0120 through 340-218-0240.

(68) "Form" means a paper or electronic form developed by DEQ.

(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.

(70) "Fugitive emissions":

(a) Except as used in subsection (b), means emissions of any air contaminant which escape to the atmosphere from any point or area that is not identifiable as a stack, vent, duct, or equivalent opening.

(b) As used to define a major Oregon Title V Operating Permit program source, means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(71) "General permit":

(a) Except as provided in subsection (b), means an Oregon Air Contaminant Discharge Permit established under OAR 340-216-0060;

(b) As used in OAR chapter 340, division 218 means an Oregon Title V Operating Permit established under OAR 340-218-0090.

(72)(a) "Greenhouse gases" or "GHGs" means the aggregate group of carbon dioxide (CO2), methane (CH4), nitrous oxide (N20), sulfur hexafluoride (SF6), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and other fluorinated greenhouse gases or fluorinated GHG as defined in 40 C.F.R. part 98.

(b) The definition of greenhouse gases in subsection (a) of this section does not include, for purposes of division 216, 218, and 224, carbon dioxide emissions from the combustion or decomposition of biomass except to the extent required by federal law.

(73) "Growth allowance" means an allocation of some part of an airshed's capacity to accommodate future proposed sources and modifications of sources.

(74) "Hardboard" means a flat panel made from wood that has been reduced to basic wood fibers and bonded by adhesive properties under pressure.

(75) “Hazardous Air Pollutant” or “HAP” means an air contaminant listed by the EPA under section 112(b) of the FCAA or determined by the EQC to cause, or reasonably be anticipated to cause, adverse effects to human health or the environment.

(76) "Immediately" means as soon as possible but in no case more than one hour after a source knew or should have known of an excess emission period.

(77) "Indian governing body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(78) "Indian reservation" means any federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

(79) "Inherent process equipment" means equipment that is necessary for the proper or safe functioning of the process, or material recovery equipment that the owner or operator documents is installed and operated primarily for purposes other than compliance with air pollution regulations. Equipment that must be operated at an efficiency higher than that achieved during normal process operations in order to comply with the applicable emission limitation or standard is not inherent process equipment. For the purposes of OAR 340-212-0200 through 340-212-0280, inherent process equipment is not considered a control device.

(80) "Insignificant activity" means an activity or emission that DEQ has designated as categorically insignificant, or that meets the criteria of aggregate insignificant emissions.

(81) "Insignificant change" means an off-permit change defined under OAR 340-218-0140(2)(a) to either a significant or an insignificant activity which:

(a) Does not result in a re-designation from an insignificant to a significant activity;

(b) Does not invoke an applicable requirement not included in the permit; and

(c) Does not result in emission of regulated pollutants not regulated by the source's permit.

(82) “Internal combustion engine” means stationary gas turbines and reciprocating internal combustion engines.

(83) "Late payment" means a fee payment which is received after the due date.

(84) "Liquefied petroleum gas" has the meaning given by the American Society for Testing and Materials in ASTM D1835-82, "Standard Specification for Liquid Petroleum Gases."

(85) "Lowest Achievable Emission Rate" or "LAER" means that rate of emissions which reflects: the most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable; or the most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent. The application of this term cannot permit a proposed new or modified source to emit any air contaminant in excess of the amount allowable under applicable New Source Performance Standards (NSPS) or standards for hazardous air pollutants.

(86) "Maintenance area" means any area that was formerly nonattainment for a criteria pollutant but has since met the ambient air quality standard, and EPA has approved a maintenance plan to comply with the standards under 40 C.F.R. 51.110. Maintenance areas are designated by the EQC according to division 204.

(87) "Maintenance pollutant" means a regulated pollutant for which a maintenance area was formerly designated a nonattainment area.

(88) "Major Modification" means any physical change or change in the method of operation of a source that results in satisfying the requirements of OAR 340-224-0025.

(89) “Major New Source Review” or “Major NSR” means the new source review process and requirements under OAR 340-224-0010 through 340-224-0070 and 340-224-0500 through 340-224-0540 based on the location and regulated pollutants emitted.

(90) "Major source":

(a) Except as provided in subsection (b) of this section, means a source that emits, or has the potential to emit, any regulated air pollutant at a Significant Emission Rate. The fugitive emissions and insignificant activity emissions of a stationary source are considered in determining whether it is a major source. Potential to emit calculations must include emission increases due to a new or modified source and may include emission decreases.

(b) As used in OAR chapter 340, division 210, Stationary Source Notification Requirements; Compliance Assurance Monitoring, OAR 340-212-0200 through 340-212-0280; OAR 340-216-0066, Standard ACDPs; OAR chapter 340, division 218, Oregon Title V Operating Permits; OAR chapter 340, division 220, Oregon Title V Operating Permit Fees; 340-216-0066, Standard ACDPs, and OAR chapter 340, division 236, Emission Standards for Specific Industries; means

any stationary source or any group of stationary sources that are located on one or more contiguous or adjacent properties and are under common control of the same person or persons under common control belonging to a single major industrial grouping or supporting the major industrial group and that is described in paragraphs (A), (B), or (C). For the purposes of this subsection, a stationary source or group of stationary sources is considered part of a single industrial grouping if all of the regulated pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same major group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual (U.S. Office of Management and Budget, 1987) or support the major industrial group.

(A) A major source of hazardous air pollutants, which means:

(i) For hazardous air pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons per year or more of any hazardous air pollutants that has been listed under OAR 340-244-0040; 25 tons per year or more of any combination of such hazardous air pollutants, or such lesser quantity as the Administrator may establish by rule. Emissions from any oil or gas exploration or production well, along with its associated equipment, and emissions from any pipeline compressor or pump station will not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or

(ii) For radionuclides, "major source" will have the meaning specified by the Administrator by rule.

(B) A major stationary source of regulated pollutants, as defined in section 302 of the FCAA, that directly emits or has the potential to emit 100 tons per year or more of any regulated pollutant, except greenhouse gases, including any major source of fugitive emissions of any such regulated pollutant. The fugitive emissions of a stationary source are not considered in determining whether it is a major stationary source for the purposes of section 302(j) of the FCAA, unless the source belongs to one of the following categories of stationary sources:

(i) Coal cleaning plants (with thermal dryers);

(ii) Kraft pulp mills;

(iii) Portland cement plants;

(iv) Primary zinc smelters;

(v) Iron and steel mills;

(vi) Primary aluminum ore reduction plants;

(vii) Primary copper smelters;

(viii) Municipal incinerators capable of charging more than 50 tons of refuse per day;

(ix) Hydrofluoric, sulfuric, or nitric acid plants;

(x) Petroleum refineries;

(xi) Lime plants;

(xii) Phosphate rock processing plants;

(xiii) Coke oven batteries;

(xiv) Sulfur recovery plants;

(xv) Carbon black plants (furnace process);

(xvi) Primary lead smelters;

(xvii) Fuel conversion plants;

(xviii) Sintering plants;

(xix) Secondary metal production plants;

(xx) Chemical process plants, excluding ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;

(xxi) Fossil-fuel boilers, or combination thereof, totaling more than 250 million British thermal units per hour heat input;

(xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(xxiii) Taconite ore processing plants;

(xxiv) Glass fiber processing plants;

(xxv) Charcoal production plants;

(xxvi) Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or

(xxvii) Any other stationary source category, that as of August 7, 1980 is being regulated under section 111 or 112 of the FCAA.

(C) From July 1, 2011 through November 6, 2014, a major stationary source of regulated pollutants, as defined by Section 302 of the FCAA, that directly emits or has the potential to emit 100 tons per year or more of greenhouse gases and directly emits or has the potential to emit 100,000 tons per year or more CO2e, including fugitive emissions.

(91) "Material balance" means a procedure for determining emissions based on the difference in the amount of material added to a process and the amount consumed and/or recovered from a process.

(92) "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.

(93) "Monitoring" means any form of collecting data on a routine basis to determine or otherwise assess compliance with emission limitations or standards. Monitoring may include record keeping if the records are used to determine or assess compliance with an emission limitation or standard such as records of raw material content and usage, or records documenting compliance with work practice requirements. Monitoring may include conducting compliance method tests, such as the procedures in appendix A to 40 C.F.R. part 60, on a routine periodic basis. Requirements to conduct such tests on a one-time basis, or at such times as a regulatory authority may require on a non-regular basis, are not considered monitoring requirements for purposes of this definition. Monitoring may include one or more than one of the following data collection techniques as appropriate for a particular circumstance:

(a) Continuous emission or opacity monitoring systems.

(b) Continuous process, capture system, control device or other relevant parameter monitoring systems or procedures, including a predictive emission monitoring system.

(c) Emission estimation and calculation procedures (e.g., mass balance or stoichiometric calculations).

(d) Maintaining and analyzing records of fuel or raw materials usage.

(e) Recording results of a program or protocol to conduct specific operation and maintenance procedures.

(f) Verifying emissions, process parameters, capture system parameters, or control device parameters using portable or in situ measurement devices.

(g) Visible emission observations and recording.

(h) Any other form of measuring, recording, or verifying on a routine basis emissions, process parameters, capture system parameters, control device parameters or other factors relevant to assessing compliance with emission limitations or standards.

(94) "Natural gas" means a naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in geologic formations beneath the earth's surface, of which the principal component is methane.

(95) "Netting basis" means an emission rate determined as specified in OAR 340-222-0046.

(96) "Nitrogen oxides" or "NOx" means all oxides of nitrogen except nitrous oxide.

(97) "Nonattainment area" means a geographical area of the state, as designated by the EQC or the EPA, that exceeds any state or federal primary or secondary ambient air quality standard. Nonattainment areas are designated by the EQC according to division 204.

(98) "Nonattainment pollutant" means a regulated pollutant for which an area is designated a nonattainment area. Nonattainment areas are designated by the EQC according to division 204.

(99) "Normal source operation" means operation that does not include such conditions as forced fuel substitution, equipment malfunction, or highly abnormal market conditions.

(100) "Odor" means that property of an air contaminant that affects the sense of smell.

(101) "Offset" means an equivalent or greater emission reduction that is required before allowing an emission increase from a source that is subject to Major NSR or State NSR.

(102) "Opacity" means the degree to which emissions, excluding uncombined water, reduce the transmission of light and obscure the view of an object in the background as measured by EPA Method 9 or other method, as specified in each applicable rule.

(103) "Oregon Title V Operating Permit" or “Title V permit” means written authorization issued, renewed, amended, or revised under OAR chapter 340, division 218.

(104) "Oregon Title V Operating Permit program" or “Title V program” means the Oregon program described in OAR chapter 340, division 218 and approved by the Administrator under 40 C.F.R. part 70.

(105) "Oregon Title V Operating Permit program source" or “Title V source” means any source subject to the permitting requirements, OAR chapter 340, division 218.

(106) "Ozone precursor" means nitrogen oxides and volatile organic compounds.

(107) "Ozone season" means the contiguous 3 month period during which ozone exceedances typically occur, i.e., June, July, and August.

(108) "Particleboard" means matformed flat panels consisting of wood particles bonded together with synthetic resin or other suitable binder.

(109) "Particulate matter":

(a) Except as provided in subsection (b) of this section, means all finely divided solid and liquid material, other than uncombined water, that is emitted to the ambient air as measured by the test method specified in each applicable rule, or where not specified by rule, in the permit.

(b) As used in OAR chapter 340, division 208, Visible Emissions and Nuisance Requirements, means all finely divided solid material, including dust, and all finely divided liquid material, other than uncombined water, that is emitted to the ambient air.

(110) "Permit" means an Air Contaminant Discharge Permit or an Oregon Title V Operating Permit, permit attachment and any amendments or modifications thereof.

(111) "Permit modification" means a permit revision that meets the applicable requirements of OAR chapter 340, division 216, OAR chapter 340, division 224, or OAR 340-218-0160 through 340-218-0180.

(112) "Permit revision" means any permit modification or administrative permit amendment.

(113) "Permitted emissions" as used in OAR chapter 340, division 220 means each regulated pollutant portion of the PSEL, as identified in an ACDP, Oregon Title V Operating Permit, review report, or by DEQ under OAR 340-220-0090.

(114) "Permittee" means the owner or operator of a source, authorized to emit regulated pollutants under an ACDP or Oregon Title V Operating Permit.

(115) "Person" means individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the State of Oregon and any agencies thereof, and the federal government and any agencies thereof.

(116) "Plant Site Emission Limit" or "PSEL" means the total mass emissions per unit time of an individual regulated pollutant specified in a permit for a source. The PSEL for a major source may consist of more than one permitted emission for purposes of Oregon Title V Operating Permit Fees in OAR chapter 340, division 220.

(117) “Plywood" means a flat panel built generally of an odd number of thin sheets of veneers of wood in which the grain direction of each ply or layer is at right angles to the one adjacent to it.

(118) "PM10":

(a) When used in the context of emissions, means finely divided solid or liquid material, including condensable particulate, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal 10 micrometers, emitted to the ambient air as measured by the test method specified in each applicable rule or, where not specified by rule, in each individual permit;

(b) When used in the context of ambient concentration, means airborne finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured under 40 C.F.R. part 50, Appendix J or an equivalent method designated under 40 C.F.R. part 53.

(119) "PM2.5":

(a) When used in the context of direct PM2.5 emissions, means finely divided solid or liquid material, including condensable particulate, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers, emitted to the ambient air as measured by the test method specified in each applicable rule or, where not specified by rule, in each individual permit.

(b) When used in the context of PM2.5 precursor emissions, means sulfur dioxide (SO2) and nitrogen oxides (NOx) emitted to the ambient air as measured by the test method specified in each applicable rule or, where not specified by rule, in each individual permit.

(c) When used in the context of ambient concentration, means airborne finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured under 40 C.F.R. part 50, Appendix L, or an equivalent method designated under 40 C.F.R. part 53.

(120) "PM2.5 fraction" means the fraction of PM2.5 in relation to PM10 for each emissions unit that is included in the netting basis and PSEL.

(121) "Pollutant-specific emissions unit" means an emissions unit considered separately with respect to each regulated pollutant.

(122) “Portable” means designed and capable of being carried or moved from one location to another. Indicia of portability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

(123) "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 U.S. EPA 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.

(124) "ppm" means parts per million by volume unless otherwise specified in the applicable rule or an individual permit. It is a dimensionless unit of measurement for gases that expresses the ratio of the volume of one component gas to the volume of the entire sample mixture of gases.

(125) "Predictive emission monitoring system” or “PEMS" means a system that uses process and other parameters as inputs to a computer program or other data reduction system to produce values in terms of the applicable emission limitation or standard.

(126) "Press/cooling vent" means any opening through which particulate and gaseous emissions from plywood, particleboard, or hardboard manufacturing are exhausted, either by natural draft or powered fan, from the building housing the process. Such openings are generally located immediately above the board press, board unloader, or board cooling area.

(127) "Process upset" means a failure or malfunction of a production process or system to operate in a normal and usual manner.

(128) "Proposed permit" means the version of an Oregon Title V Operating Permit that DEQ or LRAPA proposes to issue and forwards to the Administrator for review in compliance with OAR 340-218-0230.

(129) “Reattainment area” means an area that is designated as nonattainment and has three consecutive years of monitoring data that shows the area is meeting the ambient air quality standard for the regulated pollutant for which the area was designated a nonattainment area, but a formal redesignation by EPA has not yet been approved. Reattainment areas are designated by the EQC according to division 204.

(130) “Reattainment pollutant” means a regulated pollutant for which an area is designated a reattainment area.

(131) "Reference method" means any method of sampling and analyzing for a regulated pollutant as specified in 40 C.F.R. part 52, 60, 61 or 63.

(132) "Regional agency" means Lane Regional Air Protection Agency.

(133) "Regulated air pollutant" or "Regulated pollutant":

(a) Except as provided in subsections (b), (c) and (d), means:

(A) Nitrogen oxides or any VOCs;

(B) Any pollutant for which an ambient air quality standard has been promulgated, including any precursors to such pollutants;

(C) Any pollutant that is subject to any standard promulgated under section 111 of the FCAA;

(D) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the FCAA;

(E) Any pollutant listed under OAR 340-244-0040 or 40 C.F.R. 68.130;

(F) Greenhouse gases; and

(G) Toxic Air Contaminants.

(b) As used in OAR chapter 340, division 220, Oregon Title V Operating Permit Fees, regulated pollutant means particulate matter, volatile organic compounds, oxides of nitrogen and sulfur dioxide.

(c) As used in OAR chapter 340, division 222, Plant Site Emission Limits and division 224, New Source Review, regulated pollutant does not include any pollutant listed in OAR chapter 340, divisions 246 or 247.

(d) As used in OAR chapter 340, division 202, Ambient Air Quality Standards And PSD Increments through division 208, Visible Emissions and Nuisance Requirements; division 215, Greenhouse Reporting Requirements; division 222, Stationary Source Plant Site Emission Limits through division 244, Oregon Federal Hazardous Air Pollutant Program; and division 248, Asbestos Requirements through division 268, Emission Reduction Credits; regulated pollutant means only the air contaminants listed under paragraphs (a)(A) through (F).

(134) “Removal efficiency” means the performance of an air pollution control device in terms of the ratio of the amount of the regulated pollutant removed from the airstream to the total amount of regulated pollutant that enters the air pollution control device.

(135) "Renewal" means the process by which a permit is reissued at the end of its term.

(136) "Responsible official" means one of the following:

(a) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(A) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars); or

(B) The delegation of authority to such representative is approved in advance by DEQ or LRAPA.

(b) For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

(c) For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this division, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of EPA (e.g., a Regional Administrator of the EPA); or

(d) For affected sources:

(A) The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the FCAA or the regulations promulgated there under are concerned; and

(B) The designated representative for any other purposes under the Oregon Title V Operating Permit program.

(137) "Secondary emissions" means emissions that are a result of the construction and/or operation of a source or modification, but that do not come from the source itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the source associated with the secondary emissions. Secondary emissions may include, but are not limited to:

(a) Emissions from ships and trains coming to or from a facility;

(b) Emissions from off-site support facilities that would be constructed or would otherwise increase emissions as a result of the construction or modification of a source.

(138) "Section 111" means section 111 of the FCAA, 42 U.S.C. § 7411, which includes Standards of Performance for New Stationary Sources (NSPS).

(139) "Section 111(d)" means subsection 111(d) of the FCAA, 42 U.S.C. § 7411(d), which requires states to submit to the EPA plans that establish standards of performance for existing sources and provides for implementing and enforcing such standards.

(140) "Section 112" means section 112 of the FCAA, 42 U.S.C. § 7412, which contains regulations for Hazardous Air Pollutants.

(141) "Section 112(b)" means subsection 112(b) of the FCAA, 42 U.S.C. § 7412(b), which includes the list of hazardous air pollutants to be regulated.

(142) "Section 112(d)" means subsection 112(d) of the FCAA, 42 U.S.C. § 7412(d), which directs the EPA to establish emission standards for sources of hazardous air pollutants. This section also defines the criteria to be used by the EPA when establishing the emission standards.

(143) "Section 112(e)" means subsection 112(e) of the FCAA, 42 U.S.C. § 7412(e), which directs the EPA to establish and promulgate emissions standards for categories and subcategories of sources that emit hazardous air pollutants.

(144) "Section 112(r)(7)" means subsection 112(r)(7) of the FCAA, 42 U.S.C. § 7412(r)(7), which requires the EPA to promulgate regulations for the prevention of accidental releases and requires owners or operators to prepare risk management plans.

(145) "Section 114(a)(3)" means subsection 114(a)(3) of the FCAA, 42 U.S.C. § 7414(a)(3), which requires enhanced monitoring and submission of compliance certifications for major sources.

(146) "Section 129" means section 129 of the FCAA, 42 U.S.C. § 7429, which requires the EPA to establish emission standards and other requirements for solid waste incineration units.

(147) "Section 129(e)" means subsection 129(e) of the FCAA, 42 U.S.C. § 7429(e), which requires solid waste incineration units to obtain Oregon Title V Operating Permits.

(148) "Section 182(f)" means subsection 182(f) of the FCAA, 42 U.S.C. § 7511a(f), which requires states to include plan provisions in the SIP for NOx in ozone nonattainment areas.

(149) "Section 182(f)(1)" means subsection 182(f)(1) of the FCAA, 42 U.S.C. § 7511a(f)(1), which requires states to apply those plan provisions developed for major VOC sources and major NOx sources in ozone nonattainment areas.

(150) "Section 183(e)" means subsection 183(e) of the FCAA, 42 U.S.C. § 7511b(e), which requires the EPA to study and develop regulations for the control of certain VOC sources under federal ozone measures.

(151) "Section 183(f)" means subsection 183(f) of the FCAA, 42 U.S.C. § 7511b(f), which requires the EPA to develop regulations pertaining to tank vessels under federal ozone measures.

(152) "Section 184" means section 184 of the FCAA, 42 U.S.C. § 7511c, which contains regulations for the control of interstate ozone air pollution.

(153) "Section 302" means section 302 of the FCAA, 42 U.S.C. § 7602, which contains definitions for general and administrative purposes in the FCAA.

(154) "Section 302(j)" means subsection 302(j) of the FCAA, 42 U.S.C. § 7602(j), which contains definitions of "major stationary source" and "major emitting facility."

(155) "Section 328" means section 328 of the FCAA, 42 U.S.C. § 7627, which contains regulations for air pollution from outer continental shelf activities.

(156) "Section 408(a)" means subsection 408(a) of the FCAA, 42 U.S.C. § 7651g(a), which contains regulations for the Title IV permit program.

(157) "Section 502(b)(10) change" means a change which contravenes an express permit term but is not a change that:

(a) Would violate applicable requirements;

(b) Would contravene federally enforceable permit terms and conditions that are monitoring, recordkeeping, reporting, or compliance certification requirements; or

(c) Is a FCAA Title I modification.

(158) "Section 504(b)" means subsection 504(b) of the FCAA, 42 U.S.C. § 7661c(b), which states that the EPA can prescribe by rule procedures and methods for determining compliance and for monitoring.

(159) "Section 504(e)" means subsection 504(e) of the FCAA, 42 U.S.C. § 761c(e), which contains regulations for permit requirements for temporary sources.

(160) "Significant emission rate" or "SER," except as provided in subsections (v) and (w), means an emission rate equal to the rates specified for the regulated pollutants below:

(a) Greenhouse gases (CO2e) = 75,000 tons per year

(b) Carbon monoxide = 100 tons per year except in a serious nonattainment area = 50 tons per year, provided DEQ has determined that stationary sources contribute significantly to carbon monoxide levels in that area.

(c) Nitrogen oxides (NOX) = 40 tons per year.

(d) Particulate matter = 25 tons per year.

(e) PM10 = 15 tons per year.

(f) Direct PM2.5 = 10 tons per year.

(g) PM2.5 precursors (SO2 or NOx) = 40 tons per year.

(h) Sulfur dioxide (SO2) = 40 tons per year.

(i) Ozone precursors (VOC or NOx) = 40 tons per year except:

(~~I~~A) In a serious or severe ozone nonattainment area = 25 tons per year.

(B~~II~~) In an extreme ozone nonattainment area = any emissions increase.

(j) Lead = 0.6 tons per year.

(k) Inorganic fluoride compounds (as measured by EPA method 13A or 13B), excluding hydrogen fluoride = 3 tons per year.

(l) Sulfuric acid mist = 7 tons per year.

(m) Hydrogen sulfide = 10 tons per year.

(n) Total reduced sulfur (including hydrogen sulfide) = 10 tons per year.

(o) Reduced sulfur compounds (including hydrogen sulfide) = 10 tons per year.

(p) Municipal waste combustor organics (measured as total tetra- through octa- chlorinated dibenzo-p-dioxins and dibenzofurans) = 0.0000035 tons per year.

(q) Municipal waste combustor metals (measured as particulate matter) = 15 tons per year.

(r) Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride) = 40 tons per year.

(s) Municipal solid waste landfill emissions (measured as nonmethane organic compounds) = 50 tons per year.

(t) Ozone depleting substances in aggregate = 100 tons per year.

(u) For the Medford-Ashland Air Quality Maintenance Area, the SER for PM10 is defined as 5.0 tons per year on an annual basis and 50.0 pounds per day on a daily basis.

(v) For regulated pollutants not listed in subsections (a) through (u), the SER is zero.

(w) Any new source or modification with an emissions increase less than the rates specified above and that is located within 10 kilometers of a Class I area, and would have an impact on such area equal to or greater than 1 ug/m3 (24 hour average) is emitting at a SER. This subsection does not apply to greenhouse gas emissions.

(161) "Significant impact" means an additional ambient air quality concentration equal to or greater than the significant impact level. For sources of VOC or NOx, a source has a significant impact if it is located within the ozone impact distance defined in OAR 340 division 224.

(162) “Significant impact level” or “SIL” means the ambient air quality concentrations listed below. The threshold concentrations listed below are used for comparison against the ambient air quality standards and PSD increments established under OAR chapter 340, division 202, but do not apply for protecting air quality related values, including visibility.

(a) For Class I areas:

(A) PM2.5:

(i) Annual = 0.0~~6~~3 µg/m3.

(ii) 24-hour = 0.07 µg/m3.

(B) PM10:

~~(i)~~ 24-hour = 0.30 µg/m3.

(C) Sulfur dioxide:

(i) Annual = 0.10 µg/m3.

(ii) 24-hour = 0.20 µg/m3.

(iii) 3-hour = 1.0 µg/m3.

(D) Nitrogen dioxide: annual = 0.10 µg/m3.

(b) For Class II areas:

(A) PM2.5:

(i) Annual = 0.13 µg/m3.

(ii) 24-hour = 1.2 µg/m3.

(B) PM10:

~~(i)~~ 24-hour = 1.0 µg/m3.

(C) Sulfur dioxide:

(i) Annual = 1.0 µg/m3.

(ii) 24-hour = 5.0 µg/m3.

(iii) 3-hour =25.0 µg/m3.

(iv) 1-hour = 8.0 µg/m3.

(D) Nitrogen dioxide:

(i) Annual =1.0 µg/m3.

(ii) 1-hour = 8.0 µg/m3.

(E) Carbon monoxide:

(i) 8-hour = 0.5 mg/m3.

(ii) 1-hour = 2.0 mg/m3.

(c) For Class III areas:

(A) PM2.5:

(i) Annual = 0.13 µg/m3.

(ii) 24-hour = 1.2 µg/m3.

(B) PM10:

~~(i)~~ 24-hour = 1.0 µg/m3.

(C) Sulfur dioxide:

(i) Annual = 1.0 µg/m3.

(ii) 24-hour = 5.0 µg/m3.

(iii) 3-hour = 25.0 µg/m3.

(D) Nitrogen dioxide: annual = 1.0 µg/m3

(E) Carbon monoxide:

(i) 8-hour = 0.5 mg/m3.

(ii) 1-hour = 2.0 mg/m3.

(163) "Significant impairment" occurs when DEQ determines that visibility impairment interferes with the management, protection, preservation, or enjoyment of the visual experience within a Class I area. DEQ will make this determination on a case-by-case basis after considering the recommendations of the Federal Land Manager and the geographic extent, intensity, duration, frequency, and time of visibility impairment. These factors will be considered along with visitor use of the Class I areas, and the frequency and occurrence of natural conditions that reduce visibility.

(164) "Small scale local energy project" means:

(a) A system, mechanism or series of mechanisms located primarily in Oregon that directly or indirectly uses or enables the use of, by the owner or operator, renewable resources including, but not limited to, solar, wind, geothermal, biomass, waste heat or water resources to produce energy, including heat, electricity and substitute fuels, to meet a local community or regional energy need in this state;

(b) A system, mechanism or series of mechanisms located primarily in Oregon or providing substantial benefits to Oregon that directly or indirectly conserves energy or enables the conservation of energy by the owner or operator, including energy used in transportation;

(c) A recycling project;

(d) An alternative fuel project;

(e) An improvement that increases the production or efficiency, or extends the operating life, of a system, mechanism, series of mechanisms or project otherwise described in this section of this rule, including but not limited to restarting a dormant project;

(f) A system, mechanism or series of mechanisms installed in a facility or portions of a facility that directly or indirectly reduces the amount of energy needed for the construction and operation of the facility and that meets the sustainable building practices standard established by the State Department of Energy by rule; or

(g) A project described in subsections (a) to (f), whether or not the existing project was originally financed under ORS 470, together with any refinancing necessary to remove prior liens or encumbrances against the existing project.

(h) A project described in subsections (a) to (g) that conserves energy or produces energy by generation or by processing or collection of a renewable resource.

(165) "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.

(166) "Source category":

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

(b) As used in OAR chapter 340, division 220, Oregon Title V Operating Permit Fees, means a group of major sources that DEQ determines are using similar raw materials and have equivalent process controls and air pollution control device.

(167) "Source test" means the average of at least three test runs conducted under the DEQ Source Sampling Manual found in 340-200-0035.

(168) "Standard conditions" means a temperature of 68° Fahrenheit (20° Celsius) and a pressure of 14.7 pounds per square inch absolute (1.03 Kilograms per square centimeter).

(169) "Startup" and "shutdown" means that time during which a source or control device is brought into normal operation or normal operation is terminated, respectively.

(170) "State Implementation Plan" or "SIP" means the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040 and approved by EPA.

(171) “State New Source Review” or “State NSR” means the new source review process and requirements under OAR 340-224-0010 through 340-224-0038, 340-224-0245 through 340-224-0270 and 340-224-0500 through 340-224-0540 based on the location and regulated pollutants emitted.

(172) "Stationary source" means any building, structure, facility, or installation at a source that emits or may emit any regulated pollutant. Stationary source includes portable sources that are required to have permits under OAR chapter 340, division 216.

(173) "Substantial underpayment" means the lesser of 10 percent of the total interim emission fee for the major source or five hundred dollars.

(174) “Sustainment area” means a geographical area of the state for which DEQ has ambient air quality monitoring data that shows an attainment or unclassified area could become a nonattainment area but a formal redesignation by EPA has not yet been approved. The presumptive geographic boundary of a sustainment area is the applicable urban growth boundary in effect on the date this rule was last approved by the EQC, unless superseded by rule. Sustainment areas are designated by the EQC according to division 204.

(175) “Sustainment pollutant” means a regulated pollutant for which an area is designated a sustainment area.

(176) "Synthetic minor source" means a source that would be classified as a major source under OAR 340-200-0020, but for limits on its potential to emit regulated pollutants contained in an ACDP or Oregon Title V permit issued by DEQ.

(177) "Title I modification" means one of the following modifications under Title I of the FCAA:

(a) A major modification subject to OAR 340-224-0050, Requirements for Sources in Nonattainment Areas or OAR 340-224-0055, Requirements for Sources in Reattainment Areas;

(b) A major modification subject to OAR 340-224-0060, Requirements for Sources in Maintenance Areas;

(c) A major modification subject to OAR 340-224-0070, Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas or 340-224-0045 Requirements for Sources in Sustainment Areas;

(d) A modification that is subject to a New Source Performance Standard under Section 111 of the FCAA; or,

(e) A modification under Section 112 of the FCAA.

(178) "Total reduced sulfur" or "TRS" means the sum of the sulfur compounds hydrogen sulfide, methyl mercaptan, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present expressed as hydrogen sulfide (H2S).

(179) “Toxic air contaminant” means an air pollutant that has been determined by the EQC to cause, or reasonably be anticipated to cause, adverse effects to human health and is listed in OAR 340-247-8010 Table 1.

(180) “Type A State NSR” means State NSR as specified in OAR 340-224-0010(2)(a).

(181) “Type B State NSR” means State NSR that is not Type A State NSR.

(182) "Typically Achievable Control Technology" or "TACT" means the emission limit established on a case-by-case basis for a criteria pollutant from a particular emissions unit under OAR 340-226-0130.

(183) "Unassigned emissions" means the amount of emissions that are in excess of the PSEL but less than the netting basis.

(184) "Unavoidable" or "could not be avoided" means events that are not caused entirely or in part by design, operation, maintenance, or any other preventable condition in either process or control device.

(185) “Unclassified area” or “attainment area” means an area that has not otherwise been designated by EPA as nonattainment with ambient air quality standards for a particular regulated pollutant. Attainment areas or unclassified areas may also be referred to as sustainment or maintenance areas as designated in OAR chapter 340, division 204. Any particular location may be part of an attainment area or unclassified area for one regulated pollutant while also being in a different type of designated area for another regulated pollutant.

(186) "Upset" or "Breakdown" means any failure or malfunction of any air pollution control device or operating equipment that may cause excess emissions.

(187) "Veneer" means a single flat panel of wood not exceeding 1/4 inch in thickness formed by slicing or peeling from a log.

(188) "Veneer dryer" means equipment in which veneer is dried.

(189) "Visibility impairment" means any humanly perceptible change in visual range, contrast or coloration from that which existed under natural conditions. Natural conditions include fog, clouds, windblown dust, rain, sand, naturally ignited wildfires, and natural aerosols.

(190) "Volatile organic compounds" or "VOC" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions.

(a) VOC includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity:

(A) Methane;

(B) Ethane;

(C) Methylene chloride (dichloromethane);

(D) 1,1,1-trichloroethane (methyl chloroform);

(E) 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);

(F) Trichlorofluoromethane (CFC-11);

(G) Dichlorodifluoromethane (CFC-12);

(H) Chlorodifluoromethane (HCFC-22);

(I) Trifluoromethane (HFC-23);

(J) 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114);

(K) Chloropentafluoroethane (CFC-115);

(L) 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);

(M) 1,1,1,2-tetrafluoroethane (HFC-134a);

(N) 1,1-dichloro 1-fluoroethane (HCFC-141b);

(O) 1-chloro 1,1-difluoroethane (HCFC-142b);

(P) 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);

(Q) Pentafluoroethane (HFC-125);

(R) 1,1,2,2-tetrafluoroethane (HFC-134);

(S) 1,1,1-trifluoroethane (HFC-143a);

(T) 1,1-difluoroethane (HFC-152a);

(U) Parachlorobenzotrifluoride (PCBTF);

(V) Cyclic, branched, or linear completely methylated siloxanes;

(W) Acetone;

(X) Perchloroethylene (tetrachloroethylene);

(Y) 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);

(Z) 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);

(AA) 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);

(BB) Difluoromethane (HFC-32);

(CC) Ethylfluoride (HFC-161);

(DD) 1,1,1,3,3,3-hexafluoropropane (HFC-236fa);

(EE) 1,1,2,2,3-pentafluoropropane (HFC-245ca);

(FF) 1,1,2,3,3-pentafluoropropane (HFC-245ea);

(GG) 1,1,1,2,3-pentafluoropropane (HFC-245eb);

(HH) 1,1,1,3,3-pentafluoropropane (HFC-245fa);

(II) 1,1,1,2,3,3-hexafluoropropane (HFC-236ea);

(JJ) 1,1,1,3,3-pentafluorobutane (HFC-365mfc);

(KK) chlorofluoromethane (HCFC-31);

(LL) 1 chloro-1-fluoroethane (HCFC-151a);

(MM) 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);

(NN) 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C4 F9 OCH3 or HFE-7100);

(OO) 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2 CFCF2 OCH3);

(PP) 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C4 F9 OC2 H5 or HFE-7200);

(QQ) 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2 CFCF2 OC2 H5);

(RR) Methyl acetate;

(SS) 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C3F7OCH3, HFE-7000);

(TT) 3-ethoxy- 1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500);

(UU) 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea);

(VV) Methyl formate (HCOOCH3);

(WW) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300);

(XX) Propylene carbonate;

(YY) Dimethyl carbonate;

(ZZ) Trans -1,3,3,3-tetrafluoropropene (also known as HFO-1234ze);

(AAA) HCF2 OCF2 H (HFE-134);

(BBB) HCF2 OCF2 OCF2 H (HFE-236cal2);

(CCC) HCF2 OCF2 CF2 OCF2 H (HFE-338pcc13);

(DDD) HCF2 OCF2 OCF2 CF2 OCF2 H (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180));

(EEE) Trans 1-chloro-3,3,3-trifluoroprop-1-ene (also known as SolsticeTM 1233zd(E));

(FFF) 2,3,3,3-tetrafluoropropene (also known as HFO–1234yf);

(GGG) 2-amino-2-methyl-1-propanol;

(HHH) perfluorocarbon compounds which fall into these classes:

(i) Cyclic, branched, or linear, completely fluorinated alkanes;

(ii) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

(iii) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and

(iv) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine;

(III) cis-1,1,1,4,4,4-hexafluorobut-2-ene (also known as HFO-1336mzz-Z); and

(JJJ) t-butyl acetate.

(b) For purposes of determining compliance with emissions limits, VOC will be measured by an applicable test method in the DEQ Source Sampling Manual referenced in OAR 340-200-0035. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and DEQ approves the exclusion.

(c) When considering a requested exclusion of negligibly-reactive compounds under subsection (b), DEQ may require an owner or operator to provide monitoring or testing methods and results that demonstrate, to DEQ's satisfaction, the amount of negligibly-reactive compounds in the source's emissions.

(191) "Wood fired veneer dryer" means a veneer dryer, that is directly heated by the products of combustion of wood fuel in addition to or exclusive of steam or natural gas or propane combustion.

(192) “Wood fuel-fired device” means a device or appliance designed for wood fuel combustion, including cordwood stoves, woodstoves and fireplace stove inserts, fireplaces, wood fuel-fired cook stoves, pellet stoves and combination fuel furnaces and boilers that burn wood fuels.

(193) "Year" means any consecutive 12 month period of time.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040 with the exception of all references to toxic air contaminants and OAR chapter 340, division 245.]

[NOTE: Referenced publications not linked to below are available from the agency.]

[NOTE: View a PDF of referenced tables and EPA Methods by clicking on "Tables" link below.]

[ED. NOTE: To view attachments referenced in rule text, click here for PDF copy.]

Statutory/Other Authority: ORS 468.020 & 468A
Statutes/Other Implemented: ORS 468A.025, 468A.035, 468A.040, 468A.050, 468A.055, 468A.070, 468A.075, 468A.085, 468A.105, 468A.135, 468A.140, 468A.155, 468A.280, 468A.310, 468A.315, 468A.360, 468A.363, 468A.380, 468A.385, 468A.420, 468A.495, 468A.500, 468A.505, 468A.515, 468A.575, 468A.595, 468A.600, 468A.610, 468A.612, 468A.620, 468A.635, 468A.707, 468A.740, 468A.745, 468A.750, 468A.775, 468A.780, 468A.797, 468A.799, 468A.803, 468A.820 & & Or. Laws 2009, chapter 754

History:
DEQ 19-2022, amend filed 11/18/2022, effective 03/01/2023
DEQ 18-2021, amend filed 11/17/2021, effective 11/17/2021
DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019
DEQ 197-2018, amend filed 11/16/2018, effective 11/16/2018
DEQ 7-2015, f. & cert. ef. 4-16-15
DEQ 12-2014(Temp), f. & cert. ef. 11-12-14 thru 5-10-15
DEQ 11-2013, f. & cert. ef. 11-7-13
DEQ 4-2013, f. & cert. ef. 3-27-13
DEQ 1-2012, f. & cert. ef. 5-17-12
DEQ 7-2011(Temp), f. & cert. ef. 6-24-11 thru 12-19-11
DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11
DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11
DEQ 5-2010, f. & cert. ef. 5-21-10
DEQ 10-2008, f. & cert. ef. 8-25-08
DEQ 8-2007, f. & cert. ef. 11-8-07
DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08
DEQ 2-2006, f. & cert. ef. 3-14-06
DEQ 2-2005, f. & cert. ef. 2-10-05
DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0205, 340-028-0110
DEQ 6-1999, f. & cert. ef. 5-21-99
DEQ 1-1999, f. & cert. ef. 1-25-99
DEQ 21-1998, f. & cert. ef. 10-14-98
DEQ 16-1998, f. & cert. ef. 9-23-98
DEQ 14-1998, f. & cert. ef. 9-14-98
DEQ 9-1997, f. & cert. ef. 5-9-97
DEQ 22-1996, f. & cert. ef. 10-22-96
DEQ 19-1996, f. & cert. ef. 9-24-96
DEQ 22-1995, f. & cert. ef. 10-6-95
DEQ 12-1995, f. & cert. ef. 5-23-95
DEQ 10-1995, f. & cert. ef. 5-1-95
DEQ 24-1994, f. & cert. ef. 10-28-94
DEQ 21-1994, f. & cert. ef. 10-14-94
DEQ 13-1994, f. & cert. ef. 5-19-94
DEQ 20-1993(Temp), f. & cert. ef. 11-4-93
DEQ 19-1993, f. & cert. ef. 11-4-93
DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0145, 340-020-0225, 340-020-0305, 340-020-0355, 340-020-0460 & 340-020-0520
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 27-1992, f. & cert. ef. 11-12-92
DEQ 7-1992, f. & cert. ef. 3-30-92
DEQ 2-1992, f. & cert. ef. 1-30-92
DEQ 42-1990, f. 12-13-90, cert. ef. 1-2-91
DEQ 14-1989, f. & cert. ef. 6-26-89
DEQ 8-1988, f. & cert. ef. 5-19-88
DEQ 18-1984, f. & cert. ef. 10-16-84
DEQ 5-1983, f. & cert, ef. 4-18-83
DEQ 25-1981, f. & cert. ef. 9-8-81
DEQ 15-1978, f. & cert. ef. 10-13-78
DEQ 107, f. & cert. ef. 1-6-76, Renumbered from 340-020-0033

DEQ 63, f. 12-20-73, cert. ef. 1-11-74
DEQ 47, f. 8-31-72, cert. ef. 9-15-72

340-200-0035
Reference Materials

As used in divisions 200 through 268, the following materials refer to the versions listed below.

(1) "C.F.R." or “CFR” means Code of Federal Regulations and, unless otherwise expressly identified, refers to the July 1, ~~2022~~2025, edition.

(2) The DEQ Source Sampling Manual refers to the November 2018 edition.

(3) The DEQ Continuous Monitoring Manual refers to the April 2015 edition.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040 with the exception of all references to toxic air contaminants and OAR chapter 340, division 245.]

[ED. NOTE: To view attachments referenced in rule text, click here for PDF copy.]

Statutory/Other Authority: ORS 468.020 & 468A
Statutes/Other Implemented: ORS 468A
History:
DEQ 19-2022, amend filed 11/18/2022, effective 03/01/2023
DEQ 1-2021, amend filed 01/21/2021, effective 01/21/2021
DEQ 2-2019, minor correction filed 01/07/2019, effective 01/07/2019
DEQ 197-2018, amend filed 11/16/2018, effective 11/16/2018
DEQ 53-2017, minor correction filed 12/19/2017, effective 12/19/2017
DEQ 7-2015, f. & cert. ef. 4-16-15

340-200-0040
State of Oregon Clean Air Act Implementation Plan

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

(2) Except as provided in section (3), revisions to the SIP will be made under the EQC’s rulemaking procedures in OAR chapter 340, division 11 of this chapter and any other requirements contained in the SIP and will be submitted to the EPA for approval. The SIP was last modified by the EQC on ~~January 9~~July 15, 2025.

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

(a) Submit to the EPA any permit condition implementing a rule that is part of the federally-approved SIP as a source-specific SIP revision after DEQ has complied with the public hearings provisions of 40 C.F.R. 51.102; and

(b) Approve the standards submitted by LRAPA if LRAPA adopts verbatim, other than non-substantive differences, any standard that the EQC has adopted, and submit the standards to EPA for approval as a SIP revision.

(4) Revisions to the State of Oregon Clean Air Act Implementation Plan become federally enforceable upon approval by the EPA. If any provision of the federally approved State Implementation Plan conflicts with any provision adopted by the EQC, DEQ must enforce the more stringent provision.

Statutory/Other Authority: ORS 468A & ORS 468.020
Statutes/Other Implemented: ORS 468A.035 & 468A.135
History:
DEQ 3-2025, amend filed 01/10/2025, effective 01/10/2025
DEQ 8-2024, amend filed 05/24/2024, effective 05/24/2024
DEQ 7-2024, amend filed 05/24/2024, effective 05/25/2024
DEQ 6-2024, amend filed 05/24/2024, effective 05/24/2024
DEQ 4-2024, amend filed 03/25/2024, effective 03/25/2024
DEQ 19-2023, amend filed 11/17/2023, effective 11/17/2023
DEQ 19-2022, amend filed 11/18/2022, effective 03/01/2023
DEQ 2-2022, amend filed 02/03/2022, effective 02/03/2022
DEQ 22-2021, amend filed 11/18/2021, effective 11/18/2021
DEQ 21-2021, amend filed 11/18/2021, effective 11/18/2021
DEQ 14-2021, amend filed 07/26/2021, effective 07/26/2021
DEQ 11-2021, amend filed 07/23/2021, effective 07/23/2021
DEQ 1-2021, amend filed 01/21/2021, effective 01/21/2021
DEQ 21-2020, amend filed 11/19/2020, effective 11/19/2020
DEQ 17-2020, amend filed 09/21/2020, effective 09/21/2020
DEQ 18-2019, amend filed 07/19/2019, effective 07/19/2019
DEQ 14-2019, amend filed 05/17/2019, effective 05/17/2019
DEQ 4-2019, amend filed 01/24/2019, effective 01/24/2019
DEQ 197-2018, amend filed 11/16/2018, effective 11/16/2018
DEQ 192-2018, amend filed 09/14/2018, effective 09/14/2018
DEQ 190-2018, amend filed 07/13/2018, effective 07/13/2018
DEQ 11-2018, amend filed 03/23/2018, effective 03/23/2018
DEQ 7-2017, f. & cert. ef. 7-13-17
DEQ 2-2017, f. & cert. ef. 1-19-17
DEQ 14-2015, f. & cert. ef. 12-10-15
DEQ 10-2015, f. & cert. ef. 10-16-15
DEQ 7-2015, f. & cert. ef. 4-16-15
DEQ 6-2015, f. & cert. ef. 4-16-15
DEQ 7-2014, f. & cert. ef. 6-26-14
DEQ 6-2014, f. & cert. ef. 3-31-14
DEQ 5-2014, f. & cert. ef. 3-31-14
DEQ 4-2014, f. & cert. ef. 3-31-14
DEQ 1-2014, f. & cert. ef. 1-6-14
DEQ 12-2013, f. & cert. ef. 12-19-13
DEQ 11-2013, f. & cert. ef. 11-7-13
DEQ 4-2013, f. & cert. ef. 3-27-13
DEQ 10-2012, f. & cert. ef. 12-11-12
DEQ 7-2012, f. & cert.ef 12-10-12
DEQ 1-2012, f. & cert. ef. 5-17-12

DEQ 18-2011, f. & cert. ef. 12-21-11
DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11
DEQ 2-2011, f. 3-10-11, cert. ef. 3-15-11
DEQ 1-2011, f. & cert. ef. 2-24-11
DEQ 14-2010, f. & cert. ef. 12-10-10
DEQ 5-2010, f. & cert. ef. 5-21-10
DEQ 2-2010, f. & cert. ef. 3-5-10
DEQ 8-2009, f. & cert. ef. 12-16-09
DEQ 3-2009, f. & cert. ef. 6-30-09
DEQ 15-2008, f. & cert. ef 12-31-08
DEQ 14-2008, f. & cert. ef. 11-10-08
DEQ 12-2008, f. & cert. ef. 9-17-08
DEQ 11-2008, f. & cert. ef. 8-29-08
DEQ 5-2008, f. & cert. ef. 3-20-08
DEQ 8-2007, f. & cert. ef. 11-8-07
DEQ 4-2007, f. & cert. ef. 6-28-07
DEQ 3-2007, f. & cert. ef. 4-12-07
DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06
DEQ 2-2006, f. & cert. ef. 3-14-06
DEQ 9-2005, f. & cert. ef. 9-9-05
DEQ 7-2005, f. & cert. ef. 7-12-05
DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05
DEQ 2-2005, f. & cert. ef. 2-10-05
DEQ 1-2005, f. & cert. ef. 1-4-05
DEQ 10-2004, f. & cert. ef. 12-15-04
DEQ 1-2004, f. & cert. ef. 4-14-04
DEQ 19-2003, f. & cert. ef. 12-12-03
DEQ 14-2003, f. & cert. ef. 10-24-03
DEQ 5-2003, f. & cert. ef. 2-6-03
DEQ 11-2002, f. & cert. ef. 10-8-02
DEQ 5-2002, f. & cert. ef. 5-3-02
DEQ 4-2002, f. & cert. ef. 3-14-02
DEQ 17-2001, f. & cert. ef. 12-28-01
DEQ 16-2001, f. & cert. ef. 12-26-01
DEQ 15-2001, f. & cert. ef. 12-26-01
DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01
DEQ 4-2001, f. & cert. ef. 3-27-01
DEQ 2-2001, f. & cert. ef. 2-5-01
DEQ 21-2000, f. & cert. ef. 12-15-00
DEQ 20-2000 f. & cert. ef. 12-15-00
DEQ 17-2000, f. & cert. ef. 10-25-00
DEQ 16-2000, f. & cert. ef. 10-25-00
DEQ 13-2000, f. & cert. ef. 7-28-00
DEQ 8-2000, f. & cert. ef. 6-6-00
DEQ 6-2000, f. & cert. ef. 5-22-00
DEQ 2-2000, f. 2-17-00, cert. ef. 6-1-01
DEQ 15-1999, f. & cert. ef. 10-22-99
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0047
DEQ 10-1999, f. & cert. ef. 7-1-99
DEQ 6-1999, f. & cert. ef. 5-21-99
DEQ 5-1999, f. & cert. ef. 3-25-99

DEQ 1-1999, f. & cert. ef. 1-25-99
DEQ 21-1998, f. & cert. ef. 10-12-98
DEQ 20-1998, f. & cert. ef. 10-12-98
DEQ 17-1998, f. & cert. ef. 9-23-98
DEQ 16-1998, f. & cert. ef. 9-23-98
DEQ 15-1998, f. & cert. ef. 9-23-98
DEQ 10-1998, f. & cert. ef. 6-22-98
DEQ 24-1996, f. & cert. ef. 11-26-96
DEQ 23-1996, f. & cert. ef. 11-4-96
DEQ 22-1996, f. & cert. ef. 10-22-96
DEQ 19-1996, f. & cert. ef. 9-24-96
DEQ 15-1996, f. & cert. ef. 8-14-96
DEQ 8-1996(Temp), f. & cert. ef. 6-3-96
DEQ 20-1995 (Temp), f. & cert. ef. 9-14-95
DEQ 19-1995, f. & cert. ef. 9-1-95
DEQ 17-1995, f. & cert. ef. 7-12-95
DEQ 14-1995, f. & cert. ef. 5-25-95
DEQ 10-1995, f. & cert. ef. 5-1-95
DEQ 9-1995, f. & cert. ef. 5-1-95
DEQ 25-1994, f. & cert. ef. 11-2-94
DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94
DEQ 14-1994, f. & cert. ef. 5-31-94
DEQ 5-1994, f. & cert. ef. 3-21-94
DEQ 1-1994, f. & cert. ef. 1-3-94
DEQ 19-1993, f. & cert. ef. 11-4-93
DEQ 17-1993, f. & cert. ef. 11-4-93
DEQ 16-1993, f. & cert. ef. 11-4-93
DEQ 15-1993, f. & cert. ef. 11-4-93
DEQ 12-1993, f. & cert. ef. 9-24-93
DEQ 8-1993, f. & cert. ef. 5-11-93
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 27-1992, f. & cert. ef. 11-12-92
DEQ 26-1992, f. & cert. ef. 11-2-92
DEQ 25-1992, f. 10-30-92, cert. ef. 11-1-92
DEQ 20-1992, f. & cert. ef. 8-11-92
DEQ 19-1992, f. & cert. ef. 8-11-92
DEQ 7-1992, f. & cert. ef. 3-30-92
DEQ 3-1992, f. & cert. ef. 2-4-92
DEQ 1-1992, f. & cert. ef. 2-4-92
DEQ 25-1991, f. & cert. ef. 11-13-91
DEQ 24-1991, f. & cert. ef. 11-13-91
DEQ 23-1991, f. & cert. ef. 11-13-91
DEQ 22-1991, f. & cert. ef. 11-13-91
DEQ 21-1991, f. & cert. ef. 11-13-91
DEQ 20-1991, f. & cert. ef. 11-13-91
DEQ 19-1991, f. & cert. ef. 11-13-91
DEQ 2-1991, f. & cert. ef. 2-14-91
DEQ 31-1988, f. 12-20-88, cert. ef. 12-23-88
DEQ 21-1987, f. & cert. ef. 12-16-87
DEQ 8-1987, f. & cert. ef. 4-23-87
DEQ 5-1987, f. & cert. ef. 3-2-87

DEQ 4-1987, f. & cert. ef. 3-2-87
DEQ 21-1986, f. & cert. ef. 11-7-86
DEQ 20-1986, f. & cert. ef. 11-7-86
DEQ 10-1986, f. & cert. ef. 5-9-86
DEQ 5-1986, f. & cert. ef. 2-21-86
DEQ 12-1985, f. & cert. ef. 9-30-85
DEQ 3-1985, f. & cert. ef. 2-1-85
DEQ 25-1984, f. & cert. ef. 11-27-84
DEQ 18-1984, f. & cert. ef. 10-16-84
DEQ 6-1983, f. & cert. ef. 4-18-83
DEQ 1-1983, f. & cert. ef. 1-21-83
DEQ 21-1982, f. & cert. ef. 10-27-82
DEQ 14-1982, f. & cert. ef. 7-21-82
DEQ 11-1981, f. & cert. ef. 3-26-81
DEQ 22-1980, f. & cert. ef. 9-26-80
DEQ 21-1979, f. & cert. ef. 7-2-79
DEQ 19-1979, f. & cert. ef. 6-25-79
DEQ 54, f. 6-21-73, cert. ef. 7-1-73
DEQ 35, f. 2-3-72, cert. ef. 2-15-72

Division 202
AMBIENT AIR QUALITY STANDARDS AND PREVENTION OF SIGNIFICANT DETERIORATION INCREMENTS

340-202-0060
Ambient Air Quality Standards: Suspended Particulate Matter

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

(1) 150 micrograms of PM10 per cubic meter of air as a 24-hour average concentration for any calendar day. This standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 micrograms per cubic meter as determined in accordance with Appendix K of 40 C.F.R. 50 is equal to or less than one at any site.
Concentrations of the fraction of suspended particulate that is equal to or less than 2.5 microns in aerodynamic diameter in ambient air as measured by an approved method must not exceed:

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

(3) ~~12~~9.0 micrograms of PM2.5 per cubic meter of air as a 3-year average of the annual arithmetic means. This standard is attained when the ~~annual~~ 3-year average of the arithmetic mean concentrations is equal to or less than ~~12~~9.0 micrograms per cubic meter as determined in accordance with Appendix N of 40 C.F.R. 50.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

[NOTE: View a PDF of referenced appendices by clicking on "Tables" link below.]

[ED. NOTE: To view attachments referenced in rule text, click here for PDF copy.]

Statutory/Other Authority: ORS 468 & 468A
Statutes/Other Implemented: ORS 468A.025
History:
DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019
DEQ 10-2015, f. & cert. ef. 10-16-15
DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11
DEQ 5-2010, f. & cert. ef. 5-21-10
DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0015
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 24-1991, f. & cert. ef. 11-13-91
DEQ 8-1988, f. & cert. ef. 5-19-88 (corrected 9-30-88)
DEQ 37, f. 2-15-72, ef. 3-1-72

340-202-0070
Ambient Air Quality Standards: Sulfur Dioxide

Concentrations of sulfur dioxide in ambient air as measured by an approved method for each averaging time must not exceed the following concentrations:

(1) Annual average: ~~0.02 ppm~~10 ppb as a~~n~~ three-year average of annual arithmetic means for any calendar year at any monitoring site as determined by appendix T of 40 C.F.R. part 50, and as measured by the reference method described in appendix A-1 of 40 C.F.R. part 50 or as measured by an equivalent method designated in accordance with 40 C.F.R. part 53.

~~(2) 24-hour average: 0.10 ppm as a 24-hour average concentration more than once per calendar year at any site as measured by the reference method described in appendix A of 40 CFR part 50 or by an equivalent method designated in accordance with 40 CFR part 53.~~

~~(3) 3-hour average: 0.50 ppm as a three-hour average concentration more than once per calendar year at any site as measured by the reference method described in appendix A of 40 CFR part 50.~~

(4~~2~~) 1-hour average: ~~0.075 ppm~~ 75 ppb as a three-year average of the annual 99th percentile of the daily maximum 1-hour average concentrations recorded at any monitoring site as determined by appendix T of 40 C.F.R. part 50, and as measured by a reference method based on appendix ~~A or~~ A-1 of 40 C.F.R. part 50, or as measured by ~~a Federal Equivalent Method (FEM)~~ an equivalent method designated in accordance with 40 C.F.R. part 53.

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

[NOTE: View a PDF of referenced EPA Methods by clicking on "Tables" link below.]

[ED. NOTE: To view attachments referenced in rule text, click here for PDF copy.]

Statutory/Other Authority: ORS 468.020 & 468A
Statutes/Other Implemented: ORS 468A.025 & 468A.035
History:
DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019
DEQ 7-2015, f. & cert. ef. 4-16-15
DEQ 11-2013, f. & cert. ef. 11-7-13
DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0020
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 24-1991, f. & cert. ef. 11-13-91
DEQ 8-1988, f. & cert. ef. 5-19-88 (corrected 9-30-88)
DEQ 37, f. 2-15-72, ef. 3-1-72

Division 214
STATIONARY SOURCE REPORTING REQUIREMENTS

340-214-0300
Excess Emissions and Emergency Provision: Purpose and Applicability

(1) Emissions of air contaminants in excess of applicable standards or permit conditions, described in OAR 340-214-0310 through OAR 340-214-0330, are unauthorized and subject to enforcement action.

(2) OAR 340-214-0300 through 340-214-03560 apply to any source that emits air contaminants in excess of any applicable air quality rule or permit condition, including but not limited to excess emissions resulting from the breakdown of air pollution control devices or operating equipment, process upset, startup, shutdown, or scheduled maintenance.

(3) Sources that do not emit air contaminants in excess of any applicable air quality rule or permit condition are not subject to the recordkeeping and reporting requirements in 340-214-0300 through 340-214-03560. ~~Emissions in excess of applicable standards are not excess emissions if the standard is in an NSPS or NESHAP and the NSPS or NESHAP exempts startups, shutdowns and malfunctions as defined in the applicable NSPS or NESHAP.~~

~~The purpose of these rules is to:~~

~~(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.~~

(4) DEQ's decisions regarding whether procedures were adequate or followed or whether enforcement action is appropriate under OAR 340-214-0310 through OAR 340-214-0330 are not binding on the EPA.

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

Statutory/Other Authority: ORS 468.020, 468A.050 & 468A.310
Statutes/Other Implemented: ORS 468A.050 & 468A.310
History:
DEQ 7-2015, f. & cert. ef. 4-16-15
DEQ 8-2007, f. & cert. ef. 11-8-07
DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1400
DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0350
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 42-1990, f. 12-13-90, cert. ef. 1-2-91, Renumbered from 340-021-0065
DEQ 37, f. 2-15-72, ef. 3-1-72

340-214-0330
Excess Emissions and Emergency Provision: All Other Excess Emissions

(1) This rule applies to all excess emissions not addressed in OAR 340-214-0310 and~~,~~ 340-214-0320~~, and 340-214-0360~~.

(a) The owner or operator of a large source, as defined by OAR 340-214-0010, must immediately notify DEQ of the first onset per calendar day of any excess emissions event, unless otherwise specified by a permit condition.

(b) The owner or operator of a small source, as defined by OAR 340-214-0010, need not immediately notify DEQ of excess emissions events unless otherwise required by a permit condition, written notice by DEQ, or if the excess emission is of a nature that could endanger public health.

(c) Additional reporting and recordkeeping requirements are specified in OAR 340-214-0340.

(2) During any period of excess emissions, the owner or operator of the source must immediately reduce emissions to the greatest extent practicable or cease operation of the equipment or facility until the condition causing the excess emissions has been corrected or brought under control. The owner or operator must 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.

(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.

(4)(a) 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 (e.g., email or telephone conversation with email backup), until the condition causing the excess emissions has been corrected or brought under control.

(b) 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 as required in DEQ's written approval (e.g., email or telephone conversation with email backup).

(c) The owner or operator must report excess emissions under OAR 340-214-0340 within 5 days of the date of the event.

(5) Notwithstanding section (2), at any time during the period of excess emissions, DEQ may require the owner or operator to cease operation of the equipment or facility.

(6) Approval of a request to continue operation does not shield the owner or operator from an enforcement action, but DEQ will consider whether the approved plans and timelines to minimize excess emissions and return the equipment or facility back to the applicable compliant emission limits were followed in determining whether an enforcement action is appropriate.

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

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.040 & 468A.310
Statutes/Other Implemented: ORS 468A.025, 468A.040 & 468A.310
History:
DEQ 19-2022, amend filed 11/18/2022, effective 03/01/2023
DEQ 7-2015, f. & cert. ef. 4-16-15
DEQ 8-2007, f. & cert. ef. 11-8-07
DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1430

DEQ 19-1996, f. & cert. ef. 9-24-96
DEQ 24-1994, f. & cert. ef. 10-28-94
DEQ 19-1993, f. & cert. ef. 11-4-93
DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0370
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 42-1990, f. 12-13-90, cert. ef. 1-2-91

340-214-0340
Excess Emissions and Emergency Provision: Reporting Requirements

(1) For any excess emissions event at a source with an Oregon Title V Operating Permit and for any other source as required by permit, the owner or operator must submit a written report of excess emissions for each calendar day of the event. The report must be submitted within 15 days of the date of the event and include the following:

(a) The date and time of the beginning of the excess emissions event and the duration or best estimate of the time until return to normal operation;

(b) The date and time the owner or operator notified DEQ of the event;

(c) The equipment involved;

(d) Whether the event occurred during planned startup, planned shutdown, scheduled maintenance, or as a result of a breakdown, malfunction, or emergency;

(e) Steps taken to mitigate emissions and corrective actions taken, including whether the approved procedures for a planned startup, shutdown, or maintenance activity were followed;

(f) The magnitude and duration of each occurrence of excess emissions during the course of an event and the increase over normal rates or concentrations as determined by continuous monitoring or a best estimate, supported by operating data and calculations; and

(g) The final resolution of the cause of the excess emissions.~~; and~~

~~(h) Where applicable, evidence supporting any claim that emissions in excess of technology-based limits were due to an emergency pursuant to OAR 340-214-0360.~~

(2) Based on the severity of event, DEQ may specify a shorter time period for report submittal.

(3) All source owners or operators must keep an excess emissions log of all planned and unplanned excess emissions. The log must include all pertinent information as required in section (1) and be kept by the owner or operator for five calendar years.

(4) At each annual reporting period specified in a permit, or sooner if DEQ requires, the owner or operator must submit:

(a) A copy of the excess emissions log entries for the reporting period; unless previously submitted in accordance with section (1); and

(b) Where applicable, current procedures to minimize emissions during startup, shutdown, or maintenance as outlined in OAR 340-214-0310 and 340-214-0320. The owner or operator must

specify in writing whether these procedures are new, modified, or have already been approved by DEQ.

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

Statutory/Other Authority: ORS 468.020, 468A.050 & 468A.310
Statutes/Other Implemented: ORS 468A.025, 468A.050 & 468A.310
History:
DEQ 7-2015, f. & cert. ef. 4-16-15
DEQ 8-2007, f. & cert. ef. 11-8-07
DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1440
DEQ 19-1993, f. & cert. ef. 11-4-93
DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0375
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 42-1990, f. 12-13-90, cert. ef. 1-2-91

~~**340-214-0360**~~
~~**Excess Emissions and Emergency Provision: Emergency as an Affirmative Defense for Title V Permitted Sources**~~

~~(1) An emergency constitutes an affirmative defense to penalty actions due to noncompliance with technology-based emission limits in an Oregon Title V Operating Permit if the owner or operator notifies DEQ immediately of the emergency condition and provides and demonstrates through properly signed, contemporaneous operating logs, excess emission logs, or other relevant evidence that:~~

~~(a) An emergency occurred and caused the excess emissions;~~

~~(b) The cause of the emergency;~~

~~(c) The facility was at the time being properly operated;~~

~~(d) During the occurrence of the emergency, the owner or operator took all reasonable steps to minimize levels of excess emissions; and~~

~~(e) The notification to DEQ contained a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.~~

~~(2) The person seeking to establish the occurrence of an emergency has the burden of proof by a preponderance of the evidence.~~

~~(3) This provision is in addition to any emergency or any other excess emissions provision contained in any applicable requirement.~~

~~**Statutory/Other Authority:** ORS 468.020 & 468A.310~~
~~**Statutes/Other Implemented:** ORS 468A.310~~
~~**History:**~~
~~DEQ 7-2015, f. & cert. ef. 4-16-15~~
~~DEQ 8-2007, f. & cert. ef. 11-8-07~~

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1460
DEQ 19-1993, f. & cert. ef. 11-4-93
DEQ 12-1993, f. & cert. ef. 9-24-93

Division 238
New Source Performance Standards

340-238-0040
Definitions

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

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

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

(3) "Capital expenditures" means an expenditure for a physical or operational change to an existing facility that exceeds the product of the applicable "annual asset guideline repair allowance percentage" specified in the December 1984 edition of Internal Revenue Service (IRS) Publication 534 and the existing facility's basis, as defined by section 1012 of the Internal Revenue Code. However, the total expenditure for a physical or operational change to an existing facility must not be reduced by any "excluded additions" as defined in IRS Publication 534, as would be done for tax purposes.

(4) "C.F.R." means the July January 1, 2025 0 edition Code of Federal Regulations unless otherwise identified.

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

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

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

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

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

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

(11) "Modification:"

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

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

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

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

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

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

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

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

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

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

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

Statutory/Other Authority: ORS 468.020
Statutes/Other Implemented: ORS 468A.025
History:
DEQ 19-2022, amend filed 11/18/2022, effective 03/01/2023
DEQ 5-2022, amend filed 04/07/2022, effective 04/07/2022
DEQ 1-2021, amend filed 01/21/2021, effective 01/21/2021
DEQ 18-2019, amend filed 07/19/2019, effective 07/19/2019
DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019
DEQ 6-2017, f. & cert. ef. 7-13-17
DEQ 8-2015, f. & cert. ef. 4-17-15

DEQ 4-2013, f. & cert. ef. 3-27-13
DEQ 1-2011, f. & cert. ef. 2-24-11
DEQ 8-2009, f. & cert. ef. 12-16-09
DEQ 15-2008, f. & cert. ef 12-31-08
DEQ 13-2006, f. & cert. ef. 12-22-06
DEQ 2-2006, f. & cert. ef. 3-14-06
DEQ 2-2005, f. & cert. ef. 2-10-05
DEQ 4-2003, f. & cert. ef. 2-06-03
DEQ 22-2000, f. & cert. ef. 12-18-00
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0510
DEQ 22-1998, f. & cert. ef. 10-21-98
DEQ 8-1997, f. & cert. ef. 5-6-97
DEQ 27-1996, f. & cert. ef. 12-11-96
DEQ 22-1995, f. & cert. ef. 10-6-95
DEQ 17-1993, f. & cert. ef. 11-4-93
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 24-1989, f. & cert. ef. 10-26-89
DEQ 17-1987, f. & ef. 8-24-87
DEQ 19-1986, f. & ef. 11-7-86
DEQ 15-1985, f. & ef. 10-21-85
DEQ 16-1984, f. & ef. 8-21-84
DEQ 17-1983, f. & ef. 10-19-83
DEQ 22-1982, f. & ef. 10-21-82
DEQ 97, f. 9-2-75, ef. 9-25-75

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 XXa, BBB, DDD, FFF through LLL, NNN through XXX, AAAA, CCCC, EEEE, KKKK, LLLL, OOOO, OOOOa and TTTT are by this reference adopted and incorporated herein.

(a), 40 C.F.R. Part 60 Subpart OOO is by this reference adopted and incorporated herein for major sources only; and

(b), 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) The definitions in OAR 340-200-0020 and 340-238-0040 do not apply to the Subparts of 40 C.F.R. Part 60 incorporated by reference in this rule, except for the definition of 'C.F.R.' in OAR 340-238-0040. 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.

(3) 40 C.F.R. Part 60 Subparts adopted by this rule are titled as follows:

(a) Subpart A — General Provisions;

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

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

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

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

(f) Subpart E — Incinerators;

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

(h) Subpart Eb — Large ~~M~~municipal waste combustors for which construction is commenced after September 20, 1994 or for which modification or reconstruction is commenced after June 19, 1996;

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

(j) Subpart F — Portland cement plants;

(k) Subpart G — Nitric acid plants;

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

(m) Subpart H — Sulfuric acid plants;

(n) Subpart I — Hot mix asphalt facilities;

(o) Subpart J — Petroleum refineries;

(p) Subpart Ja — Petroleum refineries for which construction, reconstruction, or modification commenced after May 14, 2007;

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

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

(s~~r~~) Subpart Kb — Volatile organic liquid storage vessels (including petroleum liquid storage vessels) for which construction, reconstruction, or modification commenced after July 23, 1984 and on or before October 4, 2023;

(t) Subpart Kc — Volatile organic liquid storage vessels (including petroleum liquid storage vessels) for which construction, reconstruction, or modification commenced after October 4, 2023;

(~~s~~u~~)~~ Subpart L — Secondary lead smelters for which construction, reconstruction, or modification commenced after June 11, 1973 and on or before December 1, 2022;

(v) Subpart La — Secondary lead smelters for which construction, reconstruction, or modification commenced after December 1, 2022;

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

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

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

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

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

(bby) Subpart Q — Primary Zzinc smelters;

(ccz) Subpart R — Primary lead smelters;

(ddaa) Subpart S — Primary aluminum reduction plants;

(eebb) Subpart T — Phosphate fertilizer industry: Wwet-process phosphoric acid plants;

(ffcc) Subpart U — Phosphate fertilizer industry: sSuperphosphoric acid plants;

(ggdd) Subpart V — Phosphate fertilizer industry: dDiammonium phosphate plants;

(hhee) Subpart W — Phosphate fertilizer industry: Ttriple superphosphate plants;

(iiff) Subpart X — Phosphate fertilizer industry: gGranular triple superphosphate storage facilities;

(jjgg) Subpart Y — Coal preparation and processing plants;

(kkhh) Subpart Z — Ferroalloy production facilities;

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

(mmjj) Subpart AAa — Steel plants: eElectric arc furnaces and argon-oxygen decarburization vessels constructed after Aaugust 7, 1983 and on or before May 16, 2022;

(nn) Subpart AAb — Steel plants: Electric arc furnaces and argon-oxygen decarburization vessels constructed after May 16, 2022;

(ookk) Subpart BB — Kraft pulp mills;

(ppll) Subpart BBa – Kraft pulp mills affected sources for which construction, reconstruction, or modification commences after May 23, 2013;

(qqmm) Subpart CC — Glass manufacturing plants;

(rrnn) Subpart DD — Grain elevators;

(ssoo) Subpart EE — Surface coating of metal furniture;

(ttpp) Subpart GG — Stationary gas turbines;

(uuqq) Subpart HH — Lime manufacturing plants;

(vvrr) Subpart KK — Lead-acid battery manufacturing plants for which construction, reconstruction, or modification commenced after January 14, 1980 and on or before February 23, 2022;

(ww) Subpart KKa — Lead acid battery manufacturing plants for which construction, modification, or reconstruction commenced after February 23, 2022;

(xx)ss) Subpart LL — Metallic mineral processing plants;

(yytt) Subpart MM — Automobile and light -duty truck surface coating operations for which construction, modification, or reconstruction commenced after October 5, 1979 and on or before May 18, 2022;

(zz) Subpart MMa — Automobile and light duty truck surface coating operations for which construction, modification, or reconstruction commenced after May 18, 2022;

(aaa)uu) Subpart NN — Phosphate rock plants;

(bbbvv) Subpart PP — Ammonium sulfate manufacture;

(ccc~~(ww~~) Subpart QQ — Graphic arts industry: P~~p~~ublication rotogravure printing;

(ddd~~xx~~) Subpart RR — ~~p~~Pressure sensitive tape and label surface coating operations;

(eee~~yy~~) Subpart SS — Industrial surface coating: large appliances;

(fff~~zz~~) Subpart TT — Metal coil surface coating;

(ggg~~aaa~~) Subpart UU — Asphalt processing and asphalt roofing manufacture;

(hhh~~bbb~~) Subpart VV — Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry for which construction, reconstruction, or modification commenced after January 5, 1981 and on or before November 7, 2006;

(iii~~ccc~~) Subpart VVa — Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry for which construction, reconstruction, or modification commenced after November 7, 2006 and on or before April 25, 2023;

(jjj) Subpart VVb — Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry for which construction, reconstruction, or modification commenced after April 25, 2023;

(kkk~~ddd~~) Subpart WW — Beverage can surface coating industry;

(lll~~eee~~) Subpart XX — Bulk gasoline terminals that commenced construction, modification, or reconstruction after December 17, 1980 and on or before June 10, 2022;

(mmm) Subpart XXa — Bulk gasoline terminals that commenced construction, modification, or reconstruction after June 10, 2022;

(nnn~~fff~~) Subpart BBB — Rubber tire manufacturing industry;

(~~ggg~~ooo) Subpart DDD — Volatile organic compound (VOC) emissions f~~or~~om the polymer manufacturing~~e~~ industry;

(ppp~~hhh~~) Subpart FFF — Flexible vinyl and urethane coating and printing;

(qqq~~iii~~) Subpart GGG — Equipment leaks of VOC in petroleum refineries for which construction, reconstruction, or modification commenced January 4, 1983 and on or before November 7, 2006;

(rrr~~jjj~~) Subpart GGGa — Equipment leaks of VOC in petroleum refineries for which construction, reconstruction, or modification commenced after November 7, 2006;

(sss~~kkk~~) Subpart HHH — Synthetic fiber production facilities;

(ttt~~lll~~) Subpart III — Volatile organic compound (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) air oxidation unit processes after October 21, 1983 and on or before April 25, 2023;

(uuu) Subpart IIIa — Volatile organic compound (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) air oxidation unit processes for which construction, reconstruction, or modification commenced after April 25, 2023;

(vvv~~mmm~~) Subpart JJJ — Petroleum dry cleaners;

(www~~nnn~~) Subpart KKK — Equipment leaks of VOC from onshore natural gas processing plants for which construction, reconstruction, or modification commenced after January 20, 1984 and on or before August 23, 2011;

(xxx~~ooo~~) Subpart LLL — SO2 emissions from Onshore natural gas processing for which construction, reconstruction, or modification commenced after January 20, 1984 and on or before August 23, 2011; ~~SO2 emissions;~~

(yyyppp) Subpart NNN — Volatile organic compound (VOC) emissions from synthetic organic chemical manufacturing industry (SOCMI) distillation operations after December 30, 1983 and on or before April 25, 2023;

(zzz) Subpart NNNa — Volatile organic compound (VOC) emissions from synthetic organic chemical manufacturing industry (SOCMI) distillation operations for which construction, reconstruction, or modification commenced after April 25, 2023;

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

(bbbbrrr) Subpart PPP — Wool fiberglass insulation manufacturing plants;

(ccccsss) Subpart QQQ — VOC emissions from petroleum refinery wastewater systems;

(ddddttt) Subpart RRR — Volatile organic compound (VOC) emissions from synthetic organic chemical manufacturing industry (SOCMI) reactor processes after June 29, 1990 and on or before April 25, 2023;

(eeee) Subpart RRRa — Volatile organic compound (VOC) emissions from synthetic organic chemical manufacturing industry (SOCMI) reactor processes for which construction, reconstruction, or modification commenced after April 25, 2023;

(ffffuuu) Subpart SSS — Magnetic tape coating facilities;

(ggggvvv) Subpart TTT — Industrial surface coating: Ssurface coating of plastic parts for business machines;

(hhhh) Subpart TTTa — Industrial surface coating: Surface coating of plastic parts for business machines for which construction, reconstruction, or modification commenced after June 21, 2022;

(iiiiwww) Subpart UUU — Calciners and dryers in mineral industries;

(jjjjxxx)) Subpart VVV — Polymeric coating of supporting substrates facilities;

(kkkkyyy) Subpart WWW — Municipal solid waste landfills that commenced construction, reconstruction, or modification on or after May 30, 1991 but before July 18, 2014, as clarified by OAR 340-238-0100;

(llllzzz) Subpart XXX – Municipal solid waste landfills that commenced construction, reconstruction, or modification after July 17, 2014;

(mmmmaaaa) Subpart AAAA — Small municipal waste combustion units for which construction is commenced after August 30, 1999 or for which modification or reconstruction is commenced after June 6, 2001;

(nnnnbbbb) Subpart CCCC — Commercial and industrial solid waste incineration units;

(oooocccc) Subpart EEEE — Other solid waste incineration units;

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

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

(rrrrffff) Subpart KKKK — Stationary combustion turbines;

(ssssgggg) Subpart LLLL — New Ssewage sludge incineration units;

(ttttthhhh) Subpart OOOO — Crude oil and natural gas production, transmission and distribution for which construction, modification, or reconstruction commenced after August 23, 2011, and on or before September 18, 2015. Standards adopted include final rule promulgations through July 1, 2020 of the CFR;

(uuuuiiii) Subpart OOOOa — Crude oil and natural gas facilities for which construction, modification, or reconstruction commenced after September 18, 2015 and on or before December 6, 2022.. -Standards adopted include final rule promulgations through July 1, 2020 of the CFR; and

(vvvv) Subpart OOOOb — Crude oil and natural gas facilities for which construction, modification, or reconstruction commenced after December 6, 2022;(vvvv

(wwwwvvvvjjjj) Subpart TTTT — Greenhouse gas emissions for electric generating units. Standards adopted include final rule promulgations through July 1, 2020 of the CFR-.

Statutory/Other Authority: ORS 468.020
Statutes/Other Implemented: ORS 468A.025
History:
DEQ 5-2022, amend filed 04/07/2022, effective 04/07/2022
DEQ 18-2019, amend filed 07/19/2019, effective 07/19/2019
DEQ 6-2017, f. & cert. ef. 7-13-17
DEQ 8-2015, f. & cert. ef. 4-17-15
DEQ 4-2013, f. & cert. ef. 3-27-13
DEQ 1-2011, f. & cert. ef. 2-24-11
DEQ 15-2008, f. & cert. ef 12-31-08
DEQ 13-2006, f. & cert. ef. 12-22-06
DEQ 2-2006, f. & cert. ef. 3-14-06
DEQ 2-2005, f. & cert. ef. 2-10-05
DEQ 4-2003, f. & cert. ef. 2-06-03
DEQ 22-2000, f. & cert. ef. 12-18-00
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0535
DEQ 22-1998, f. & cert. ef. 10-21-98
DEQ 27-1996, f. & cert. ef. 12-11-96
DEQ 22-1995, f. & cert. ef. 10-6-95
DEQ 17-1993, f. & cert. ef. 11-4-93
DEQ 24-1989, f. & cert. ef. 10-26-89
DEQ 17-1987, f. & cert. ef. 8-24-87
DEQ 19-1986, f. & cert. ef. 11-7-86
DEQ 15-1985, f. & cert. ef. 10-21-85
DEQ 16-1984, f. & cert. ef. 8-21-84
DEQ 17-1983, f. & cert. ef. 10-19-83
DEQ 22-1982, f. & cert. ef. 10-21-82
DEQ 16-1981, f. & cert. ef. 5-6-81; Sec. (1) thru (12) Renumbered to 340-025-0550 thru 340-025-0605
DEQ 97, f. 9-2-75, cert. ef. 9-25-75

Division 244
Oregon Federal Hazardous Air Pollutant Program

340-244-0030
General Provisions for Stationary Sources: Definitions

Except as provided in OAR 340-244-0220 and -0232, the definitions in OAR 340-200-0020, 340-218-0030 and this rule apply to this division. If the same term is defined in this rule and OAR 340-200-0020 or 340-218-0030, the definition in this rule applies to this division.

(1) "Affected source" is as defined in 40 C.F.R. 63.2.

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

(3) "C.F.R." means the January~~July~~ 1, 2025~~0~~ edition Code of Federal Regulations unless otherwise identified.

(4) "Construct a major source" means to fabricate, erect, or install at any greenfield site a stationary source or group of stationary sources which is located within a contiguous area and under common control and which emits or has the potential to emit 10 tons per year of any HAPs or 25 tons per year of any combination of HAP, or to fabricate, erect, or install at any developed site a new process or production unit which in and of itself emits or has the potential to emit 10 tons per year of any HAP or 25 tons per year of any combination of HAP, unless the process or production unit satisfies criteria in paragraphs (a) through (f) of this definition:

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

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

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

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

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

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

(5) "Emissions Limitation" and "Emissions Standard" mean a requirement adopted by DEQ or Regional Agency, or proposed or promulgated by the Administrator of the EPA, which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including

any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

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

(7) "Existing Source" means any source, the construction of which commenced prior to proposal of an applicable standard under sections 112 or 129 of the FCAA.

(8) "Facility" means all or part of any public or private building, structure, installation, equipment, or vehicle or vessel, including but not limited to ships.

(9) "Gasoline" means any petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 27.6 kilopascals (4.0 psi) or greater, which is used as a fuel for internal combustion engines.

(10) "Hazardous Air Pollutant" (HAP) means an air pollutant listed by the EPA under section 112(b) of the FCAA or determined by the Commission to cause, or reasonably be anticipated to cause, adverse effects to human health or the environment.

(11) "Major Source" means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants. The EPA may establish a lesser quantity, or in the case of radionuclides different criteria, for a major source on the basis of the potency of the air pollutant, persistence, potential for bioaccumulation, other characteristics of the air pollutant, or other relevant factors.

(12) "Maximum Achievable Control Technology (MACT)" means an emission standard applicable to major sources of hazardous air pollutants that requires the maximum degree of reduction in emissions deemed achievable for either new or existing sources.

(13) "Motor vehicle" means any self-propelled vehicle designed for transporting persons or property on a street or highway.

(14) "Nonroad engine" means an internal combustion engine (including the fuel system) that is not used in a motor vehicle or a vehicle used solely for competition, or that is not subject to standards promulgated under section 7411 ~~of this title~~ or ~~section~~ 7521 of ~~this~~ title 40 of the CFR.

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

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

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

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

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

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

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

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

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

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

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

[Publications: Publications referenced are available from DEQ.]

Statutory/Other Authority: ORS 468.020 & 468A.025
Statutes/Other Implemented: ORS 468A.040
History:
DEQ 4-2024, amend filed 03/25/2024, effective 03/25/2024
DEQ 5-2022, amend filed 04/07/2022, effective 04/07/2022
DEQ 1-2021, amend filed 01/21/2021, effective 01/21/2021
DEQ 18-2019, amend filed 07/19/2019, effective 07/19/2019
DEQ 6-2017, f. & cert. ef. 7-13-17
DEQ 8-2015, f. & cert. ef. 4-17-15
DEQ 4-2013, f. & cert. ef. 3-27-13
DEQ 1-2011, f. & cert. ef. 2-24-11
DEQ 8-2009, f. & cert. ef. 12-16-09
DEQ 15-2008, f. & cert. ef 12-31-08
DEQ 13-2006, f. & cert. ef. 12-22-06
DEQ 2-2006, f. & cert. ef. 3-14-06
DEQ 2-2005, f. & cert. ef. 2-10-05
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-0120
DEQ 18-1998, f. & cert. ef. 10-5-98
DEQ 20-1997, f. & cert. ef. 9-25-97
DEQ 26-1996, f. & cert. ef. 11-26-96
DEQ 22-1995, f. & cert. ef. 10-6-95
DEQ 24-1994, f. & cert. ef. 10-28-94
DEQ 18-1993, f. & cert. ef. 11-4-93
DEQ 13-1993, f. & cert. ef. 9-24-93

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, ZZZZZ, BBBBBB, DDDDDD through HHHHHH, LLLLLL through TTTTTT, VVVVVV through EEEEEEE, and HHHHHHH are adopted by reference and incorporated herein., ~~, and~~ 40 C.F.R. Part 63, Subparts ZZZZ and JJJJJJ are by this reference adopted and incorporated herein only for sources required to have a Title V or ACDP permit.

(2) The definitions in OAR 340-200-0020 and 340-244-0030 do not apply to the Subparts of 40 C.F.R. Parts 61 and 63 incorporated by reference in this rule, except for the definition of 'C.F.R.' in OAR 340-244-0030. 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 — Perchloroethylene Air Emission Standards for 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;

(c) Subpart D — Beryllium Rocket Motor Firing;

(d) Subpart E — Mercury;

(e) Subpart F — Vinyl Chloride;

(f) Subpart J — Equipment Leaks (Fugitive Emission Sources) of Benzene;

(g) Subpart L — Benzene Emissions from Coke By-Product Recovery Plants;

(h) Subpart N — Inorganic Arsenic Emissions from Glass Manufacturing Plants;

(i) Subpart O — Inorganic Arsenic Emissions from Primary Copper Smelters;

(j) Subpart P — Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities;

(k) Subpart V — Equipment Leaks (Fugitive Emission Sources);

(l) Subpart Y — Benzene Emissions from Benzene Storage Vessels;

(m) Subpart BB — Benzene Emissions from Benzene Transfer Operations; and

(n) Subpart FF — Benzene Waste Operations.

(5) 40 C.F.R. Part 63 Subparts adopted by this rule are titled as follows:

(a) Subpart A — General Provisions. Standards adopted include final rule promulgations through July 1, 2020 of the CFR;

(b) Subpart F — Synthetic Organic Chemical Manufacturing Industry (SOCMI);

(c) Subpart G — SOCMI — Process Vents, Storage Vessels, Transfer Operations, and Wastewater;

(d) Subpart H — ~~SOCMI —~~ Equipment Leaks and Fenceline Monitoring for All Emission Sources;

(e) Subpart I — Certain Processes Subject to the Negotiated Regulation for Equipment Leaks;

(f) Subpart J — Polyvinyl Chloride and Copolymers Production;

(g) Subpart L — Coke Oven Batteries;

(h) Subpart M — Perchloroethylene Air Emission Standards for Dry Cleaning Facilities;

(i) Subpart N — Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks;

(j) Subpart O — Ethylene Oxide Emissions Standards for Sterilization Facilities;

(k) Subpart Q — Industrial Process Cooling Towers;

(l) Subpart R — Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations);

(m) Subpart S — Pulp and Paper Industry;

(n) Subpart T — Halogenated Solvent Cleaning;

(o) Subpart U — Emissions: Group I Polymers and Resins;

(p) Subpart W — Epoxy Resins and Non-Nylon Polyamides Production;

(q) Subpart X — Secondary Lead Smelting;

(r) Subpart Y — Marine Tank Vessel Loading Operations;

(s) Subpart AA — Phosphoric Acid Manufacturing Plants;

(t) Subpart BB — Phosphate Fertilizer Production Plants;

(u) Subpart CC — Petroleum Refineries;

(v) Subpart DD — Off-Site Waste and Recovery Operations;

(w) Subpart EE — Magnetic Tape Manufacturing Operations;

(x) Subpart GG — Aerospace Manufacturing and Rework Facilities;

(y) Subpart HH — Oil and Natural Gas Production Facilities;

(z) Subpart II — Shipbuilding and Ship Repair (Surface Coating);

(aa) Subpart JJ — Wood Furniture Manufacturing Operations;

(bb) Subpart KK — Printing and Publishing Industry;

(cc) Subpart LL — Primary Aluminum Reduction Plants;

(dd) Subpart MM — Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite and Stand-Alone Semi-Cchemical Pulp Mills;

(ee) Subpart NN — Area Sources: Wool Fiberglass Manufacturing at Area Sources;

(ff) Subpart OO — Tanks — Level 1;

(gg) Subpart PP — Containers;

(hh) Subpart QQ — Surface Impoundments;

(ii) Subpart RR — Individual Drain Systems;

(jj) Subpart SS — Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process;

(kk) Subpart TT — Equipment Leaks — Control Level 1;

(ll) Subpart UU — Equipment Leaks — Control Level 2;

(mm) Subpart VV — Oil-Water Separators and Organic-Water Separators;

(nn) Subpart WW — Storage Vessels (Tanks) — Control Level 2;

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

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

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

(rr) Subpart DDD — Mineral Wool Production;

(ss) Subpart EEE — Hazardous Waste Combustors;

(tt) Subpart GGG — Pharmaceuticals Production;

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

(vv) Subpart III — Flexible Polyurethane Foam Production;

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

(xx) Subpart LLL — Portland Cement Manufacturing Industry;

(yy) Subpart MMM — Pesticide Active Ingredient Production;

(zz) Subpart NNN — Wool Fiberglass Manufacturing;

(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);

(bbb) Subpart PPP — Polyether Polyols Production;

(ccc) Subpart QQQ — Primary Copper Smelting;

(ddd) Subpart RRR — Secondary Aluminum Production;

(eee) Subpart TTT — Primary Lead Smelting;

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

(ggg) Subpart VVV — Publicly Owned Treatment Works;

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

(iii) Subpart AAAA — Municipal Solid Waste Landfills;

(jjj) Subpart CCCC — Manufacturing of Nutritional Yeast;

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

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

(mmm) Subpart FFFF — Miscellaneous Organic Chemical Manufacturing;

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

(ooo) Subpart HHHH — Wet-Formed Fiberglass Mat Production;

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

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

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

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

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

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

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

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

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

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

(zzz) Subpart TTTT — Leather Finishing Operations;

(aaaa) Subpart UUUU — Cellulose Productsion Manufacturing;

(bbbb) Subpart VVVV — Boat Manufacturing;

(cccc) Subpart WWWW — Reinforced Plastics Composites Production;

(dddd) Subpart XXXX — Rubber Tire Manufacturing;

(eeee) Subpart YYYY — Stationary Combustion Turbines;

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

(gggg) Subpart AAAAA — Lime Manufacturing Plants;

(hhhh) Subpart BBBBB — Semiconductor Manufacturing;

(iiii) Subpart CCCCC — Coke Ovens: Pushing, Quenching and& Battery Stacks;

(jjjj) Subpart DDDDD – Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters;

(kkkk) Subpart EEEEE — Iron and Steel Foundries;

(llll) Subpart FFFFF — Integrated Iron and Steel Manufacturing Facilities;

(mmmm) Subpart GGGGG — Site Remediation;

(nnnn) Subpart HHHHH — Misc.ellaneous Coating Manufacturing;

(oooo) Subpart IIIII — Mercury Cell Chlor-Alkali Plants;

(pppp) Subpart JJJJJ — Brick and Structural Clay Products Manufacturing;

(qqqq) Subpart KKKKK — Clay Ceramics Manufacturing;

(rrrr) Subpart LLLLL — Asphalt Processing &and Asphalt Roofing Manufacturing;

(ssss) Subpart MMMMM — Flexible Polyurethane Foam Fabrication Operations;

(tttt) Subpart NNNNN — Hydrochloric Acid Production;

(uuuu) Subpart PPPPP — Engine Tests Cells/Stands;

(vvvv) Subpart QQQQQ — Friction Materials Manufacturing Facilities;

(wwww) Subpart RRRRR — Taconite Iron Ore Processing;

(xxxx) Subpart SSSSS — Refractory Products Manufacturing;

(yyyy) Subpart TTTTT — Primary Magnesium Refining;

(zzzz) Subpart UUUUU — Coal- and Oil-Fired Electric Utility Steam Generating Units. Standards adopted include final rule promulgations through July 1, 2018 of the C~~.~~F~~.~~R~~.~~;

(aaaaa) Subpart WWWWW — ~~Area Sources:~~ Hospital Ethylene Oxide Sterilizers~~ation~~;

(bbbbb) Subpart YYYYY — Area Sources: Electric Arc Furnace Steelmaking Facilities;

(ccccc) Subpart ZZZZZ — ~~Area Sources:~~ Iron and Steel Foundries Area Sources;

(ddddd) Subpart BBBBBB — ~~Area Sources:~~ Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities;

(eeeee) Subpart DDDDDD — ~~Area Sources:~~ Polyvinyl Chloride and Copolymers Production Area Sources;

(fffff) Subpart EEEEEE — ~~Area Sources:~~ Primary Copper Smelting Area Sources;

(ggggg) Subpart FFFFFF — ~~Area Sources:~~ Secondary Copper Smelting Area Sources;

(hhhhh) Subpart GGGGGG — ~~Area Sources:~~ Primary Nonferrous Metals Area Sources — Zinc, Cadmium, and Beryllium;

(iiiii) Subpart HHHHHH — ~~Area Sources:~~ Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources;

(jjjjj) Subpart JJJJJJ — ~~Area Sources:~~ Industrial, Commercial, and Institutional Boilers Area Sources (adopted only for sources required to have a Title V or ACDP permit);

(kkkkk) Subpart LLLLLL — ~~Area Sources:~~ Acrylic and Modacrylic Fibers Production Area Sources;

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

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

(nnnnn) Subpart OOOOOO — ~~Area Sources:~~ Flexible Polyurethane Foam Production and Fabrication Area Sources;

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

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

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

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

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

(ttttt) Subpart VVVVVV — ~~Area Sources:~~ Chemical Manufacturing Area Sources;

(uuuuu) Subpart WWWWWW — Area Source Standards for~~:~~ Plating and Polishing Operations;

(vvvvv) Subpart XXXXXX — Area Source Standards for~~:~~ Nine Metal Fabrication and Finishing Source Categories;

(wwwww) Subpart YYYYYY — Area Sources: Ferroalloys Production Facilities;

(xxxxx) Subpart ZZZZZZ — Area Source Standards for~~s:~~ Aluminum, Copper, and Other Nonferrous Foundries;

(yyyyy) Subpart AAAAAAA – Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing;

(zzzzz) Subpart BBBBBBB — Area Sources: Chemical Preparations Industry;

(aaaaaa) Subpart CCCCCCC — Area Sources: Paints and Allied Products Manufacturing;

(bbbbbb) Subpart DDDDDDD — Area Sources: Prepared Feeds Manufacturing;

(cccccc) Subpart EEEEEEE — ~~Area Sources:~~ Gold Mine Ore Processing and Production Area Source Category;

(dddddd) Subpart HHHHHHH — Polyvinyl Chloride and Copolymers Production.

Statutory/Other Authority: ORS 468.020
Statutes/Other Implemented: ORS 468A.025
History:
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DEQ 8-2015, f. & cert. ef. 4-17-15
DEQ 4-2013, f. & cert. ef. 3-27-13
DEQ 1-2011, f. & cert. ef. 2-24-11
DEQ 8-2009, f. & cert. ef. 12-16-09
DEQ 15-2008, f. & cert. ef 12-31-08
DEQ 2-2006, f. & cert. ef. 3-14-06
DEQ 2-2005, f. & cert. ef. 2-10-05
DEQ 4-2003, f. & cert. ef. 2-06-03
DEQ 15-2001, f. & cert. ef. 12-26-01
DEQ 11-2000, f. & cert. ef. 7-27-00
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-0510, 340-032-5520
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DEQ 18-1993, f. & cert. ef. 11-4-93
DEQ 18-1998, f. & cert. ef. 10-5-98
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Draft rules – edits incorporated

Division 200
GENERAL AIR POLLUTION PROCEDURES AND DEFINITIONS

340-200-0020
General Air Quality Definitions

As used in OAR chapter 340, divisions 200 through 268, unless specifically defined otherwise:

(1) "Act" or "FCAA" means the Federal Clean Air Act, 42 U.S.C.A. § 7401 to 7671q.

(2) "Activity" means any process, operation, action, or reaction (e.g., chemical) at a source that emits a regulated pollutant.

(3) "Actual emissions" means the mass emissions of a regulated pollutant from an emissions source during a specified time period as set forth in OAR chapter 340, divisions 214, 220 and 222.

(4) "Adjacent", as used in the definitions of major source and source and in OAR 340-216-0070, means interdependent facilities that are nearby to each other.

(5) "Affected source" means a source that includes one or more affected units that are subject to emission reduction requirements or limitations under Title IV of the FCAA.

(6) "Affected states" means all states:

(a) Whose air quality may be affected by a proposed permit, permit modification, or permit renewal and that are contiguous to Oregon; or

(b) That are within 50 miles of the permitted source.

(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 CO2e for greenhouse gases.

(8) "Air contaminant" means a dust, fume, gas, mist, odor, smoke, vapor, pollen, soot, carbon, acid, particulate matter, regulated pollutant, or any combination thereof, exclusive of uncombined water.

(9) "Air Contaminant Discharge Permit" or "ACDP" means written authorization issued, renewed, amended, or revised by DEQ, under OAR chapter 340, division 216.

(10) “Air pollution control device” or “control device” means equipment, other than inherent process equipment that is used to destroy or remove a regulated pollutant prior to discharge to the atmosphere.

(a) The types of equipment that may commonly be used as control devices include, but are not limited to, fabric filters; mechanical collectors; electrostatic precipitators; inertial separators; afterburners; thermal or catalytic incinerators; adsorption devices (e.g., carbon beds, condensers); scrubbers (e.g., wet collection and gas absorption devices); selective catalytic or non-catalytic reduction systems; flue gas recirculation systems; spray dryers; spray towers; mist eliminators at acid plants and sulfur recovery plants; injection systems (e.g., water, steam, ammonia, sorbent or limestone injection); and combustion devices independent of the particular process being conducted at an emissions unit (e.g., the destruction of emissions achieved by venting process emission streams to flares, boilers or process heaters).

(b)(A) For purposes of OAR 340-212-0200 through 340-212-0280, a control device does not include passive control measures that act to prevent regulated pollutants from forming, such as the use of seals, lids, or roofs to prevent the release of regulated pollutants, use of low-polluting fuel or feedstocks, or the use of combustion or other process design features or characteristics.

(B) If an applicable requirement establishes that particular equipment which otherwise meets this definition of a control device does not constitute a control device as applied to a particular regulated pollutant-specific emissions unit, then that definition will be binding for purposes of OAR 340-212-0200 through 340-212-0280.

(11) "Alternative method" means any method of sampling and analyzing for an air pollutant which is not a reference or equivalent method but which has been demonstrated to DEQ's satisfaction to, in specific cases, produce results adequate for determination of compliance. The alternative method must comply with the intent of the rules, is at least equivalent in objectivity and reliability to the uniform recognized procedures, and is demonstrated to be reproducible, selective, sensitive, accurate, and applicable to the program. An alternative method used to meet an applicable federal requirement for which a reference method is specified must be approved by EPA unless EPA has delegated authority for the approval to DEQ.

(12) "Ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access.

(13) "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 chapter 340, division 216, including any term or condition of any preconstruction permits issued under OAR chapter 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.

(14) “Attainment area” or “unclassified area” means an area that has not otherwise been designated by EPA as nonattainment with ambient air quality standards for a particular regulated pollutant. Attainment areas or unclassified areas may also be referred to as sustainment or maintenance areas as designated in OAR chapter 340, division 204. Any particular location may be part of an attainment area or unclassified area for one regulated pollutant while also being in a different type of designated area for another regulated pollutant.

(15) “Attainment pollutant” means a pollutant for which an area is designated an attainment or unclassified area.

(16) "Baseline emission rate" means the actual emission rate during a baseline period as determined under OAR chapter 340, division 222.

(17) "Baseline period" means the period used to determine the baseline emission rate for each regulated pollutant under OAR chapter 340, division 222.

(18) "Best Available Control Technology" or "BACT" means an emission limitation, including, but not limited to, a visible emission standard, based on the maximum degree of reduction of each air contaminant subject to regulation under the FCAA which would be emitted from any proposed major source or major modification which, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air contaminant. In no event may the application of BACT result in emissions of any air contaminant that would exceed the emissions allowed by any applicable new source performance standard or any standard for hazardous air pollutant. If an emission limitation is not feasible, a design, equipment, work practice, or operational standard, or combination thereof, may be required. Such standard must, to the degree possible, set forth the emission reduction achievable and provide for compliance by prescribing appropriate permit conditions.

(19) "Biomass" means non-fossilized and biodegradable organic material originating from plants, animals, and microorganisms, including products, byproducts, residues and waste from agriculture, forestry, and related industries as well as the non-fossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of non-fossilized and biodegradable organic matter.

(20) "Capacity" means the maximum regulated pollutant emissions from a stationary source under its physical and operational design.

(21) “Capture efficiency” means the amount of regulated pollutant collected and routed to an air pollution control device divided by the amount of total emissions generated by the process being controlled.

(22) "Capture system" means the equipment, including but not limited to hoods, ducts, fans, and booths, used to contain, capture and transport a regulated pollutant to a control device.

(23) "Carbon dioxide equivalent" or "CO2e" means an amount of a greenhouse gas or gases expressed as the equivalent amount of carbon dioxide, and is computed by multiplying the mass of each of the greenhouse gases by the global warming potential published for each gas at 40 C.F.R. part 98, subpart A, Table A–1-Global Warming Potentials, and adding the resulting value for each greenhouse gas to compute the total equivalent amount of carbon dioxide.

(24) "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.

(a) Constituents of a chemical mixture present at less than 1 percent by weight of any chemical or compound regulated under divisions 200 through 268 excluding divisions 248 and 262 of this chapter, or less than 0.1 percent by weight of any carcinogen listed in the U.S. Department of Health and Human Service's Annual Report on Carcinogens when usage of the chemical mixture is less than 100,000 pounds/year;

(b) Evaporative and tailpipe emissions from on-site motor vehicle operation;

(c) Distillate oil, kerosene, gasoline, natural gas or propane burning equipment, provided the aggregate expected actual emissions of the equipment identified as categorically insignificant do not exceed the de minimis level for any regulated pollutant, based on the expected maximum annual operation of the equipment. If a source’s expected emissions from all such equipment exceed the de minimis levels, then the source may identify a subgroup of such equipment as categorically insignificant with the remainder not categorically insignificant. The following equipment may never be included as categorically insignificant:

(A) Any individual distillate oil, kerosene or gasoline burning equipment with a rating greater than 0.4 million Btu/hour;

(B) Any individual natural gas or propane burning equipment with a rating greater than 2.0 million Btu/hour.

(d) Distillate oil, kerosene, gasoline, natural gas or propane burning equipment brought on site for six months or less for maintenance, construction or similar purposes, such as but not limited to generators, pumps, hot water pressure washers and space heaters, provided that any such equipment that performs the same function as the permanent equipment, must be operated within the source's existing PSEL;

(e) Office activities;

(f) Food service activities;

(g) Janitorial activities;

(h) Personal care activities;

(i) Groundskeeping activities including, but not limited to building painting and road and parking lot maintenance;

(j) On-site laundry activities;

(k) On-site recreation facilities;

(l) Instrument calibration;

(m) Maintenance and repair shop;

(n) Automotive repair shops or storage garages;

(o) Air cooling or ventilating equipment not designed to remove air contaminants generated by or released from associated equipment;

(p) Refrigeration systems with less than 50 pounds of charge of ozone depleting substances regulated under Title VI, including pressure tanks used in refrigeration systems but excluding any combustion equipment associated with such systems;

(q) Bench scale laboratory equipment and laboratory equipment used exclusively for chemical and physical analysis, including associated vacuum producing devices but excluding research and development facilities;

(r) Temporary construction activities;

(s) Warehouse activities;

(t) Accidental fires;

(u) Air vents from air compressors;

(v) Air purification systems;

(w) Continuous emissions monitoring vent lines;

(x) Demineralized water tanks;

(y) Pre-treatment of municipal water, including use of deionized water purification systems;

(z) Electrical charging stations;

(aa) Fire brigade training;

(bb) Instrument air dryers and distribution;

(cc) Process raw water filtration systems;

(dd) Pharmaceutical packaging;

(ee) Fire suppression;

(ff) Blueprint making;

(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;

(hh) Electric motors;

(ii) Storage tanks, reservoirs, transfer and lubricating equipment used for ASTM grade distillate or residual fuels, lubricants, and hydraulic fluids;

(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;

(kk) Natural gas, propane, and liquefied petroleum gas (LPG) storage tanks and transfer equipment;

(ll) Pressurized tanks containing gaseous compounds;

(mm) Vacuum sheet stacker vents;

(nn) Emissions from wastewater discharges to publicly owned treatment works (POTW) provided the source is authorized to discharge to the POTW, not including on-site wastewater treatment and/or holding facilities;

(oo) Log ponds;

(pp) Stormwater settling basins;

(qq) Fire suppression and training;

(rr) Paved roads and paved parking lots within an urban growth boundary;

(ss) Hazardous air pollutant emissions in fugitive dust from paved and unpaved roads except for those sources that have processes or activities that contribute to the deposition and entrainment of hazardous air pollutants from surface soils;

(tt) Health, safety, and emergency response activities;

(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;

(vv) Non-contact steam vents and leaks and safety and relief valves for boiler steam distribution systems;

(ww) Non-contact steam condensate flash tanks;

(xx) Non-contact steam vents on condensate receivers, deaerators and similar equipment;

(yy) Boiler blowdown tanks;

(zz) Industrial cooling towers that do not use chromium-based water treatment chemicals;

(aaa) Ash piles maintained in a wetted condition and associated handling systems and activities;

(bbb) Uncontrolled oil/water separators in effluent treatment systems, excluding systems with a throughput of more than 400,000 gallons per year of effluent located at the following sources:

(A) Petroleum refineries;

(B) Sources that perform petroleum refining and re-refining of lubricating oils and greases including asphalt production by distillation and the reprocessing of oils and/or solvents for fuels; or

(C) Bulk gasoline plants, bulk gasoline terminals, and pipeline facilities;

(ccc) Combustion source flame safety purging on startup;

(ddd) Broke beaters, pulp and repulping tanks, stock chests and pulp handling equipment, excluding thickening equipment and repulpers;

(eee) Stock cleaning and pressurized pulp washing, excluding open stock washing systems; and

(fff) White water storage tanks.

(25) "Certifying individual" means the responsible person or official authorized by the owner or operator of a source who certifies the accuracy of the emission statement.

(26) "Class I area" or “PSD Class I area” means any Federal, State or Indian reservation land which is classified or reclassified as a Class I area under OAR 340-204-0050 and 340-204-0060.

(27) “Class II area” or “PSD Class II area’ means any land which is classified or reclassified as a Class II area under OAR 340-204-0050 and 340-204-0060.

(28) “Class III area” or “PSD Class III area’ means any land which is reclassified as a Class III area under OAR 340-204-0060.

(29) "Commence" or "commencement" means that the owner or operator has obtained all necessary preconstruction approvals required by the FCAA and either has:

(a) Begun, or caused to begin, a continuous program of actual on-site construction of the source to be completed in a reasonable time; or

(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.

(30) "Commission" or "EQC" means Environmental Quality Commission.

(31) "Constant process rate" means the average variation in process rate for the calendar year is not greater than plus or minus ten percent of the average process rate.

(32) "Construction":

(a) Except as provided in subsection (b) means any physical change including, but not limited to, fabrication, erection, installation, demolition, replacement, or modification of a source or part of a source;

(b) As used in OAR chapter 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.

(33) "Continuous compliance determination method" means a method, specified by the applicable standard or an applicable permit condition, which:

(a) Is used to determine compliance with an emission limitation or standard on a continuous basis, consistent with the averaging period established for the emission limitation or standard; and

(b) Provides data either in units of the standard or correlated directly with the compliance limit.

(34) "Continuous monitoring systems" means sampling and analysis, in a timed sequence, using techniques which will adequately reflect actual emissions or concentrations on a continuing basis as specified in the DEQ Continuous Monitoring Manual, found in OAR 340-200-0035, and includes continuous emission monitoring systems, continuous opacity monitoring system (COMS) and continuous parameter monitoring systems.

(35) “Control efficiency” means the product of the capture and removal efficiencies.

(36) "Criteria pollutant" means any of the following regulated pollutants: nitrogen oxides, volatile organic compounds, particulate matter, PM10, PM2.5, sulfur dioxide, carbon monoxide, and lead.

(37) "Data" means the results of any type of monitoring or method, including the results of instrumental or non-instrumental monitoring, emission calculations, manual sampling procedures, recordkeeping procedures, or any other form of information collection procedure used in connection with any type of monitoring or method.

(38) “Day” means a 24-hour period beginning at 12:00 a.m. midnight or a 24-hour period as specified in a permit.

(39) "De minimis emission level" means the level for the regulated pollutants listed below:

(a) Greenhouse Gases (CO2e) = 2,756 tons per year.

(b) CO = 1 ton per year.

(c) NOx = 1 ton per year.

(d) SO2 = 1 ton per year.

(e) VOC = 1 ton per year.

(f) PM = 1 ton per year.

(g) PM10 (except Medford AQMA) = 1 ton per year.

(h) PM10 (Medford AQMA) = 0.5 ton per year and 5.0 pounds/day.

(i) Direct PM2.5 = 1 ton per year.

(j) Lead = 0.1 ton per year.

(k) Fluorides = 0.3 ton per year.

(l) Sulfuric Acid Mist = 0.7 ton per year.

(m) Hydrogen Sulfide = 1 ton per year.

(n) Total Reduced Sulfur (including hydrogen sulfide) = 1 ton per year.

(o) Reduced Sulfur = 1 ton per year.

(p) Municipal waste combustor organics (dioxin and furans) = 0.0000005 ton per year.

(q) Municipal waste combustor metals = 1 ton per year.

(r) Municipal waste combustor acid gases = 1 ton per year.

(s) Municipal solid waste landfill gases (measured as nonmethane organic compounds) = 1 ton per year

(t) Single HAP = 1 ton per year

(u) Combined HAP (aggregate) = 1 ton per year

(40) "Department" or “DEQ”:

(a) Means Department of Environmental Quality; except

(b) As used in OAR chapter 340, divisions 218 and 220 means Department of Environmental Quality, or in the case of Lane County, LRAPA.

(41) “DEQ method [#]” means the sampling method and protocols for measuring a regulated pollutant as described in the DEQ Source Sampling Manual, found in OAR 340-200-0035.

(42) “Designated area” means an area that has been designated as an attainment, unclassified, sustainment, nonattainment, reattainment, or maintenance area under OAR chapter 340, division 204 or applicable provisions of the FCAA.

(43) “Destruction efficiency” means removal efficiency.

(44) "Device" means any machine, equipment, raw material, product, or byproduct at a source that produces or emits a regulated pollutant.

(45) "Direct PM2.5" has the meaning provided in the definition of PM2.5.

(46) "Director" means the Director of DEQ or the Director's designee.

(47) "Draft permit" means the version of an Oregon Title V Operating Permit for which DEQ or LRAPA offers public participation under OAR 340-218-0210 or the EPA and affected State review under 340-218-0230.

(48) "Dry standard cubic foot" means the amount of gas that would occupy a volume of one cubic foot, if the gas were free of uncombined water at standard conditions.

(49) "Effective date of the program" means the date that the EPA approves the Oregon Title V Operating Permit program submitted by DEQ on a full or interim basis. In case of a partial approval, the "effective date of the program" for each portion of the program is the date of the EPA approval of that portion.

(50) "Emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the owner or operator, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency does not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

(51) "Emission" means a release into the atmosphere of any regulated pollutant or any air contaminant.

(52) "Emission estimate adjustment factor" or "EEAF" means an adjustment applied to an emission factor to account for the relative inaccuracy of the emission factor.

(53) "Emission factor" means an estimate of the rate at which a regulated pollutant is released into the atmosphere, as the result of some activity, divided by the rate of that activity (e.g., production or process rate).

(54) "Emission(s) limitation," “emission(s) limit,” "emission(s) standard or “emission(s) limitation or standard” means:

(a) Except as provided in subsection (b), a requirement established by a state, local government, or EPA rule; a permit condition or order, which limits the quantity, rate, or concentration of emissions of regulated pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

(b) As used in OAR 340-212-0200 through 340-212-0280, any applicable requirement that constitutes an emission(s) limit, emission(s) limitation, emission(s) standard, standard of performance or means of emission(s) limitation as defined under the FCAA. An emission limitation or standard may be expressed in terms of the pollutant, expressed either as a specific

quantity, rate or concentration of emissions, e.g., pounds of SO2 per hour, pounds of SO2 per million British thermal units of fuel input, kilograms of VOC per liter of applied coating solids, or parts per million by volume of SO2, or as the relationship of uncontrolled to controlled emissions, e.g., percentage capture and destruction efficiency of VOC or percentage reduction of SO2. An emission limitation or standard may also be expressed either as a work practice, process or control device parameter, or other form of specific design, equipment, operational, or operation and maintenance requirement. For purposes of 340-212-0200 through 340-212-0280, an emission limitation or standard does not include general operation requirements that an owner or operator may be required to meet, such as requirements to obtain a permit, operate and maintain sources using good air pollution control practices, develop and maintain a malfunction abatement plan, keep records, submit reports, or conduct monitoring.

(55) "Emission reduction credit banking" means to presently reserve, subject to requirements of OAR chapter 340, division 268, Emission Reduction Credits, emission reductions for use by the reserver or assignee for future compliance with air pollution reduction requirements.

(56) "Emission reporting form" means a paper or electronic form developed by DEQ that must be completed by the permittee to report calculated emissions, actual emissions, or permitted emissions for interim emission fee assessment purposes.

(57) "Emissions unit" means any part or activity of a source that emits or has the potential to emit any regulated pollutant.

(a) A part of a source is any machine, equipment, raw material, product, or byproduct that produces or emits regulated pollutants. An activity is any process, operation, action, or reaction, e.g., chemical, at a stationary source that emits regulated pollutants. Except as described in subsection (d), parts and activities may be grouped for purposes of defining an emissions unit if the following conditions are met:

(A) The group used to define the emissions unit may not include discrete parts or activities to which a distinct emissions standard applies or for which different compliance demonstration requirements apply; and

(B) The emissions from the emissions unit are quantifiable.

(b) Emissions units may be defined on a regulated pollutant by regulated pollutant basis where applicable.

(c) The term emissions unit is not meant to alter or affect the definition of the term "unit" under Title IV of the FCAA.

(d) Parts and activities cannot be grouped for determining emissions increases from an emissions unit under OAR chapter 340, divisions 210 and 224, or for determining the applicability of any New Source Performance Standard.

(58) "EPA" or "Administrator" means the Administrator of the United States Environmental Protection Agency or the Administrator's designee.

(59) "EPA Method 9" means the method for Visual Determination of the Opacity of Emissions From Stationary Sources described in 40 C.F.R. part 60, Appendix A–4.

(60) "Equivalent method" means any method of sampling and analyzing for a regulated pollutant that has been demonstrated to DEQ's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions. An equivalent method used to meet an applicable federal requirement for which a reference method is specified must be approved by EPA unless EPA has delegated authority for the approval to DEQ.

(61) "Event" means excess emissions that arise from the same condition and occur during a single calendar day or continue into subsequent calendar days.

(62) "Exceedance" means a condition that is detected by monitoring that provides data in terms of an emission limitation or standard and that indicates that emissions, or opacity, are greater than the applicable emission limitation or standard, or less than the applicable standard in the case of a percent reduction requirement, consistent with any averaging period specified for averaging the results of the monitoring.

(63) "Excess emissions" means emissions in excess of an emission limit, or a risk limit under OAR chapter 340, division 245, contained in an applicable requirement, a permit or permit attachment limit; or emissions in violation of any applicable air quality rule.

(64) "Excursion" means a departure from an indicator range established for monitoring under OAR 340-212-0200 through 340-212-0280 and 340-218-0050(3)(a), consistent with any averaging period specified for averaging the results of the monitoring.

(65) "Federal Land Manager" means with respect to any lands in the United States, the Secretary of the federal department with authority over such lands.

(66) "Federal Major Source" means any source listed in subsections (a) or (d) below:

(a) A source with potential to emit:

(A) 100 tons per year or more of any individual regulated pollutant, excluding greenhouse gases and hazardous air pollutants listed in OAR chapter 340, division 244 if in a source category listed in subsection (c), or

(B) 250 tons per year or more of any individual regulated pollutant, excluding greenhouse gases and hazardous air pollutants listed in OAR chapter 340, division 244, if not in a source category listed in subsection (c).

(b) Calculations for determining a source’s potential to emit for purposes of subsections (a) and (d) must include the following:

(A) Fugitive emissions and insignificant activity emissions; and

(B) Increases or decreases due to a new or modified source.

(c) Source categories:

(A) Fossil fuel-fired steam electric plants of more than 250 million BTU/hour heat input;

(B) Coal cleaning plants with thermal dryer(C) Kraft pulp mills;

(D) Portland cement plants;

(E) Primary zinc smelters;

(F) Iron and steel mill plants;

(G) Primary aluminum ore reduction plants;

(H) Primary copper smelters;

(I) Municipal incinerators capable of charging more than 50 tons of refuse per day;

(J) Hydrofluoric acid plants;

(K) Sulfuric acid plants;

(L) Nitric acid plants;

(M) Petroleum refineries;

(N) Lime plants;

(O) Phosphate rock processing plants;

(P) Coke oven batteries;

(Q) Sulfur recovery plants;

(R) Carbon black plants, furnace process;

(S) Primary lead smelters;

(T) Fuel conversion plants;

(U) Sintering plants;

(V) Secondary metal production plants;

(W) Chemical process plants, excluding ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;

(X) Fossil fuel fired boilers, or combinations thereof, totaling more than 250 million BTU per hour heat input;

(Y) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(Z) Taconite ore processing plants;

(AA) Glass fiber processing plants;

(BB) Charcoal production plants.

(d) A major stationary source as defined in part D of Title I of the FCAA, including:

(A) For ozone nonattainment areas, sources with the potential to emit 100 tons per year or more of VOCs or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tons per year or more in areas classified as "serious," 25 tons per year or more in areas classified as "severe," and 10 tons per year or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25, and 10 tons per year of nitrogen oxides do not apply with respect to any source for which the Administrator has made a finding, under section 182(f)(1) or (2) of the FCAA, that requirements under section 182(f) of the FCAA do not apply;

(B) For ozone transport regions established under section 184 of the FCAA, sources with the potential to emit 50 tons per year or more of VOCs;

(C) For carbon monoxide nonattainment areas that are classified as "serious" and in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator, sources with the potential to emit 50 tons per year or more of carbon monoxide.

(D) For PM10 nonattainment areas classified as "serious," sources with the potential to emit 70 tons per year or more of PM10.

(67) "Final permit" means the version of an Oregon Title V Operating Permit issued by DEQ or LRAPA that has completed all review procedures required by OAR 340-218-0120 through 340-218-0240.

(68) "Form" means a paper or electronic form developed by DEQ.

(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.

(70) "Fugitive emissions":

(a) Except as used in subsection (b), means emissions of any air contaminant which escape to the atmosphere from any point or area that is not identifiable as a stack, vent, duct, or equivalent opening.

(b) As used to define a major Oregon Title V Operating Permit program source, means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(71) "General permit":

(a) Except as provided in subsection (b), means an Oregon Air Contaminant Discharge Permit established under OAR 340-216-0060;

(b) As used in OAR chapter 340, division 218 means an Oregon Title V Operating Permit established under OAR 340-218-0090.

(72)(a) "Greenhouse gases" or "GHGs" means the aggregate group of carbon dioxide (CO2), methane (CH4), nitrous oxide (N20), sulfur hexafluoride (SF6), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and other fluorinated greenhouse gases or fluorinated GHG as defined in 40 C.F.R. part 98.

(b) The definition of greenhouse gases in subsection (a) of this section does not include, for purposes of division 216, 218, and 224, carbon dioxide emissions from the combustion or decomposition of biomass except to the extent required by federal law.

(73) "Growth allowance" means an allocation of some part of an airshed's capacity to accommodate future proposed sources and modifications of sources.

(74) "Hardboard" means a flat panel made from wood that has been reduced to basic wood fibers and bonded by adhesive properties under pressure.

(75) “Hazardous Air Pollutant” or “HAP” means an air contaminant listed by the EPA under section 112(b) of the FCAA or determined by the EQC to cause, or reasonably be anticipated to cause, adverse effects to human health or the environment.

(76) "Immediately" means as soon as possible but in no case more than one hour after a source knew or should have known of an excess emission period.

(77) "Indian governing body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(78) "Indian reservation" means any federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

(79) "Inherent process equipment" means equipment that is necessary for the proper or safe functioning of the process, or material recovery equipment that the owner or operator documents is installed and operated primarily for purposes other than compliance with air pollution regulations. Equipment that must be operated at an efficiency higher than that achieved during normal process operations in order to comply with the applicable emission limitation or standard is not inherent process equipment. For the purposes of OAR 340-212-0200 through 340-212-0280, inherent process equipment is not considered a control device.

(80) "Insignificant activity" means an activity or emission that DEQ has designated as categorically insignificant, or that meets the criteria of aggregate insignificant emissions.

(81) "Insignificant change" means an off-permit change defined under OAR 340-218-0140(2)(a) to either a significant or an insignificant activity which:

(a) Does not result in a re-designation from an insignificant to a significant activity;

(b) Does not invoke an applicable requirement not included in the permit; and

(c) Does not result in emission of regulated pollutants not regulated by the source's permit.

(82) “Internal combustion engine” means stationary gas turbines and reciprocating internal combustion engines.

(83) "Late payment" means a fee payment which is received after the due date.

(84) "Liquefied petroleum gas" has the meaning given by the American Society for Testing and Materials in ASTM D1835-82, "Standard Specification for Liquid Petroleum Gases."

(85) "Lowest Achievable Emission Rate" or "LAER" means that rate of emissions which reflects: the most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable; or the most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent. The application of this term cannot permit a proposed new or modified source to emit any air contaminant in excess of the amount allowable under applicable New Source Performance Standards (NSPS) or standards for hazardous air pollutants.

(86) "Maintenance area" means any area that was formerly nonattainment for a criteria pollutant but has since met the ambient air quality standard, and EPA has approved a maintenance plan to comply with the standards under 40 C.F.R. 51.110. Maintenance areas are designated by the EQC according to division 204.

(87) "Maintenance pollutant" means a regulated pollutant for which a maintenance area was formerly designated a nonattainment area.

(88) "Major Modification" means any physical change or change in the method of operation of a source that results in satisfying the requirements of OAR 340-224-0025.

(89) “Major New Source Review” or “Major NSR” means the new source review process and requirements under OAR 340-224-0010 through 340-224-0070 and 340-224-0500 through 340-224-0540 based on the location and regulated pollutants emitted.

(90) "Major source":

(a) Except as provided in subsection (b) of this section, means a source that emits, or has the potential to emit, any regulated air pollutant at a Significant Emission Rate. The fugitive emissions and insignificant activity emissions of a stationary source are considered in determining whether it is a major source. Potential to emit calculations must include emission increases due to a new or modified source and may include emission decreases.

(b) As used in OAR chapter 340, division 210, Stationary Source Notification Requirements; Compliance Assurance Monitoring, OAR 340-212-0200 through 340-212-0280; OAR 340-216-0066, Standard ACDPs; OAR chapter 340, division 218, Oregon Title V Operating Permits; OAR chapter 340, division 220, Oregon Title V Operating Permit Fees; 340-216-0066, Standard ACDPs, and OAR chapter 340, division 236, Emission Standards for Specific Industries; means any stationary source or any group of stationary sources that are located on one or more contiguous or adjacent properties and are under common control of the same person or persons under common control belonging to a single major industrial grouping or supporting the major industrial group and that is described in paragraphs (A), (B), or (C). For the purposes of this subsection, a stationary source or group of stationary sources is considered part of a single industrial grouping if all of the regulated pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same major group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual (U.S. Office of Management and Budget, 1987) or support the major industrial group.

(A) A major source of hazardous air pollutants, which means:

(i) For hazardous air pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has

the potential to emit, in the aggregate, 10 tons per year or more of any hazardous air pollutants that has been listed under OAR 340-244-0040; 25 tons per year or more of any combination of such hazardous air pollutants, or such lesser quantity as the Administrator may establish by rule. Emissions from any oil or gas exploration or production well, along with its associated equipment, and emissions from any pipeline compressor or pump station will not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or

(ii) For radionuclides, "major source" will have the meaning specified by the Administrator by rule.

(B) A major stationary source of regulated pollutants, as defined in section 302 of the FCAA, that directly emits or has the potential to emit 100 tons per year or more of any regulated pollutant, except greenhouse gases, including any major source of fugitive emissions of any such regulated pollutant. The fugitive emissions of a stationary source are not considered in determining whether it is a major stationary source for the purposes of section 302(j) of the FCAA, unless the source belongs to one of the following categories of stationary sources:

(i) Coal cleaning plants (with thermal dryers);

(ii) Kraft pulp mills;

(iii) Portland cement plants;

(iv) Primary zinc smelters;

(v) Iron and steel mills;

(vi) Primary aluminum ore reduction plants;

(vii) Primary copper smelters;

(viii) Municipal incinerators capable of charging more than 50 tons of refuse per day;

(ix) Hydrofluoric, sulfuric, or nitric acid plants;

(x) Petroleum refineries;

(xi) Lime plants;

(xii) Phosphate rock processing plants;

(xiii) Coke oven batteries;

(xiv) Sulfur recovery plants;

(xv) Carbon black plants (furnace process);

(xvi) Primary lead smelters;

(xvii) Fuel conversion plants;

(xviii) Sintering plants;

(xix) Secondary metal production plants;

(xx) Chemical process plants, excluding ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;

(xxi) Fossil-fuel boilers, or combination thereof, totaling more than 250 million British thermal units per hour heat input;

(xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(xxiii) Taconite ore processing plants;

(xxiv) Glass fiber processing plants;

(xxv) Charcoal production plants;

(xxvi) Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or

(xxvii) Any other stationary source category, that as of August 7, 1980 is being regulated under section 111 or 112 of the FCAA.

(C) From July 1, 2011 through November 6, 2014, a major stationary source of regulated pollutants, as defined by Section 302 of the FCAA, that directly emits or has the potential to emit 100 tons per year or more of greenhouse gases and directly emits or has the potential to emit 100,000 tons per year or more CO2e, including fugitive emissions.

(91) "Material balance" means a procedure for determining emissions based on the difference in the amount of material added to a process and the amount consumed and/or recovered from a process.

(92) "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.

(93) "Monitoring" means any form of collecting data on a routine basis to determine or otherwise assess compliance with emission limitations or standards. Monitoring may include record keeping if the records are used to determine or assess compliance with an emission limitation or standard such as records of raw material content and usage, or records documenting compliance with work practice requirements. Monitoring may include conducting compliance method tests, such as the procedures in appendix A to 40 C.F.R. part 60, on a routine periodic basis. Requirements to conduct such tests on a one-time basis, or at such times as a regulatory authority may require on a non-regular basis, are not considered monitoring requirements for purposes of this definition. Monitoring may include one or more than one of the following data collection techniques as appropriate for a particular circumstance:

(a) Continuous emission or opacity monitoring systems.

(b) Continuous process, capture system, control device or other relevant parameter monitoring systems or procedures, including a predictive emission monitoring system.

(c) Emission estimation and calculation procedures (e.g., mass balance or stoichiometric calculations).

(d) Maintaining and analyzing records of fuel or raw materials usage.

(e) Recording results of a program or protocol to conduct specific operation and maintenance procedures.

(f) Verifying emissions, process parameters, capture system parameters, or control device parameters using portable or in situ measurement devices.

(g) Visible emission observations and recording.

(h) Any other form of measuring, recording, or verifying on a routine basis emissions, process parameters, capture system parameters, control device parameters or other factors relevant to assessing compliance with emission limitations or standards.

(94) "Natural gas" means a naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in geologic formations beneath the earth's surface, of which the principal component is methane.

(95) "Netting basis" means an emission rate determined as specified in OAR 340-222-0046.

(96) "Nitrogen oxides" or "NOx" means all oxides of nitrogen except nitrous oxide.

(97) "Nonattainment area" means a geographical area of the state, as designated by the EQC or the EPA, that exceeds any state or federal primary or secondary ambient air quality standard. Nonattainment areas are designated by the EQC according to division 204.

(98) "Nonattainment pollutant" means a regulated pollutant for which an area is designated a nonattainment area. Nonattainment areas are designated by the EQC according to division 204.

(99) "Normal source operation" means operation that does not include such conditions as forced fuel substitution, equipment malfunction, or highly abnormal market conditions.

(100) "Odor" means that property of an air contaminant that affects the sense of smell.

(101) "Offset" means an equivalent or greater emission reduction that is required before allowing an emission increase from a source that is subject to Major NSR or State NSR.

(102) "Opacity" means the degree to which emissions, excluding uncombined water, reduce the transmission of light and obscure the view of an object in the background as measured by EPA Method 9 or other method, as specified in each applicable rule.

(103) "Oregon Title V Operating Permit" or “Title V permit” means written authorization issued, renewed, amended, or revised under OAR chapter 340, division 218.

(104) "Oregon Title V Operating Permit program" or “Title V program” means the Oregon program described in OAR chapter 340, division 218 and approved by the Administrator under 40 C.F.R. part 70.

(105) "Oregon Title V Operating Permit program source" or “Title V source” means any source subject to the permitting requirements, OAR chapter 340, division 218.

(106) "Ozone precursor" means nitrogen oxides and volatile organic compounds.

(107) "Ozone season" means the contiguous 3 month period during which ozone exceedances typically occur, i.e., June, July, and August.

(108) "Particleboard" means matformed flat panels consisting of wood particles bonded together with synthetic resin or other suitable binder.

(109) "Particulate matter":

(a) Except as provided in subsection (b) of this section, means all finely divided solid and liquid material, other than uncombined water, that is emitted to the ambient air as measured by the test method specified in each applicable rule, or where not specified by rule, in the permit.

(b) As used in OAR chapter 340, division 208, Visible Emissions and Nuisance Requirements, means all finely divided solid material, including dust, and all finely divided liquid material, other than uncombined water, that is emitted to the ambient air.

(110) "Permit" means an Air Contaminant Discharge Permit or an Oregon Title V Operating Permit, permit attachment and any amendments or modifications thereof.

(111) "Permit modification" means a permit revision that meets the applicable requirements of OAR chapter 340, division 216, OAR chapter 340, division 224, or OAR 340-218-0160 through 340-218-0180.

(112) "Permit revision" means any permit modification or administrative permit amendment.

(113) "Permitted emissions" as used in OAR chapter 340, division 220 means each regulated pollutant portion of the PSEL, as identified in an ACDP, Oregon Title V Operating Permit, review report, or by DEQ under OAR 340-220-0090.

(114) "Permittee" means the owner or operator of a source, authorized to emit regulated pollutants under an ACDP or Oregon Title V Operating Permit.

(115) "Person" means individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the State of Oregon and any agencies thereof, and the federal government and any agencies thereof.

(116) "Plant Site Emission Limit" or "PSEL" means the total mass emissions per unit time of an individual regulated pollutant specified in a permit for a source. The PSEL for a major source may consist of more than one permitted emission for purposes of Oregon Title V Operating Permit Fees in OAR chapter 340, division 220.

(117) “Plywood" means a flat panel built generally of an odd number of thin sheets of veneers of wood in which the grain direction of each ply or layer is at right angles to the one adjacent to it.

(118) "PM10":

(a) When used in the context of emissions, means finely divided solid or liquid material, including condensable particulate, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal 10 micrometers, emitted to the ambient air as measured by the test method specified in each applicable rule or, where not specified by rule, in each individual permit;

(b) When used in the context of ambient concentration, means airborne finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured under 40 C.F.R. part 50, Appendix J or an equivalent method designated under 40 C.F.R. part 53.

(119) "PM2.5":

(a) When used in the context of direct PM2.5 emissions, means finely divided solid or liquid material, including condensable particulate, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers, emitted to the ambient air as measured by the test method specified in each applicable rule or, where not specified by rule, in each individual permit.

(b) When used in the context of PM2.5 precursor emissions, means sulfur dioxide (SO2) and nitrogen oxides (NOx) emitted to the ambient air as measured by the test method specified in each applicable rule or, where not specified by rule, in each individual permit.

(c) When used in the context of ambient concentration, means airborne finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured under 40 C.F.R. part 50, Appendix L, or an equivalent method designated under 40 C.F.R. part 53.

(120) "PM2.5 fraction" means the fraction of PM2.5 in relation to PM10 for each emissions unit that is included in the netting basis and PSEL.

(121) "Pollutant-specific emissions unit" means an emissions unit considered separately with respect to each regulated pollutant.

(122) “Portable” means designed and capable of being carried or moved from one location to another. Indicia of portability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

(123) "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 U.S. EPA 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.

(124) "ppm" means parts per million by volume unless otherwise specified in the applicable rule or an individual permit. It is a dimensionless unit of measurement for gases that expresses the ratio of the volume of one component gas to the volume of the entire sample mixture of gases.

(125) "Predictive emission monitoring system" or "PEMS" means a system that uses process and other parameters as inputs to a computer program or other data reduction system to produce values in terms of the applicable emission limitation or standard.

(126) "Press/cooling vent" means any opening through which particulate and gaseous emissions from plywood, particleboard, or hardboard manufacturing are exhausted, either by natural draft or powered fan, from the building housing the process. Such openings are generally located immediately above the board press, board unloader, or board cooling area.

(127) "Process upset" means a failure or malfunction of a production process or system to operate in a normal and usual manner.

(128) "Proposed permit" means the version of an Oregon Title V Operating Permit that DEQ or LRAPA proposes to issue and forwards to the Administrator for review in compliance with OAR 340-218-0230.

(129) "Reattainment area" means an area that is designated as nonattainment and has three consecutive years of monitoring data that shows the area is meeting the ambient air quality standard for the regulated pollutant for which the area was designated a nonattainment area, but a formal redesignation by EPA has not yet been approved. Reattainment areas are designated by the EQC according to division 204.

(130) "Reattainment pollutant" means a regulated pollutant for which an area is designated a reattainment area.

(131) "Reference method" means any method of sampling and analyzing for a regulated pollutant as specified in 40 C.F.R. part 52, 60, 61 or 63.

(132) "Regional agency" means Lane Regional Air Protection Agency.

(133) "Regulated air pollutant" or "Regulated pollutant":

(a) Except as provided in subsections (b), (c) and (d), means:

(A) Nitrogen oxides or any VOCs;

(B) Any pollutant for which an ambient air quality standard has been promulgated, including any precursors to such pollutants;

(C) Any pollutant that is subject to any standard promulgated under section 111 of the FCAA;

(D) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the FCAA;

(E) Any pollutant listed under OAR 340-244-0040 or 40 C.F.R. 68.130;

(F) Greenhouse gases; and

(G) Toxic Air Contaminants.

(b) As used in OAR chapter 340, division 220, Oregon Title V Operating Permit Fees, regulated pollutant means particulate matter, volatile organic compounds, oxides of nitrogen and sulfur dioxide.

(c) As used in OAR chapter 340, division 222, Plant Site Emission Limits and division 224, New Source Review, regulated pollutant does not include any pollutant listed in OAR chapter 340, divisions 246 or 247.

(d) As used in OAR chapter 340, division 202, Ambient Air Quality Standards And PSD Increments through division 208, Visible Emissions and Nuisance Requirements; division 215, Greenhouse Reporting Requirements; division 222, Stationary Source Plant Site Emission Limits through division 244, Oregon Federal Hazardous Air Pollutant Program; and division 248, Asbestos Requirements through division 268, Emission Reduction Credits; regulated pollutant means only the air contaminants listed under paragraphs (a)(A) through (F).

(134) “Removal efficiency” means the performance of an air pollution control device in terms of the ratio of the amount of the regulated pollutant removed from the airstream to the total amount of regulated pollutant that enters the air pollution control device.

(135) "Renewal" means the process by which a permit is reissued at the end of its term.

(136) "Responsible official" means one of the following:

(a) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(A) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars); or

(B) The delegation of authority to such representative is approved in advance by DEQ or LRAPA.

(b) For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

(c) For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this division, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of EPA (e.g., a Regional Administrator of the EPA); or

(d) For affected sources:

(A) The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the FCAA or the regulations promulgated there under are concerned; and

(B) The designated representative for any other purposes under the Oregon Title V Operating Permit program.

(137) "Secondary emissions" means emissions that are a result of the construction and/or operation of a source or modification, but that do not come from the source itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the source associated with the secondary emissions. Secondary emissions may include, but are not limited to:

(a) Emissions from ships and trains coming to or from a facility;

(b) Emissions from off-site support facilities that would be constructed or would otherwise increase emissions as a result of the construction or modification of a source.

(138) "Section 111" means section 111 of the FCAA, 42 U.S.C. § 7411, which includes Standards of Performance for New Stationary Sources (NSPS).

(139) "Section 111(d)" means subsection 111(d) of the FCAA, 42 U.S.C. § 7411(d), which requires states to submit to the EPA plans that establish standards of performance for existing sources and provides for implementing and enforcing such standards.

(140) "Section 112" means section 112 of the FCAA, 42 U.S.C. § 7412, which contains regulations for Hazardous Air Pollutants.

(141) "Section 112(b)" means subsection 112(b) of the FCAA, 42 U.S.C. § 7412(b), which includes the list of hazardous air pollutants to be regulated.

(142) "Section 112(d)" means subsection 112(d) of the FCAA, 42 U.S.C. § 7412(d), which directs the EPA to establish emission standards for sources of hazardous air pollutants. This section also defines the criteria to be used by the EPA when establishing the emission standards.

(143) "Section 112(e)" means subsection 112(e) of the FCAA, 42 U.S.C. § 7412(e), which directs the EPA to establish and promulgate emissions standards for categories and subcategories of sources that emit hazardous air pollutants.

(144) "Section 112(r)(7)" means subsection 112(r)(7) of the FCAA, 42 U.S.C. § 7412(r)(7), which requires the EPA to promulgate regulations for the prevention of accidental releases and requires owners or operators to prepare risk management plans.

(145) "Section 114(a)(3)" means subsection 114(a)(3) of the FCAA, 42 U.S.C. § 7414(a)(3), which requires enhanced monitoring and submission of compliance certifications for major sources.

(146) "Section 129" means section 129 of the FCAA, 42 U.S.C. § 7429, which requires the EPA to establish emission standards and other requirements for solid waste incineration units.

(147) "Section 129(e)" means subsection 129(e) of the FCAA, 42 U.S.C. § 7429(e), which requires solid waste incineration units to obtain Oregon Title V Operating Permits.

(148) "Section 182(f)" means subsection 182(f) of the FCAA, 42 U.S.C. § 7511a(f), which requires states to include plan provisions in the SIP for NOx in ozone nonattainment areas.

(149) "Section 182(f)(1)" means subsection 182(f)(1) of the FCAA, 42 U.S.C. § 7511a(f)(1), which requires states to apply those plan provisions developed for major VOC sources and major NOx sources in ozone nonattainment areas.

(150) "Section 183(e)" means subsection 183(e) of the FCAA, 42 U.S.C. § 7511b(e), which requires the EPA to study and develop regulations for the control of certain VOC sources under federal ozone measures.

(151) "Section 183(f)" means subsection 183(f) of the FCAA, 42 U.S.C. § 7511b(f), which requires the EPA to develop regulations pertaining to tank vessels under federal ozone measures.

(152) "Section 184" means section 184 of the FCAA, 42 U.S.C. § 7511c, which contains regulations for the control of interstate ozone air pollution.

(153) "Section 302" means section 302 of the FCAA, 42 U.S.C. § 7602, which contains definitions for general and administrative purposes in the FCAA.

(154) "Section 302(j)" means subsection 302(j) of the FCAA, 42 U.S.C. § 7602(j), which contains definitions of "major stationary source" and "major emitting facility."

(155) "Section 328" means section 328 of the FCAA, 42 U.S.C. § 7627, which contains regulations for air pollution from outer continental shelf activities.

(156) "Section 408(a)" means subsection 408(a) of the FCAA, 42 U.S.C. § 7651g(a), which contains regulations for the Title IV permit program.

(157) "Section 502(b)(10) change" means a change which contravenes an express permit term but is not a change that:

(a) Would violate applicable requirements;

(b) Would contravene federally enforceable permit terms and conditions that are monitoring, recordkeeping, reporting, or compliance certification requirements; or

(c) Is a FCAA Title I modification.

(158) "Section 504(b)" means subsection 504(b) of the FCAA, 42 U.S.C. § 7661c(b), which states that the EPA can prescribe by rule procedures and methods for determining compliance and for monitoring.

(159) "Section 504(e)" means subsection 504(e) of the FCAA, 42 U.S.C. § 761c(e), which contains regulations for permit requirements for temporary sources.

(160) "Significant emission rate" or "SER," except as provided in subsections (v) and (w), means an emission rate equal to the rates specified for the regulated pollutants below:

(a) Greenhouse gases (CO2e) = 75,000 tons per year

(b) Carbon monoxide = 100 tons per year except in a serious nonattainment area = 50 tons per year, provided DEQ has determined that stationary sources contribute significantly to carbon monoxide levels in that area.

(c) Nitrogen oxides (NOX) = 40 tons per year.

(d) Particulate matter = 25 tons per year.

(e) PM10 = 15 tons per year.

(f) Direct PM2.5 = 10 tons per year.

(g) PM2.5 precursors (SO2 or NOx) = 40 tons per year.

(h) Sulfur dioxide (SO2) = 40 tons per year.

(i) Ozone precursors (VOC or NOx) = 40 tons per year except:

(A) In a serious or severe ozone nonattainment area = 25 tons per year.

(B) In an extreme ozone nonattainment area = any emissions increase.

(j) Lead = 0.6 tons per year.

(k) Inorganic fluoride compounds (as measured by EPA method 13A or 13B), excluding hydrogen fluoride = 3 tons per year.

(l) Sulfuric acid mist = 7 tons per year.

(m) Hydrogen sulfide = 10 tons per year.

(n) Total reduced sulfur (including hydrogen sulfide) = 10 tons per year.

(o) Reduced sulfur compounds (including hydrogen sulfide) = 10 tons per year.

(p) Municipal waste combustor organics (measured as total tetra- through octa- chlorinated dibenzo-p-dioxins and dibenzofurans) = 0.0000035 tons per year.

(q) Municipal waste combustor metals (measured as particulate matter) = 15 tons per year.

(r) Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride) = 40 tons per year.

(s) Municipal solid waste landfill emissions (measured as nonmethane organic compounds) = 50 tons per year.

(t) Ozone depleting substances in aggregate = 100 tons per year.

(u) For the Medford-Ashland Air Quality Maintenance Area, the SER for PM10 is defined as 5.0 tons per year on an annual basis and 50.0 pounds per day on a daily basis.

(v) For regulated pollutants not listed in subsections (a) through (u), the SER is zero.

(w) Any new source or modification with an emissions increase less than the rates specified above and that is located within 10 kilometers of a Class I area, and would have an impact on such area equal to or greater than 1 ug/m3 (24 hour average) is emitting at a SER. This subsection does not apply to greenhouse gas emissions.

(161) "Significant impact" means an additional ambient air quality concentration equal to or greater than the significant impact level. For sources of VOC or NOx, a source has a significant impact if it is located within the ozone impact distance defined in OAR 340 division 224.

(162) “Significant impact level” or “SIL” means the ambient air quality concentrations listed below. The threshold concentrations listed below are used for comparison against the ambient air quality standards and PSD increments established under OAR chapter 340, division 202, but do not apply for protecting air quality related values, including visibility.

(a) For Class I areas:

(A) PM2.5:

(i) Annual = 0.03 µg/m3.

(ii) 24-hour = 0.07 µg/m3.

(B) PM10: 24-hour = 0.30 µg/m3.

(C) Sulfur dioxide:

(i) Annual = 0.10 µg/m3.

(ii) 24-hour = 0.20 µg/m3.

(iii) 3-hour = 1.0 µg/m3.

(D) Nitrogen dioxide: annual = 0.10 µg/m3.

(b) For Class II areas:

(A) PM2.5:

(i) Annual = 0.13 µg/m3.

(ii) 24-hour = 1.2 μg/m3.

(B) PM10: 24-hour = 1.0 μg/m3.

(C) Sulfur dioxide:

(i) Annual = 1.0 μg/m3.

(ii) 24-hour = 5.0 μg/m3.

(iii) 3-hour =25.0 μg/m3.

(iv) 1-hour = 8.0 μg/m3.

(D) Nitrogen dioxide:

(i) Annual =1.0 μg/m3.

(ii) 1-hour = 8.0 μg/m3.

(E) Carbon monoxide:

(i) 8-hour = 0.5 mg/m3.

(ii) 1-hour = 2.0 mg/m3.

(c) For Class III areas:

(A) PM2.5:

(i) Annual = 0.13 μg/m3.

(ii) 24-hour = 1.2 μg/m3.

(B) PM10: 24-hour = 1.0 μg/m3.

(C) Sulfur dioxide:

(i) Annual = 1.0 μg/m3.

(ii) 24-hour = 5.0 μg/m3.

(iii) 3-hour = 25.0 μg/m3.

(D) Nitrogen dioxide: annual = 1.0 μg/m3

(E) Carbon monoxide:

(i) 8-hour = 0.5 mg/m3.

(ii) 1-hour = 2.0 mg/m3.

(163) "Significant impairment" occurs when DEQ determines that visibility impairment interferes with the management, protection, preservation, or enjoyment of the visual experience within a Class I area. DEQ will make this determination on a case-by-case basis after considering the recommendations of the Federal Land Manager and the geographic extent, intensity, duration, frequency, and time of visibility impairment. These factors will be considered along with visitor use of the Class I areas, and the frequency and occurrence of natural conditions that reduce visibility.

(164) "Small scale local energy project" means:

(a) A system, mechanism or series of mechanisms located primarily in Oregon that directly or indirectly uses or enables the use of, by the owner or operator, renewable resources including, but not limited to, solar, wind, geothermal, biomass, waste heat or water resources to produce energy, including heat, electricity and substitute fuels, to meet a local community or regional energy need in this state;

(b) A system, mechanism or series of mechanisms located primarily in Oregon or providing substantial benefits to Oregon that directly or indirectly conserves energy or enables the conservation of energy by the owner or operator, including energy used in transportation;

(c) A recycling project;

(d) An alternative fuel project;

(e) An improvement that increases the production or efficiency, or extends the operating life, of a system, mechanism, series of mechanisms or project otherwise described in this section of this rule, including but not limited to restarting a dormant project;

(f) A system, mechanism or series of mechanisms installed in a facility or portions of a facility that directly or indirectly reduces the amount of energy needed for the construction and operation of the facility and that meets the sustainable building practices standard established by the State Department of Energy by rule; or

(g) A project described in subsections (a) to (f), whether or not the existing project was originally financed under ORS 470, together with any refinancing necessary to remove prior liens or encumbrances against the existing project.

(h) A project described in subsections (a) to (g) that conserves energy or produces energy by generation or by processing or collection of a renewable resource.

(165) "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.

(166) "Source category":

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

(b) As used in OAR chapter 340, division 220, Oregon Title V Operating Permit Fees, means a group of major sources that DEQ determines are using similar raw materials and have equivalent process controls and air pollution control device.

(167) "Source test" means the average of at least three test runs conducted under the DEQ Source Sampling Manual found in 340-200-0035.

(168) "Standard conditions" means a temperature of 68° Fahrenheit (20° Celsius) and a pressure of 14.7 pounds per square inch absolute (1.03 Kilograms per square centimeter).

(169) "Startup" and "shutdown" means that time during which a source or control device is brought into normal operation or normal operation is terminated, respectively.

(170) "State Implementation Plan" or "SIP" means the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040 and approved by EPA.

(171) “State New Source Review” or “State NSR” means the new source review process and requirements under OAR 340-224-0010 through 340-224-0038, 340-224-0245 through 340-224-0270 and 340-224-0500 through 340-224-0540 based on the location and regulated pollutants emitted.

(172) "Stationary source" means any building, structure, facility, or installation at a source that emits or may emit any regulated pollutant. Stationary source includes portable sources that are required to have permits under OAR chapter 340, division 216.

(173) "Substantial underpayment" means the lesser of 10 percent of the total interim emission fee for the major source or five hundred dollars.

(174) “Sustainment area” means a geographical area of the state for which DEQ has ambient air quality monitoring data that shows an attainment or unclassified area could become a nonattainment area but a formal redesignation by EPA has not yet been approved. The presumptive geographic boundary of a sustainment area is the applicable urban growth boundary in effect on the date this rule was last approved by the EQC, unless superseded by rule. Sustainment areas are designated by the EQC according to division 204.

(175) “Sustainment pollutant” means a regulated pollutant for which an area is designated a sustainment area.

(176) "Synthetic minor source" means a source that would be classified as a major source under OAR 340-200-0020, but for limits on its potential to emit regulated pollutants contained in an ACDP or Oregon Title V permit issued by DEQ.

(177) "Title I modification" means one of the following modifications under Title I of the FCAA:

(a) A major modification subject to OAR 340-224-0050, Requirements for Sources in Nonattainment Areas or OAR 340-224-0055, Requirements for Sources in Reattainment Areas;

(b) A major modification subject to OAR 340-224-0060, Requirements for Sources in Maintenance Areas;

(c) A major modification subject to OAR 340-224-0070, Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas or 340-224-0045 Requirements for Sources in Sustainment Areas;

(d) A modification that is subject to a New Source Performance Standard under Section 111 of the FCAA; or,

(e) A modification under Section 112 of the FCAA.

(178) "Total reduced sulfur" or "TRS" means the sum of the sulfur compounds hydrogen sulfide, methyl mercaptan, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present expressed as hydrogen sulfide (H2S).

(179) “Toxic air contaminant” means an air pollutant that has been determined by the EQC to cause, or reasonably be anticipated to cause, adverse effects to human health and is listed in OAR 340-247-8010 Table 1.

(180) “Type A State NSR” means State NSR as specified in OAR 340-224-0010(2)(a).

(181) “Type B State NSR” means State NSR that is not Type A State NSR.

(182) "Typically Achievable Control Technology" or "TACT" means the emission limit established on a case-by-case basis for a criteria pollutant from a particular emissions unit under OAR 340-226-0130.

(183) "Unassigned emissions" means the amount of emissions that are in excess of the PSEL but less than the netting basis.

(184) "Unavoidable" or "could not be avoided" means events that are not caused entirely or in part by design, operation, maintenance, or any other preventable condition in either process or control device.

(185) “Unclassified area” or “attainment area” means an area that has not otherwise been designated by EPA as nonattainment with ambient air quality standards for a particular regulated pollutant. Attainment areas or unclassified areas may also be referred to as sustainment or maintenance areas as designated in OAR chapter 340, division 204. Any particular location may be part of an attainment area or unclassified area for one regulated pollutant while also being in a different type of designated area for another regulated pollutant.

(186) "Upset" or "Breakdown" means any failure or malfunction of any air pollution control device or operating equipment that may cause excess emissions.

(187) "Veneer" means a single flat panel of wood not exceeding 1/4 inch in thickness formed by slicing or peeling from a log.

(188) "Veneer dryer" means equipment in which veneer is dried.

(189) "Visibility impairment" means any humanly perceptible change in visual range, contrast or coloration from that which existed under natural conditions. Natural conditions include fog, clouds, windblown dust, rain, sand, naturally ignited wildfires, and natural aerosols.

(190) "Volatile organic compounds" or "VOC" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions.

(a) VOC includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity:

(A) Methane;

(B) Ethane;

(C) Methylene chloride (dichloromethane);

(D) 1,1,1-trichloroethane (methyl chloroform);

(E) 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);

(F) Trichlorofluoromethane (CFC-11);

(G) Dichlorodifluoromethane (CFC-12);

(H) Chlorodifluoromethane (HCFC-22);

(I) Trifluoromethane (HFC-23);

(J) 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114);

(K) Chloropentafluoroethane (CFC-115);

(L) 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);

(M) 1,1,1,2-tetrafluoroethane (HFC-134a);

(N) 1,1-dichloro 1-fluoroethane (HCFC-141b);

(O) 1-chloro 1,1-difluoroethane (HCFC-142b);

(P) 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);

(Q) Pentafluoroethane (HFC-125);

(R) 1,1,2,2-tetrafluoroethane (HFC-134);

(S) 1,1,1-trifluoroethane (HFC-143a);

(T) 1,1-difluoroethane (HFC-152a);

(U) Parachlorobenzotrifluoride (PCBTF);

(V) Cyclic, branched, or linear completely methylated siloxanes;

(W) Acetone;

(X) Perchloroethylene (tetrachloroethylene);

(Y) 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);

(Z) 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);

(AA) 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);

(BB) Difluoromethane (HFC-32);

(CC) Ethylfluoride (HFC-161);

(DD) 1,1,1,3,3,3-hexafluoropropane (HFC-236fa);

(EE) 1,1,2,2,3-pentafluoropropane (HFC-245ca);

(FF) 1,1,2,3,3-pentafluoropropane (HFC-245ea);

(GG) 1,1,1,2,3-pentafluoropropane (HFC-245eb);

(HH) 1,1,1,3,3-pentafluoropropane (HFC-245fa);

(II) 1,1,1,2,3,3-hexafluoropropane (HFC-236ea);

(JJ) 1,1,1,3,3-pentafluorobutane (HFC-365mfc);

(KK) chlorofluoromethane (HCFC-31);

(LL) 1 chloro-1-fluoroethane (HCFC-151a);

(MM) 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);

(NN) 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C4 F9 OCH3 or HFE-7100);

(OO) 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2 CFCF2 OCH3);

(PP) 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C4 F9 OC2 H5 or HFE-7200);

(QQ) 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2 CFCF2 OC2 H5);

(RR) Methyl acetate;

(SS) 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C3F7OCH3, HFE-7000);

(TT) 3-ethoxy- 1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500);

(UU) 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea);

(VV) Methyl formate (HCOOCH3);

(WW) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300);

(XX) Propylene carbonate;

(YY) Dimethyl carbonate;

(ZZ) Trans -1,3,3,3-tetrafluoropropene (also known as HFO-1234ze);

(AAA) HCF2 OCF2 H (HFE-134);

(BBB) HCF2 OCF2 OCF2 H (HFE-236cal2);

(CCC) HCF2 OCF2 CF2 OCF2 H (HFE-338pcc13);

(DDD) HCF2 OCF2 OCF2 CF2 OCF2 H (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180));

(EEE) Trans 1-chloro-3,3,3-trifluoroprop-1-ene (also known as SolsticeTM 1233zd(E));

(FFF) 2,3,3,3-tetrafluoropropene (also known as HFO–1234yf);

(GGG) 2-amino-2-methyl-1-propanol;

(HHH) perfluorocarbon compounds which fall into these classes:

(i) Cyclic, branched, or linear, completely fluorinated alkanes;

(ii) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

(iii) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and

(iv) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine;

(III) cis-1,1,1,4,4,4-hexafluorobut-2-ene (also known as HFO-1336mzz-Z); and

(JJJ) t-butyl acetate.

(b) For purposes of determining compliance with emissions limits, VOC will be measured by an applicable test method in the DEQ Source Sampling Manual referenced in OAR 340-200-0035. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and DEQ approves the exclusion.

(c) When considering a requested exclusion of negligibly-reactive compounds under subsection (b), DEQ may require an owner or operator to provide monitoring or testing methods and results that demonstrate, to DEQ's satisfaction, the amount of negligibly-reactive compounds in the source's emissions.

(191) "Wood fired veneer dryer" means a veneer dryer, that is directly heated by the products of combustion of wood fuel in addition to or exclusive of steam or natural gas or propane combustion.

(192) “Wood fuel-fired device” means a device or appliance designed for wood fuel combustion, including cordwood stoves, woodstoves and fireplace stove inserts, fireplaces, wood fuel-fired cook stoves, pellet stoves and combination fuel furnaces and boilers that burn wood fuels.

(193) "Year" means any consecutive 12 month period of time.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040 with the exception of all references to toxic air contaminants and OAR chapter 340, division 245.]

[NOTE: Referenced publications not linked to below are available from the agency.]

[NOTE: View a PDF of referenced tables and EPA Methods by clicking on "Tables" link below.]

[ED. NOTE: To view attachments referenced in rule text, click here for PDF copy.]

Statutory/Other Authority: ORS 468.020 & 468A
Statutes/Other Implemented: ORS 468A.025, 468A.035, 468A.040, 468A.050, 468A.055, 468A.070, 468A.075, 468A.085, 468A.105, 468A.135, 468A.140, 468A.155, 468A.280, 468A.310, 468A.315, 468A.360, 468A.363, 468A.380, 468A.385, 468A.420, 468A.495, 468A.500, 468A.505, 468A.515, 468A.575, 468A.595, 468A.600, 468A.610, 468A.612, 468A.620, 468A.635, 468A.707, 468A.740, 468A.745, 468A.750, 468A.775, 468A.780, 468A.797, 468A.799, 468A.803, 468A.820 & & Or. Laws 2009, chapter 754
History:
DEQ 19-2022, amend filed 11/18/2022, effective 03/01/2023
DEQ 18-2021, amend filed 11/17/2021, effective 11/17/2021
DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019
DEQ 197-2018, amend filed 11/16/2018, effective 11/16/2018
DEQ 7-2015, f. & cert. ef. 4-16-15
DEQ 12-2014(Temp), f. & cert. ef. 11-12-14 thru 5-10-15
DEQ 11-2013, f. & cert. ef. 11-7-13
DEQ 4-2013, f. & cert. ef. 3-27-13
DEQ 1-2012, f. & cert. ef. 5-17-12
DEQ 7-2011(Temp), f. & cert. ef. 6-24-11 thru 12-19-11
DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11
DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11
DEQ 5-2010, f. & cert. ef. 5-21-10
DEQ 10-2008, f. & cert. ef. 8-25-08
DEQ 8-2007, f. & cert. ef. 11-8-07
DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08
DEQ 2-2006, f. & cert. ef. 3-14-06
DEQ 2-2005, f. & cert. ef. 2-10-05
DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0205, 340-028-0110
DEQ 6-1999, f. & cert. ef. 5-21-99
DEQ 1-1999, f. & cert. ef. 1-25-99
DEQ 21-1998, f. & cert. ef. 10-14-98

DEQ 16-1998, f. & cert. ef. 9-23-98
DEQ 14-1998, f. & cert. ef. 9-14-98
DEQ 9-1997, f. & cert. ef. 5-9-97
DEQ 22-1996, f. & cert. ef. 10-22-96
DEQ 19-1996, f. & cert. ef. 9-24-96
DEQ 22-1995, f. & cert. ef. 10-6-95
DEQ 12-1995, f. & cert. ef. 5-23-95
DEQ 10-1995, f. & cert. ef. 5-1-95
DEQ 24-1994, f. & cert. ef. 10-28-94
DEQ 21-1994, f. & cert. ef. 10-14-94
DEQ 13-1994, f. & cert. ef. 5-19-94
DEQ 20-1993(Temp), f. & cert. ef. 11-4-93
DEQ 19-1993, f. & cert. ef. 11-4-93
DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0145, 340-020-0225, 340-020-0305, 340-020-0355, 340-020-0460 & 340-020-0520
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 27-1992, f. & cert. ef. 11-12-92
DEQ 7-1992, f. & cert. ef. 3-30-92
DEQ 2-1992, f. & cert. ef. 1-30-92
DEQ 42-1990, f. 12-13-90, cert. ef. 1-2-91
DEQ 14-1989, f. & cert. ef. 6-26-89
DEQ 8-1988, f. & cert. ef. 5-19-88
DEQ 18-1984, f. & cert. ef. 10-16-84
DEQ 5-1983, f. & cert, ef. 4-18-83
DEQ 25-1981, f. & cert. ef. 9-8-81
DEQ 15-1978, f. & cert. ef. 10-13-78
DEQ 107, f. & cert. ef. 1-6-76, Renumbered from 340-020-0033
DEQ 63, f. 12-20-73, cert. ef. 1-11-74
DEQ 47, f. 8-31-72, cert. ef. 9-15-72

340-200-0035
Reference Materials

As used in divisions 200 through 268, the following materials refer to the versions listed below.

(1) "C.F.R." or “CFR” means Code of Federal Regulations and, unless otherwise expressly identified, refers to the July 1, 2025, edition.

(2) The DEQ Source Sampling Manual refers to the November 2018 edition.

(3) The DEQ Continuous Monitoring Manual refers to the April 2015 edition.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040 with the exception of all references to toxic air contaminants and OAR chapter 340, division 245.]

[ED. NOTE: To view attachments referenced in rule text, click here for PDF copy.]

Statutory/Other Authority: ORS 468.020 & 468A
Statutes/Other Implemented: ORS 468A
History:

DEQ 19-2022, amend filed 11/18/2022, effective 03/01/2023
DEQ 1-2021, amend filed 01/21/2021, effective 01/21/2021
DEQ 2-2019, minor correction filed 01/07/2019, effective 01/07/2019
DEQ 197-2018, amend filed 11/16/2018, effective 11/16/2018
DEQ 53-2017, minor correction filed 12/19/2017, effective 12/19/2017
DEQ 7-2015, f. & cert. ef. 4-16-15

340-200-0040
State of Oregon Clean Air Act Implementation Plan

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

(2) Except as provided in section (3), revisions to the SIP will be made under the EQC's rulemaking procedures in OAR chapter 340, division 11 of this chapter and any other requirements contained in the SIP and will be submitted to the EPA for approval. The SIP was last modified by the EQC on July 15, 2025.

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

(a) Submit to the EPA any permit condition implementing a rule that is part of the federally-approved SIP as a source-specific SIP revision after DEQ has complied with the public hearings provisions of 40 C.F.R. 51.102; and

(b) Approve the standards submitted by LRAPA if LRAPA adopts verbatim, other than non-substantive differences, any standard that the EQC has adopted, and submit the standards to EPA for approval as a SIP revision.

(4) Revisions to the State of Oregon Clean Air Act Implementation Plan become federally enforceable upon approval by the EPA. If any provision of the federally approved State Implementation Plan conflicts with any provision adopted by the EQC, DEQ must enforce the more stringent provision.

Statutory/Other Authority: ORS 468A & ORS 468.020
Statutes/Other Implemented: ORS 468A.035 & 468A.135
History:
DEQ 3-2025, amend filed 01/10/2025, effective 01/10/2025
DEQ 8-2024, amend filed 05/24/2024, effective 05/24/2024
DEQ 7-2024, amend filed 05/24/2024, effective 05/25/2024
DEQ 6-2024, amend filed 05/24/2024, effective 05/24/2024
DEQ 4-2024, amend filed 03/25/2024, effective 03/25/2024
DEQ 19-2023, amend filed 11/17/2023, effective 11/17/2023
DEQ 19-2022, amend filed 11/18/2022, effective 03/01/2023
DEQ 2-2022, amend filed 02/03/2022, effective 02/03/2022
DEQ 22-2021, amend filed 11/18/2021, effective 11/18/2021
DEQ 21-2021, amend filed 11/18/2021, effective 11/18/2021
DEQ 14-2021, amend filed 07/26/2021, effective 07/26/2021
DEQ 11-2021, amend filed 07/23/2021, effective 07/23/2021
DEQ 1-2021, amend filed 01/21/2021, effective 01/21/2021

DEQ 21-2020, amend filed 11/19/2020, effective 11/19/2020
DEQ 17-2020, amend filed 09/21/2020, effective 09/21/2020
DEQ 18-2019, amend filed 07/19/2019, effective 07/19/2019
DEQ 14-2019, amend filed 05/17/2019, effective 05/17/2019
DEQ 4-2019, amend filed 01/24/2019, effective 01/24/2019
DEQ 197-2018, amend filed 11/16/2018, effective 11/16/2018
DEQ 192-2018, amend filed 09/14/2018, effective 09/14/2018
DEQ 190-2018, amend filed 07/13/2018, effective 07/13/2018
DEQ 11-2018, amend filed 03/23/2018, effective 03/23/2018
DEQ 7-2017, f. & cert. ef. 7-13-17
DEQ 2-2017, f. & cert. ef. 1-19-17
DEQ 14-2015, f. & cert. ef. 12-10-15
DEQ 10-2015, f. & cert. ef. 10-16-15
DEQ 7-2015, f. & cert. ef. 4-16-15
DEQ 6-2015, f. & cert. ef. 4-16-15
DEQ 7-2014, f. & cert. ef. 6-26-14
DEQ 6-2014, f. & cert. ef. 3-31-14
DEQ 5-2014, f. & cert. ef. 3-31-14
DEQ 4-2014, f. & cert. ef. 3-31-14
DEQ 1-2014, f. & cert. ef. 1-6-14
DEQ 12-2013, f. & cert. ef. 12-19-13
DEQ 11-2013, f. & cert. ef. 11-7-13
DEQ 4-2013, f. & cert. ef. 3-27-13
DEQ 10-2012, f. & cert. ef. 12-11-12
DEQ 7-2012, f. & cert.ef 12-10-12
DEQ 1-2012, f. & cert. ef. 5-17-12
DEQ 18-2011, f. & cert. ef. 12-21-11
DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11
DEQ 2-2011, f. 3-10-11, cert. ef. 3-15-11
DEQ 1-2011, f. & cert. ef. 2-24-11
DEQ 14-2010, f. & cert. ef. 12-10-10
DEQ 5-2010, f. & cert. ef. 5-21-10
DEQ 2-2010, f. & cert. ef. 3-5-10
DEQ 8-2009, f. & cert. ef. 12-16-09
DEQ 3-2009, f. & cert. ef. 6-30-09
DEQ 15-2008, f. & cert. ef 12-31-08
DEQ 14-2008, f. & cert. ef. 11-10-08
DEQ 12-2008, f. & cert. ef. 9-17-08
DEQ 11-2008, f. & cert. ef. 8-29-08
DEQ 5-2008, f. & cert. ef. 3-20-08
DEQ 8-2007, f. & cert. ef. 11-8-07
DEQ 4-2007, f. & cert. ef. 6-28-07
DEQ 3-2007, f. & cert. ef. 4-12-07
DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06
DEQ 2-2006, f. & cert. ef. 3-14-06
DEQ 9-2005, f. & cert. ef. 9-9-05
DEQ 7-2005, f. & cert. ef. 7-12-05
DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05
DEQ 2-2005, f. & cert. ef. 2-10-05
DEQ 1-2005, f. & cert. ef. 1-4-05
DEQ 10-2004, f. & cert. ef. 12-15-04

DEQ 1-2004, f. & cert. ef. 4-14-04
DEQ 19-2003, f. & cert. ef. 12-12-03
DEQ 14-2003, f. & cert. ef. 10-24-03
DEQ 5-2003, f. & cert. ef. 2-6-03
DEQ 11-2002, f. & cert. ef. 10-8-02
DEQ 5-2002, f. & cert. ef. 5-3-02
DEQ 4-2002, f. & cert. ef. 3-14-02
DEQ 17-2001, f. & cert. ef. 12-28-01
DEQ 16-2001, f. & cert. ef. 12-26-01
DEQ 15-2001, f. & cert. ef. 12-26-01
DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01
DEQ 4-2001, f. & cert. ef. 3-27-01
DEQ 2-2001, f. & cert. ef. 2-5-01
DEQ 21-2000, f. & cert. ef. 12-15-00
DEQ 20-2000 f. & cert. ef. 12-15-00
DEQ 17-2000, f. & cert. ef. 10-25-00
DEQ 16-2000, f. & cert. ef. 10-25-00
DEQ 13-2000, f. & cert. ef. 7-28-00
DEQ 8-2000, f. & cert. ef. 6-6-00
DEQ 6-2000, f. & cert. ef. 5-22-00
DEQ 2-2000, f. 2-17-00, cert. ef. 6-1-01
DEQ 15-1999, f. & cert. ef. 10-22-99
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0047
DEQ 10-1999, f. & cert. ef. 7-1-99
DEQ 6-1999, f. & cert. ef. 5-21-99
DEQ 5-1999, f. & cert. ef. 3-25-99
DEQ 1-1999, f. & cert. ef. 1-25-99
DEQ 21-1998, f. & cert. ef. 10-12-98
DEQ 20-1998, f. & cert. ef. 10-12-98
DEQ 17-1998, f. & cert. ef. 9-23-98
DEQ 16-1998, f. & cert. ef. 9-23-98
DEQ 15-1998, f. & cert. ef. 9-23-98
DEQ 10-1998, f. & cert. ef. 6-22-98
DEQ 24-1996, f. & cert. ef. 11-26-96
DEQ 23-1996, f. & cert. ef. 11-4-96
DEQ 22-1996, f. & cert. ef. 10-22-96
DEQ 19-1996, f. & cert. ef. 9-24-96
DEQ 15-1996, f. & cert. ef. 8-14-96
DEQ 8-1996(Temp), f. & cert. ef. 6-3-96
DEQ 20-1995 (Temp), f. & cert. ef. 9-14-95
DEQ 19-1995, f. & cert. ef. 9-1-95
DEQ 17-1995, f. & cert. ef. 7-12-95
DEQ 14-1995, f. & cert. ef. 5-25-95
DEQ 10-1995, f. & cert. ef. 5-1-95
DEQ 9-1995, f. & cert. ef. 5-1-95
DEQ 25-1994, f. & cert. ef. 11-2-94
DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94
DEQ 14-1994, f. & cert. ef. 5-31-94
DEQ 5-1994, f. & cert. ef. 3-21-94
DEQ 1-1994, f. & cert. ef. 1-3-94
DEQ 19-1993, f. & cert. ef. 11-4-93

DEQ 17-1993, f. & cert. ef. 11-4-93
DEQ 16-1993, f. & cert. ef. 11-4-93
DEQ 15-1993, f. & cert. ef. 11-4-93
DEQ 12-1993, f. & cert. ef. 9-24-93
DEQ 8-1993, f. & cert. ef. 5-11-93
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 27-1992, f. & cert. ef. 11-12-92
DEQ 26-1992, f. & cert. ef. 11-2-92
DEQ 25-1992, f. 10-30-92, cert. ef. 11-1-92
DEQ 20-1992, f. & cert. ef. 8-11-92
DEQ 19-1992, f. & cert. ef. 8-11-92
DEQ 7-1992, f. & cert. ef. 3-30-92
DEQ 3-1992, f. & cert. ef. 2-4-92
DEQ 1-1992, f. & cert. ef. 2-4-92
DEQ 25-1991, f. & cert. ef. 11-13-91
DEQ 24-1991, f. & cert. ef. 11-13-91
DEQ 23-1991, f. & cert. ef. 11-13-91
DEQ 22-1991, f. & cert. ef. 11-13-91
DEQ 21-1991, f. & cert. ef. 11-13-91
DEQ 20-1991, f. & cert. ef. 11-13-91
DEQ 19-1991, f. & cert. ef. 11-13-91
DEQ 2-1991, f. & cert. ef. 2-14-91
DEQ 31-1988, f. 12-20-88, cert. ef. 12-23-88
DEQ 21-1987, f. & cert. ef. 12-16-87
DEQ 8-1987, f. & cert. ef. 4-23-87
DEQ 5-1987, f. & cert. ef. 3-2-87
DEQ 4-1987, f. & cert. ef. 3-2-87
DEQ 21-1986, f. & cert. ef. 11-7-86
DEQ 20-1986, f. & cert. ef. 11-7-86
DEQ 10-1986, f. & cert. ef. 5-9-86
DEQ 5-1986, f. & cert. ef. 2-21-86
DEQ 12-1985, f. & cert. ef. 9-30-85
DEQ 3-1985, f. & cert. ef. 2-1-85
DEQ 25-1984, f. & cert. ef. 11-27-84
DEQ 18-1984, f. & cert. ef. 10-16-84
DEQ 6-1983, f. & cert. ef. 4-18-83
DEQ 1-1983, f. & cert. ef. 1-21-83
DEQ 21-1982, f. & cert. ef. 10-27-82
DEQ 14-1982, f. & cert. ef. 7-21-82
DEQ 11-1981, f. & cert. ef. 3-26-81
DEQ 22-1980, f. & cert. ef. 9-26-80
DEQ 21-1979, f. & cert. ef. 7-2-79
DEQ 19-1979, f. & cert. ef. 6-25-79
DEQ 54, f. 6-21-73, cert. ef. 7-1-73
DEQ 35, f. 2-3-72, cert. ef. 2-15-72

Division 202
AMBIENT AIR QUALITY STANDARDS AND PREVENTION OF SIGNIFICANT DETERIORATION INCREMENTS

340-202-0060
Ambient Air Quality Standards: Suspended Particulate Matter

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

(1) 150 micrograms of PM10 per cubic meter of air as a 24-hour average concentration for any calendar day. This standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 micrograms per cubic meter as determined in accordance with Appendix K of 40 C.F.R. 50 is equal to or less than one at any site. Concentrations of the fraction of suspended particulate that is equal to or less than 2.5 microns in aerodynamic diameter in ambient air as measured by an approved method must not exceed:

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

(3) 9.0 micrograms of PM2.5 per cubic meter of air as a 3-year average of the annual arithmetic means. This standard is attained when the 3-year average of the arithmetic mean concentrations is equal to or less than 9.0 micrograms per cubic meter as determined in accordance with Appendix N of 40 C.F.R. 50.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

[NOTE: View a PDF of referenced appendices by clicking on "Tables" link below.]

[ED. NOTE: To view attachments referenced in rule text, click here for PDF copy.]

Statutory/Other Authority: ORS 468 & 468A
Statutes/Other Implemented: ORS 468A.025
History:
DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019
DEQ 10-2015, f. & cert. ef. 10-16-15
DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11
DEQ 5-2010, f. & cert. ef. 5-21-10
DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0015
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 24-1991, f. & cert. ef. 11-13-91
DEQ 8-1988, f. & cert. ef. 5-19-88 (corrected 9-30-88)
DEQ 37, f. 2-15-72, ef. 3-1-72

340-202-0070
Ambient Air Quality Standards: Sulfur Dioxide

Concentrations of sulfur dioxide in ambient air as measured by an approved method for each averaging time must not exceed the following concentrations:

(1) Annual average: 10 ppb as a three-year average of annual arithmetic means for any calendar year at any monitoring site as determined by appendix T of 40 C.F.R. part 50, and as measured by the reference method described in appendix A-1 of 40 C.F.R. part 50 or as measured by an equivalent method designated in accordance with 40 C.F.R. part 53.

(2) 1-hour average: 75 ppb as a three-year average of the annual 99th percentile of the daily maximum 1-hour average concentrations recorded at any monitoring site as determined by appendix T of 40 C.F.R. part 50, and as measured by a reference method based on appendix A-1 of 40 C.F.R. part 50, or as measured by an equivalent method designated in accordance with 40 C.F.R. part 53.

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

[NOTE: View a PDF of referenced EPA Methods by clicking on "Tables" link below.]

[ED. NOTE: To view attachments referenced in rule text, click here for PDF copy.]

Statutory/Other Authority: ORS 468.020 & 468A
Statutes/Other Implemented: ORS 468A.025 & 468A.035
History:
DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019
DEQ 7-2015, f. & cert. ef. 4-16-15
DEQ 11-2013, f. & cert. ef. 11-7-13
DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0020
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 24-1991, f. & cert. ef. 11-13-91
DEQ 8-1988, f. & cert. ef. 5-19-88 (corrected 9-30-88)
DEQ 37, f. 2-15-72, ef. 3-1-72

Division 214
STATIONARY SOURCE REPORTING REQUIREMENTS

340-214-0300
Excess Emissions and Emergency Provision: Purpose and Applicability

(1) Emissions of air contaminants in excess of applicable standards or permit conditions, described in OAR 340-214-0310 through OAR 340-214-0330, are unauthorized and subject to enforcement action.

(2) OAR 340-214-0300 through 340-214-0350 apply to any source that emits air contaminants in excess of any applicable air quality rule or permit condition, including but not limited to excess emissions resulting from the breakdown of air pollution control devices or operating equipment, process upset, startup, shutdown, or scheduled maintenance.

(3) Sources that do not emit air contaminants in excess of any applicable air quality rule or permit condition are not subject to the recordkeeping and reporting requirements in 340-214-0300 through 340-214-0350.

(4) DEQ's decisions regarding whether procedures were adequate or followed or whether enforcement action is appropriate under OAR 340-214-0310 through OAR 340-214-0330 are not binding on the EPA.

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

Statutory/Other Authority: ORS 468.020, 468A.050 & 468A.310
Statutes/Other Implemented: ORS 468A.050 & 468A.310
History:
DEQ 7-2015, f. & cert. ef. 4-16-15
DEQ 8-2007, f. & cert. ef. 11-8-07
DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1400
DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0350
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 42-1990, f. 12-13-90, cert. ef. 1-2-91, Renumbered from 340-021-0065
DEQ 37, f. 2-15-72, ef. 3-1-72

340-214-0330
Excess Emissions and Emergency Provision: All Other Excess Emissions

(1) This rule applies to all excess emissions not addressed in OAR 340-214-0310 and 340-214-0320.

(a) The owner or operator of a large source, as defined by OAR 340-214-0010, must immediately notify DEQ of the first onset per calendar day of any excess emissions event, unless otherwise specified by a permit condition.

(b) The owner or operator of a small source, as defined by OAR 340-214-0010, need not immediately notify DEQ of excess emissions events unless otherwise required by a permit condition, written notice by DEQ, or if the excess emission is of a nature that could endanger public health.

(c) Additional reporting and recordkeeping requirements are specified in OAR 340-214-0340.

(2) During any period of excess emissions, the owner or operator of the source must immediately reduce emissions to the greatest extent practicable or cease operation of the equipment or facility until the condition causing the excess emissions has been corrected or brought under control. The owner or operator must 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.

(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.

(4)(a) 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 (e.g., email or telephone conversation with email backup), until the condition causing the excess emissions has been corrected or brought under control.

(b) 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 as required in DEQ's written approval (e.g., email or telephone conversation with email backup).

(c) The owner or operator must report excess emissions under OAR 340-214-0340 within 5 days of the date of the event.

(5) Notwithstanding section (2), at any time during the period of excess emissions, DEQ may require the owner or operator to cease operation of the equipment or facility.

(6) Approval of a request to continue operation does not shield the owner or operator from an enforcement action, but DEQ will consider whether the approved plans and timelines to minimize excess emissions and return the equipment or facility back to the applicable compliant emission limits were followed in determining whether an enforcement action is appropriate.

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

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.040 & 468A.310
Statutes/Other Implemented: ORS 468A.025, 468A.040 & 468A.310
History:
DEQ 19-2022, amend filed 11/18/2022, effective 03/01/2023
DEQ 7-2015, f. & cert. ef. 4-16-15
DEQ 8-2007, f. & cert. ef. 11-8-07
DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1430
DEQ 19-1996, f. & cert. ef. 9-24-96
DEQ 24-1994, f. & cert. ef. 10-28-94
DEQ 19-1993, f. & cert. ef. 11-4-93

DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0370
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 42-1990, f. 12-13-90, cert. ef. 1-2-91

340-214-0340
Excess Emissions and Emergency Provision: Reporting Requirements

(1) For any excess emissions event at a source with an Oregon Title V Operating Permit and for any other source as required by permit, the owner or operator must submit a written report of excess emissions for each calendar day of the event. The report must be submitted within 15 days of the date of the event and include the following:

(a) The date and time of the beginning of the excess emissions event and the duration or best estimate of the time until return to normal operation;

(b) The date and time the owner or operator notified DEQ of the event;

(c) The equipment involved;

(d) Whether the event occurred during planned startup, planned shutdown, scheduled maintenance, or as a result of a breakdown, malfunction, or emergency;

(e) Steps taken to mitigate emissions and corrective actions taken, including whether the approved procedures for a planned startup, shutdown, or maintenance activity were followed;

(f) The magnitude and duration of each occurrence of excess emissions during the course of an event and the increase over normal rates or concentrations as determined by continuous monitoring or a best estimate, supported by operating data and calculations; and

(g) The final resolution of the cause of the excess emissions.

(2) Based on the severity of event, DEQ may specify a shorter time period for report submittal.

(3) All source owners or operators must keep an excess emissions log of all planned and unplanned excess emissions. The log must include all pertinent information as required in section (1) and be kept by the owner or operator for five calendar years.

(4) At each annual reporting period specified in a permit, or sooner if DEQ requires, the owner or operator must submit:

(a) A copy of the excess emissions log entries for the reporting period; unless previously submitted in accordance with section (1); and

(b) Where applicable, current procedures to minimize emissions during startup, shutdown, or maintenance as outlined in OAR 340-214-0310 and 340-214-0320. The owner or operator must specify in writing whether these procedures are new, modified, or have already been approved by DEQ.

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

Statutory/Other Authority: ORS 468.020, 468A.050 & 468A.310
Statutes/Other Implemented: ORS 468A.025, 468A.050 & 468A.310
History:
DEQ 7-2015, f. & cert. ef. 4-16-15
DEQ 8-2007, f. & cert. ef. 11-8-07
DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1440
DEQ 19-1993, f. & cert. ef. 11-4-93
DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0375
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 42-1990, f. 12-13-90, cert. ef. 1-2-91

Division 238
New Source Performance Standards

340-238-0040
Definitions

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

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

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

(3) "Capital expenditures" means an expenditure for a physical or operational change to an existing facility that exceeds the product of the applicable "annual asset guideline repair allowance percentage" specified in the December 1984 edition of Internal Revenue Service (IRS) Publication 534 and the existing facility's basis, as defined by section 1012 of the Internal Revenue Code. However, the total expenditure for a physical or operational change to an existing facility must not be reduced by any "excluded additions" as defined in IRS Publication 534, as would be done for tax purposes.

(4) "CFR" means the January 1, 2025 edition Code of Federal Regulations unless otherwise identified.

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

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

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

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

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

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

(11) "Modification:"

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

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

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

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

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

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

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

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

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

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

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

Statutory/Other Authority: ORS 468.020
Statutes/Other Implemented: ORS 468A.025
History:
DEQ 19-2022, amend filed 11/18/2022, effective 03/01/2023

DEQ 5-2022, amend filed 04/07/2022, effective 04/07/2022
DEQ 1-2021, amend filed 01/21/2021, effective 01/21/2021
DEQ 18-2019, amend filed 07/19/2019, effective 07/19/2019
DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019
DEQ 6-2017, f. & cert. ef. 7-13-17
DEQ 8-2015, f. & cert. ef. 4-17-15
DEQ 4-2013, f. & cert. ef. 3-27-13
DEQ 1-2011, f. & cert. ef. 2-24-11
DEQ 8-2009, f. & cert. ef. 12-16-09
DEQ 15-2008, f. & cert. ef 12-31-08
DEQ 13-2006, f. & cert. ef. 12-22-06
DEQ 2-2006, f. & cert. ef. 3-14-06
DEQ 2-2005, f. & cert. ef. 2-10-05
DEQ 4-2003, f. & cert. ef. 2-06-03
DEQ 22-2000, f. & cert. ef. 12-18-00
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0510
DEQ 22-1998, f. & cert. ef. 10-21-98
DEQ 8-1997, f. & cert. ef. 5-6-97
DEQ 27-1996, f. & cert. ef. 12-11-96
DEQ 22-1995, f. & cert. ef. 10-6-95
DEQ 17-1993, f. & cert. ef. 11-4-93
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 24-1989, f. & cert. ef. 10-26-89
DEQ 17-1987, f. & ef. 8-24-87
DEQ 19-1986, f. & ef. 11-7-86
DEQ 15-1985, f. & ef. 10-21-85
DEQ 16-1984, f. & ef. 8-21-84
DEQ 17-1983, f. & ef. 10-19-83
DEQ 22-1982, f. & ef. 10-21-82
DEQ 97, f. 9-2-75, ef. 9-25-75

340-238-0060
Federal Regulations Adopted by Reference

(1) Except as provided in section (2) of this rule, 40 CFR Part 60 Subparts A, D through EE, GG, HH, KK through NN, PP through XXa, BBB, DDD, FFF through LLL, NNN through XXX, AAAA, CCCC, EEEE, KKKK, LLLL, OOOO, OOOOa and TTTT are by this reference adopted and incorporated herein.

(a) 40 CFR Part 60 Subpart OOO is by this reference adopted and incorporated herein for major sources only; and

(b) 40 CFR 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) The definitions in OAR 340-200-0020 and 340-238-0040 do not apply to the Subparts of 40 CFR Part 60 incorporated by reference in this rule, except for the definition of ‘CFR’ in OAR 340-238-0040. Where "Administrator" or "EPA" appears in 40 CFR Part 60, "DEQ" is substituted, except in any section of 40 CFR Part 60 for which a federal rule or delegation specifically indicates that authority must not be delegated to the state.

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

(a) Subpart A — General Provisions;

(b) Subpart D — Fossil-fuel-fired steam generators;

(c) Subpart Da — Electric utility steam generating units;

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

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

(f) Subpart E — Incinerators;

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

(h) Subpart Eb — Large municipal waste combustors for which construction is commenced after September 20, 1994 or for which modification or reconstruction is commenced after June 19, 1996;

(i) Subpart Ec — Hospital/Medical/Infectious waste incinerators;

(j) Subpart F — Portland cement plants;

(k) Subpart G — Nitric acid plants;

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

(m) Subpart H — Sulfuric acid plants;

(n) Subpart I — Hot mix asphalt facilities;

(o) Subpart J — Petroleum refineries;

(p) Subpart Ja — Petroleum refineries for which construction, reconstruction, or modification commenced after May 14, 2007;

(q) Subpart K — Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after June 11, 1973, and prior to May 19, 1978;

(r) Subpart Ka — Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after May 18, 1978, and prior to July 23, 1984;

(s) Subpart Kb — Volatile organic liquid storage vessels (including petroleum liquid storage vessels) for which construction, reconstruction, or modification commenced after July 23, 1984 and on or before October 4, 2023;

(t) Subpart Kc — Volatile organic liquid storage vessels (including petroleum liquid storage vessels) for which construction, reconstruction, or modification commenced after October 4, 2023;

(u Subpart L — Secondary lead smelters for which construction, reconstruction, or modification commenced after June 11, 1973 and on or before December 1, 2022;

(v) Subpart La — Secondary lead smelters for which construction, reconstruction, or modification commenced after December 1, 2022;

(w) Subpart M — Secondary brass and bronze production plants;

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

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

(z) Subpart O — Sewage treatment plants;

(aa) Subpart P — Primary copper smelters;

(bb) Subpart Q — Primary zinc smelters;

(cc) Subpart R — Primary lead smelters;

(dd) Subpart S — Primary aluminum reduction plants;

(ee) Subpart T — Phosphate fertilizer industry: Wet-process phosphoric acid plants;

(ff) Subpart U — Phosphate fertilizer industry: Superphosphoric acid plants;

(gg) Subpart V — Phosphate fertilizer industry: Diammonium phosphate plants;

(hh) Subpart W — Phosphate fertilizer industry: Triple superphosphate plants;

(ii) Subpart X — Phosphate fertilizer industry: Granular triple superphosphate storage facilities;

(jj) Subpart Y — Coal preparation and processing plants;

(kk) Subpart Z — Ferroalloy production facilities;

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

(mm) Subpart AAa — Steel plants: Electric arc furnaces and argon-oxygen decarburization vessels constructed after August 7, 1983 and on or before May 16, 2022;

(nn) Subpart AAb — Steel plants: Electric arc furnaces and argon-oxygen decarburization vessels constructed after May 16, 2022;

(oo) Subpart BB — Kraft pulp mills;

(pp) Subpart BBa – Kraft pulp mills affected sources for which construction, reconstruction, or modification commences after May 23, 2013;

(qq) Subpart CC — Glass manufacturing plants;

(rr) Subpart DD — Grain elevators;

(ss) Subpart EE — Surface coating of metal furniture;

(tt) Subpart GG — Stationary gas turbines;

(uu) Subpart HH — Lime manufacturing plants;

(vv) Subpart KK — Lead-acid battery manufacturing plants for which construction, reconstruction, or modification commenced after January 14, 1980 and on or before February 23, 2022;

(ww) Subpart KKa — Lead acid battery manufacturing plants for which construction, modification, or reconstruction commenced after February 23, 2022;

(xx) Subpart LL — Metallic mineral processing plants;

(yy) Subpart MM — Automobile and light duty truck surface coating operations for which construction, modification, or reconstruction commenced after October 5, 1979 and on or before May 18, 2022;

(zz) Subpart MMa — Automobile and light duty truck surface coating operations for which construction, modification, or reconstruction commenced after May 18, 2022;

(aaa) Subpart NN — Phosphate rock plants;

(bbb) Subpart PP — Ammonium sulfate manufacture;

(ccc) Subpart QQ — Graphic arts industry: Publication rotogravure printing;

(ddd) Subpart RR — Pressure sensitive tape and label surface coating operations;

(eee) Subpart SS — Industrial surface coating: large appliances;

(fff) Subpart TT — Metal coil surface coating;

(ggg) Subpart UU — Asphalt processing and asphalt roofing manufacture;

(hhh) Subpart VV — Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry for which construction, reconstruction, or modification commenced after January 5, 1981 and on or before November 7, 2006;

(iii) Subpart VVa — Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry for which construction, reconstruction, or modification commenced after November 7, 2006 and on or before April 25, 2023;

(jjj) Subpart VVb — Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry for which construction, reconstruction, or modification commenced after April 25, 2023;

(kkk) Subpart WW — Beverage can surface coating industry;

(lll) Subpart XX — Bulk gasoline terminals that commenced construction, modification, or reconstruction after December 17, 1980 and on or before June 10, 2022;

(mmm) Subpart XXa — Bulk gasoline terminals that commenced construction, modification, or reconstruction after June 10, 2022;

(nnn) Subpart BBB — Rubber tire manufacturing industry;

(ooo) Subpart DDD — Volatile organic compound (VOC) emissions from the polymer manufacturing industry;

(ppp) Subpart FFF — Flexible vinyl and urethane coating and printing;

(qqq) Subpart GGG — Equipment leaks of VOC in petroleum refineries for which construction, reconstruction, or modification commenced January 4, 1983 and on or before November 7, 2006;

(rrr) Subpart GGGa — Equipment leaks of VOC in petroleum refineries for which construction, reconstruction, or modification commenced after November 7, 2006;

(sss) Subpart HHH — Synthetic fiber production facilities;

(ttt) Subpart III — Volatile organic compound (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) air oxidation unit processes after October 21, 1983 and on or before April 25, 2023;

(uuu) Subpart IIIa — Volatile organic compound (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) air oxidation unit processes for which construction, reconstruction, or modification commenced after April 25, 2023;

(vvv) Subpart JJJ — Petroleum dry cleaners;

(www) Subpart KKK — Equipment leaks of VOC from onshore natural gas processing plants for which construction, reconstruction, or modification commenced after January 20, 1984 and on or before August 23, 2011;

(xxx) Subpart LLL — SO2 emissions from Onshore natural gas processing for which construction, reconstruction, or modification commenced after January 20, 1984 and on or before August 23, 2011;

(yyy) Subpart NNN — Volatile organic compound (VOC) emissions from synthetic organic chemical manufacturing industry (SOCMI) distillation operations after December 30, 1983 and on or before April 25, 2023;

(zzz) Subpart NNNa — Volatile organic compound (VOC) emissions from synthetic organic chemical manufacturing industry (SOCMI) distillation operations for which construction, reconstruction, or modification commenced after April 25, 2023;

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

(bbbb) Subpart PPP — Wool fiberglass insulation manufacturing plants;

(cccc) Subpart QQQ — VOC emissions from petroleum refinery wastewater systems;

(dddd) Subpart RRR — Volatile organic compound (VOC) emissions from synthetic organic chemical manufacturing industry (SOCMI) reactor processes after June 29, 1990 and on or before April 25, 2023;

(eeee) Subpart RRRa — Volatile organic compound (VOC) emissions from synthetic organic chemical manufacturing industry (SOCMI) reactor processes for which construction, reconstruction, or modification commenced after April 25, 2023;

(ffff) Subpart SSS — Magnetic tape coating facilities;

(gggg) Subpart TTT — Industrial surface coating: Surface coating of plastic parts for business machines;

(hhhh) Subpart TTTa — Industrial surface coating: Surface coating of plastic parts for business machines for which construction, reconstruction, or modification commenced after June 21, 2022;

(iiii) Subpart UUU — Calciners and dryers in mineral industries;

(jjjj) Subpart VVV — Polymeric coating of supporting substrates facilities;

(kkkk) Subpart WWW — Municipal solid waste landfills that commenced construction, reconstruction, or modification on or after May 30, 1991 but before July 18, 2014, as clarified by OAR 340-238-0100;

(llll) Subpart XXX – Municipal solid waste landfills that commenced construction, reconstruction, or modification after July 17, 2014;

(mmmm) Subpart AAAA — Small municipal waste combustion units for which construction is commenced after August 30, 1999 or for which modification or reconstruction is commenced after June 6, 2001;

(nnnn) Subpart CCCC — Commercial and industrial solid waste incineration units;

(oooo) Subpart EEEE — Other solid waste incineration units;

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

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

(rrrr) Subpart KKKK — Stationary combustion turbines;

(ssss) Subpart LLLL — New sewage sludge incineration units;

(tttt) Subpart OOOO — Crude oil and natural gas production, transmission and distribution for which construction, modification, or reconstruction commenced after August 23, 2011, and on or before September 18, 2015. Standards adopted include final rule promulgations through July 1, 2020 of the CFR;

(uuuu) Subpart OOOOa — Crude oil and natural gas facilities for which construction, modification, or reconstruction commenced after September 18, 2015 and on or before December 6, 2022. Standards adopted include final rule promulgations through July 1, 2020 of the CFR; and

(vvvv) Subpart TTTT — Greenhouse gas emissions for electric generating units. Standards adopted include final rule promulgations through July 1, 2020 of the CFR.

Statutory/Other Authority: ORS 468.020
Statutes/Other Implemented: ORS 468A.025
History:
DEQ 5-2022, amend filed 04/07/2022, effective 04/07/2022
DEQ 18-2019, amend filed 07/19/2019, effective 07/19/2019
DEQ 6-2017, f. & cert. ef. 7-13-17
DEQ 8-2015, f. & cert. ef. 4-17-15
DEQ 4-2013, f. & cert. ef. 3-27-13
DEQ 1-2011, f. & cert. ef. 2-24-11
DEQ 15-2008, f. & cert. ef 12-31-08
DEQ 13-2006, f. & cert. ef. 12-22-06
DEQ 2-2006, f. & cert. ef. 3-14-06
DEQ 2-2005, f. & cert. ef. 2-10-05
DEQ 4-2003, f. & cert. ef. 2-06-03
DEQ 22-2000, f. & cert. ef. 12-18-00
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0535
DEQ 22-1998, f. & cert. ef. 10-21-98
DEQ 27-1996, f. & cert. ef. 12-11-96
DEQ 22-1995, f. & cert. ef. 10-6-95
DEQ 17-1993, f. & cert. ef. 11-4-93
DEQ 24-1989, f. & cert. ef. 10-26-89
DEQ 17-1987, f. & cert. ef. 8-24-87
DEQ 19-1986, f. & cert. ef. 11-7-86
DEQ 15-1985, f. & cert. ef. 10-21-85
DEQ 16-1984, f. & cert. ef. 8-21-84
DEQ 17-1983, f. & cert. ef. 10-19-83
DEQ 22-1982, f. & cert. ef. 10-21-82
DEQ 16-1981, f. & cert. ef. 5-6-81; Sec. (1) thru (12) Renumbered to 340-025-0550 thru 340-

025-0605
DEQ 97, f. 9-2-75, cert. ef. 9-25-75

Division 244
Oregon Federal Hazardous Air Pollutant Program

340-244-0030
General Provisions for Stationary Sources: Definitions

Except as provided in OAR 340-244-0220 and -0232, the definitions in OAR 340-200-0020, 340-218-0030 and this rule apply to this division. If the same term is defined in this rule and OAR 340-200-0020 or 340-218-0030, the definition in this rule applies to this division.

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

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

(3) "CFR" means the January 1, 2025 edition Code of Federal Regulations unless otherwise identified.

(4) "Construct a major source" means to fabricate, erect, or install at any greenfield site a stationary source or group of stationary sources which is located within a contiguous area and under common control and which emits or has the potential to emit 10 tons per year of any HAPs or 25 tons per year of any combination of HAP, or to fabricate, erect, or install at any developed site a new process or production unit which in and of itself emits or has the potential to emit 10 tons per year of any HAP or 25 tons per year of any combination of HAP, unless the process or production unit satisfies criteria in paragraphs (a) through (f) of this definition:

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

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

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

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

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

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

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

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

(7) "Existing Source" means any source, the construction of which commenced prior to proposal of an applicable standard under sections 112 or 129 of the FCAA.

(8) "Facility" means all or part of any public or private building, structure, installation, equipment, or vehicle or vessel, including but not limited to ships.

(9) "Gasoline" means any petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 27.6 kilopascals (4.0 psi) or greater, which is used as a fuel for internal combustion engines.

(10) "Hazardous Air Pollutant" (HAP) means an air pollutant listed by the EPA under section 112(b) of the FCAA or determined by the Commission to cause, or reasonably be anticipated to cause, adverse effects to human health or the environment.

(11) "Major Source" means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants. The EPA may establish a lesser quantity, or in the case of radionuclides different criteria, for a major source on the basis of the potency of the air pollutant, persistence, potential for bioaccumulation, other characteristics of the air pollutant, or other relevant factors.

(12) "Maximum Achievable Control Technology (MACT)" means an emission standard applicable to major sources of hazardous air pollutants that requires the maximum degree of reduction in emissions deemed achievable for either new or existing sources.

(13) "Motor vehicle" means any self-propelled vehicle designed for transporting persons or property on a street or highway.

(14) "Nonroad engine" means an internal combustion engine (including the fuel system) that is not used in a motor vehicle or a vehicle used solely for competition, or that is not subject to standards promulgated under section 7411 or 7521 of title 40 of the CFR.

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

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

(17) "Potential to Emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and

restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, must be treated as part of its design if the limitation is enforceable by the EPA. This section does not alter or affect the use of this section for any other purposes under the Act, or the term "capacity factor" as used in Title IV of the Act or the regulations promulgated thereunder. Secondary emissions shall not be considered in determining the potential to emit of a source.

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

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

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

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

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

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

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

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

[Publications: Publications referenced are available from DEQ.]

Statutory/Other Authority: ORS 468.020 & 468A.025
Statutes/Other Implemented: ORS 468A.040
History:
DEQ 4-2024, amend filed 03/25/2024, effective 03/25/2024
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DEQ 18-2019, amend filed 07/19/2019, effective 07/19/2019
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DEQ 4-2013, f. & cert. ef. 3-27-13
DEQ 1-2011, f. & cert. ef. 2-24-11
DEQ 8-2009, f. & cert. ef. 12-16-09
DEQ 15-2008, f. & cert. ef 12-31-08
DEQ 13-2006, f. & cert. ef. 12-22-06
DEQ 2-2006, f. & cert. ef. 3-14-06
DEQ 2-2005, f. & cert. ef. 2-10-05
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-0120
DEQ 18-1998, f. & cert. ef. 10-5-98
DEQ 20-1997, f. & cert. ef. 9-25-97
DEQ 26-1996, f. & cert. ef. 11-26-96

DEQ 22-1995, f. & cert. ef. 10-6-95
DEQ 24-1994, f. & cert. ef. 10-28-94
DEQ 18-1993, f. & cert. ef. 11-4-93
DEQ 13-1993, f. & cert. ef. 9-24-93

340-244-0220
Emission Standards: Federal Regulations Adopted by Reference

(1) Except as provided in sections (2) and (3) of this rule, 40 CFR Part 61, Subparts A, C through F, J, L, N through P, V, Y, BB, and FF and 40 CFR Part 63, Subparts A, F through J, L through O, Q through U, W through Y, AA through EE, GG through 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, ZZZZZ, BBBBBB, DDDDDD through HHHHHH, LLLLLL through TTTTTT, VVVVVV through EEEEEEE, and HHHHHHH are adopted by reference and incorporated herein. 40 CFR Part 63, Subparts ZZZZ and JJJJJJ are by this reference adopted and incorporated herein only for sources required to have a Title V or ACDP permit.

(2) The definitions in OAR 340-200-0020 and 340-244-0030 do not apply to the Subparts of 40 CFR Parts 61 and 63 incorporated by reference in this rule, except for the definition of ‘CFR’ in OAR 340-244-0030. Where "Administrator" or "EPA" appears in 40 CFR Part 61 or 63, "DEQ" is substituted, except in any section of 40 CFR Part 61 or 63, for which a federal rule or delegation specifically indicates that authority will not be delegated to the state.

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

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

(a) Subpart A — General Provisions.

(b) Subpart C — Beryllium;

(c) Subpart D — Beryllium Rocket Motor Firing;

(d) Subpart E — Mercury;

(e) Subpart F — Vinyl Chloride;

(f) Subpart J — Equipment Leaks (Fugitive Emission Sources) of Benzene;

(g) Subpart L — Benzene Emissions from Coke By-Product Recovery Plants;

(h) Subpart N — Inorganic Arsenic Emissions from Glass Manufacturing Plants;

(i) Subpart O — Inorganic Arsenic Emissions from Primary Copper Smelters;

(j) Subpart P — Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities;

(k) Subpart V — Equipment Leaks (Fugitive Emission Sources);

(l) Subpart Y — Benzene Emissions from Benzene Storage Vessels;

(m) Subpart BB — Benzene Emissions from Benzene Transfer Operations; and

(n) Subpart FF — Benzene Waste Operations.

(5) 40 CFR Part 63 Subparts adopted by this rule are titled as follows:

(a) Subpart A — General Provisions. Standards adopted include final rule promulgations through July 1, 2020 of the CFR;

(b) Subpart F — Synthetic Organic Chemical Manufacturing Industry (SOCMI);

(c) Subpart G — SOCMI Process Vents, Storage Vessels, Transfer Operations, and Wastewater;

(d) Subpart H — Equipment Leaks and Fenceline Monitoring for All Emission Sources;

(e) Subpart I — Certain Processes Subject to the Negotiated Regulation for Equipment Leaks;

(f) Subpart J — Polyvinyl Chloride and Copolymers Production;

(g) Subpart L — Coke Oven Batteries;

(h) Subpart M — Perchloroethylene Air Emission Standards for Dry Cleaning Facilities;

(i) Subpart N — Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks;

(j) Subpart O — Ethylene Oxide Emissions Standards for Sterilization Facilities;

(k) Subpart Q — Industrial Process Cooling Towers;

(l) Subpart R — Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations);

(m) Subpart S — Pulp and Paper Industry;

(n) Subpart T — Halogenated Solvent Cleaning;

(o) Subpart U — Emissions: Group I Polymers and Resins;

(p) Subpart W — Epoxy Resins and Non-Nylon Polyamides Production;

(q) Subpart X — Secondary Lead Smelting;

(r) Subpart Y — Marine Tank Vessel Loading Operations;

(s) Subpart AA — Phosphoric Acid Manufacturing Plants;

(t) Subpart BB — Phosphate Fertilizer Production Plants;

(u) Subpart CC — Petroleum Refineries;

(v) Subpart DD — Off-Site Waste and Recovery Operations;

(w) Subpart EE — Magnetic Tape Manufacturing Operations;

(x) Subpart GG — Aerospace Manufacturing and Rework Facilities;

(y) Subpart HH — Oil and Natural Gas Production Facilities;

(z) Subpart II — Shipbuilding and Ship Repair (Surface Coating);

(aa) Subpart JJ — Wood Furniture Manufacturing Operations;

(bb) Subpart KK — Printing and Publishing Industry;

(cc) Subpart LL — Primary Aluminum Reduction Plants;

(dd) Subpart MM — Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite and Stand-Alone Semichemical Pulp Mills;

(ee) Subpart NN — Wool Fiberglass Manufacturing at Area Sources;

(ff) Subpart OO — Tanks — Level 1;

(gg) Subpart PP — Containers;

(hh) Subpart QQ — Surface Impoundments;

(ii) Subpart RR — Individual Drain Systems;

(jj) Subpart SS — Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process;

(kk) Subpart TT — Equipment Leaks — Control Level 1;

(ll) Subpart UU — Equipment Leaks — Control Level 2;

(mm) Subpart VV — Oil-Water Separators and Organic-Water Separators;

(nn) Subpart WW — Storage Vessels (Tanks) — Control Level 2;

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

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

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

(rr) Subpart DDD — Mineral Wool Production;

(ss) Subpart EEE — Hazardous Waste Combustors;

(tt) Subpart GGG — Pharmaceuticals Production;

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

(vv) Subpart III — Flexible Polyurethane Foam Production;

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

(xx) Subpart LLL — Portland Cement Manufacturing Industry;

(yy) Subpart MMM — Pesticide Active Ingredient Production;

(zz) Subpart NNN — Wool Fiberglass Manufacturing;

(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);

(bbb) Subpart PPP — Polyether Polyols Production;

(ccc) Subpart QQQ — Primary Copper Smelting;

(ddd) Subpart RRR — Secondary Aluminum Production;

(eee) Subpart TTT — Primary Lead Smelting;

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

(ggg) Subpart VVV — Publicly Owned Treatment Works;

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

(iii) Subpart AAAA — Municipal Solid Waste Landfills;

(jjj) Subpart CCCC — Manufacturing of Nutritional Yeast;

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

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

(mmm) Subpart FFFF — Miscellaneous Organic Chemical Manufacturing;

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

(ooo) Subpart HHHH — Wet-Formed Fiberglass Mat Production;

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

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

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

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

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

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

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

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

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

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

(zzz) Subpart TTTT — Leather Finishing Operations;

(aaaa) Subpart UUUU — Cellulose Products Manufacturing;

(bbbb) Subpart VVVV — Boat Manufacturing;

(cccc) Subpart WWWW — Reinforced Plastic Composites Production;

(dddd) Subpart XXXX — Rubber Tire Manufacturing;

(eeee) Subpart YYYY — Stationary Combustion Turbines;

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

(gggg) Subpart AAAAA — Lime Manufacturing Plants;

(hhhh) Subpart BBBBB — Semiconductor Manufacturing;

(iiii) Subpart CCCCC — Coke Ovens: Pushing, Quenching and Battery Stacks;

(jjjj) Subpart DDDDD – Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters;

(kkkk) Subpart EEEEE — Iron and Steel Foundries;

(llll) Subpart FFFFF — Integrated Iron and Steel Manufacturing Facilities;

(mmmm) Subpart GGGGG — Site Remediation;

(nnnn) Subpart HHHHH — Miscellaneous Coating Manufacturing;

(oooo) Subpart IIIII — Mercury Cell Chlor-Alkali Plants;

(pppp) Subpart JJJJJ — Brick and Structural Clay Products Manufacturing;

(qqqq) Subpart KKKKK — Clay Ceramics Manufacturing;

(rrrr) Subpart LLLLL — Asphalt Processing and Asphalt Roofing Manufacturing;

(ssss) Subpart MMMMM — Flexible Polyurethane Foam Fabrication Operations;

(tttt) Subpart NNNNN — Hydrochloric Acid Production;

(uuuu) Subpart PPPPP — Engine Tests Cells/Stands;

(vvvv) Subpart QQQQQ — Friction Materials Manufacturing Facilities;

(wwww) Subpart RRRRR — Taconite Iron Ore Processing;

(xxxx) Subpart SSSSS — Refractory Products Manufacturing;

(yyyy) Subpart TTTTT — Primary Magnesium Refining;

(zzzz) Subpart UUUUU — Coal- and Oil-Fired Electric Utility Steam Generating Units. Standards adopted include final rule promulgations through July 1, 2018 of the CFR;

(aaaaa) Subpart WWWWW — Hospital Ethylene Oxide Sterilizers;

(bbbbb) Subpart YYYYY — Area Sources: Electric Arc Furnace Steelmaking Facilities;

(ccccc) Subpart ZZZZZ — Iron and Steel Foundries Area Sources;

(ddddd) Subpart BBBBBB — Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities;

(eeeee) Subpart DDDDDD — Polyvinyl Chloride and Copolymers Production Area Sources;

(fffff) Subpart EEEEEE — Primary Copper Smelting Area Sources;

(ggggg) Subpart FFFFFF — Secondary Copper Smelting Area Sources;

(hhhhh) Subpart GGGGGG — Primary Nonferrous Metals Area Sources — Zinc, Cadmium, and Beryllium;

(iiiii) Subpart HHHHHH — Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources;

(jjjjj) Subpart JJJJJJ — Industrial, Commercial, and Institutional Boilers Area Sources (adopted only for sources required to have a Title V or ACDP permit);

(kkkkk) Subpart LLLLLL — Acrylic and Modacrylic Fibers Production Area Sources;

(lllll) Subpart MMMMMM — Carbon Black Production Area Sources;

(mmmmm) Subpart NNNNNN — Chemical Manufacturing Area Sources: Chromium Compounds;

(nnnnn) Subpart OOOOOO — Flexible Polyurethane Foam Production and Fabrication Area Sources;

(ooooo) Subpart PPPPPP — Lead Acid Battery Manufacturing Area Sources;

(ppppp) Subpart QQQQQQ — Wood Preserving Area Sources;

(qqqqq) Subpart RRRRRR — Clay Ceramics Manufacturing Area Sources;

(rrrrr) Subpart SSSSSS — Glass Manufacturing Area Sources;

(sssss) Subpart TTTTTT — Secondary Nonferrous Metals Processing Area Sources;

(ttttt) Subpart VVVVVV — Chemical Manufacturing Area Sources;

(uuuuu) Subpart WWWWWW — Area Source Standards for Plating and Polishing Operations;

(vvvvv) Subpart XXXXXX — Area Source Standards for Nine Metal Fabrication and Finishing Source Categories;

(wwwww) Subpart YYYYYY — Area Sources: Ferroalloys Production Facilities;

(xxxxx) Subpart ZZZZZZ — Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries;

(yyyyy) Subpart AAAAAAA – Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing;

(zzzzz) Subpart BBBBBBB — Area Sources: Chemical Preparations Industry;

(aaaaaa) Subpart CCCCCCC — Area Sources: Paints and Allied Products Manufacturing;

(bbbbbb) Subpart DDDDDDD — Area Sources: Prepared Feeds Manufacturing;

(cccccc) Subpart EEEEEEE — Gold Mine Ore Processing and Production Area Source Category;

(dddddd) Subpart HHHHHHH — Polyvinyl Chloride and Copolymers Production.

Statutory/Other Authority: ORS 468.020
Statutes/Other Implemented: ORS 468A.025
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DEQ 6-2017, f. & cert. ef. 7-13-17
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DEQ 1-2011, f. & cert. ef. 2-24-11
DEQ 8-2009, f. & cert. ef. 12-16-09
DEQ 15-2008, f. & cert. ef 12-31-08
DEQ 2-2006, f. & cert. ef. 3-14-06
DEQ 2-2005, f. & cert. ef. 2-10-05
DEQ 4-2003, f. & cert. ef. 2-06-03
DEQ 15-2001, f. & cert. ef. 12-26-01
DEQ 11-2000, f. & cert. ef. 7-27-00
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-0510, 340-032-5520
DEQ 32-1994, f. & cert. ef. 12-22-94
DEQ 18-1993, f. & cert. ef. 11-4-93
DEQ 18-1998, f. & cert. ef. 10-5-98
DEQ 28-1996, f. & cert. ef. 12-19-96
DEQ 16-1995, f. & cert. ef. 6-21-95