

# Landfill, Crematory, and Non- Technical Updates 2026

## Rule Change Description Report

Public Notice Supporting Document



# Document information

This document was prepared by Oregon Department of Environmental Quality

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# Executive summary

This report is intended to outline the various changes proposed to Oregon Administrative Rules chapter 340 for the Rules Advisory Committee members and general public. The information below is organized by air quality rule division. When reviewing the proposed rules, each redline or tracked and shown change should match with the reference and explanation shown herein.

This document is intended to be used by Committee members and the public when reviewing the redline version of the proposed rules. DEQ expects this document to provide additional context and reasoning for each of the proposed changes to allow more effective public comments during the public notice period.

There are three types of rule changes being proposed.

- 1) Changes addressing municipal solid waste landfills and advanced methane detection technology according to Senate Bill 726;
- 2) Changes addressing crematory incinerator operating temperatures according to House Bill 3729; and
- 3) Non-technical corrections, clarifications, and similar.

This document has been created primarily to provide additional information about the non-technical changes that are being proposed.

Rulemaking Name: Landfill, Crematory and Non-Technical Updates 2026

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## Landfill Changes SB726

Rule changes made to implement SB726 can be found in the draft rules under a new rule, OAR 340-239-0610, with the rule title, 'Advanced Methane Detection Monitoring'. A definition of 'advanced methane detection technology' was also added to the definitions rule at OAR 340-239-0015(2).

1. Pursuant to the statutory changes enacted by the legislature under SB 726 (2025 session), found at ORS 468A.885, this new rule (340-239-0610) and modified rule (340-239-0015) are being proposed to achieve the substantive goals of the statutory change to require municipal solid waste landfills in Benton County to conduct advanced methane detection technology monitoring.

## Crematory Changes HB3729

Rule changes made to implement HB 3729 can be found in the draft rules under OAR 340-230-0210(1), with the rule title, 'Crematory Incinerators: Design and Operation'.

1. 340-230-0210(1). Pursuant to the statutory changes enacted by the legislature under HB 3729 (2025 session), found at ORS 468A.865, this section (1) is being revised to establish a consistent 1,600-degree Fahrenheit operating temperature for all crematory incinerators.

## Non-Technical Updates

Generally applicable throughout the rules:

- "C.F.R." changed to "CFR"
- "Part" and "Subpart" changed to "part" and "subpart" respectively when referring to federal regulations.

## Division 200 – General Air Pollution Procedures and Definitions

1. OAR 340-200-0020(24)(d). The current rule limits the Categorical Insignificant Activity for temporary equipment to being 'on site' for 6 total months. Propose revising the language to begin the 6-month timeline at 'first use' of the temporary equipment instead. DEQ staff have encountered situations where equipment was brought on site, and due to various mechanical or installation issues, could not begin using it for some time.
2. OAR 340-200-0020(50). Revise the definition of 'emergency' to not require that a technology-based limitation has been exceeded. Propose to instead use 'may cause' a technology-based limit to be exceeded. Distinguishing an emergency or not based on the exceedance of an emissions limit is an unnecessary additional step.
3. OAR 340-200-0020(190). This rule includes a list of compounds that have been determined to have negligible photochemical reactivity. One compound has been

inadvertently left off the list from previous rulemakings. DEQ intended for this list to align with EPA's list. Propose to add this omitted compound to the list.

4. OAR 340-200-0020 Tables 1 through 5. In 2015 DEQ conducted a relatively large air quality rulemaking that moved the information from these tables directly into the rule text of Division 200. During a 2019 rulemaking that intended to update the formatting of tables across DEQ's rules, these Division 200 Tables (1-5) were inadvertently added back in. All the substantive text remains in the body of the rule language, making the tables themselves completely duplicative and unnecessary. DEQ proposes to correct this 2019 error by removing all tables from OAR 340-200-0020 and retain only the Method 9 attachment therein.
5. OAR 340-200-0040(2). This rule is included to have the date of the most recent State Implementation Plan revision updated based on the date the proposed rules are adopted and final.
6. OAR 340-200-0050(1)(a). This rule refers to the director as 'his'. Propose to revise to 'their' to be gender neutral.

## **Division 208 – Visible Emissions and Nuisance Requirements**

7. OAR 340-208-0110(1)(b). Add 'veneer dryers' to the list of emissions units and activities that are not subject to generic statewide opacity standards, but rather the specific industry standards for this activity/process as addressed in Division 234.

## **Division 209 – Public Participation**

8. OAR 340-209-0080(3). Public Comments and source responses. Propose to add a requirement that applicants/permittees must ask for the public comments within 10 calendar days from the close of the comment period if they would like to provide responses for DEQ consideration. Under the current rule, a source could request the public comments the day before the permit is being issued, even if that is 3 months after closing of the public comment period, resulting in delays to the issuance, and possible permit revisions.

## **Division 210 – Stationary Source Notification Requirements**

9. OAR 340-210-0225(1)(b). DEQ's 2022 air quality rulemaking established some specific types of construction projects as 'notice and go', which are included in this list. Construction applications for these projects require less information and are eligible for construction immediately after notifying DEQ. Propose to add a new project type to this list that makes the Notice of Construction application process more streamlined for owners/operators assigned to a General ACDP when the proposed project is something explicitly allowed by the General ACDP(s) the owner or operator is currently assigned to.
10. OAR 340-210-0225(1)(b). This listing for emergency engines included 'Tier 4' but did not specify whether that meant 'Tier 4 Certified' or 'Tier 4 equivalently controlled' (e.g., Tier 2 engine with add-on pollution controls). DEQ's intent with this inclusion in the 2022

rulemaking was for this approval to be allowed for 'certified' Tier 4 engines. Propose to include that clarification.

11. OAR 340-210-0240(1)(a)(A) & (B). Update incorrect cross reference to chapter 340. Chapter 340 was inadvertently listed as '230'.

## **Division 212 – Stationary Source Testing and Monitoring**

12. OAR 340-212-0230(1)(b). This rule refers to significant permit revision provisions as 340-218-0080, but these provisions are found in 340-218-0180. Propose to correct this incorrect cross reference.

## **Division 216 – Air Contaminant Discharge Permits**

13. OAR 340-216-0040(7). This rule section addresses what name can be on a permit application (ACDP). As written, the rule requires the applicant's legal name to be either registered with the Oregon Secretary of State Corporations Division or that of an individual person (e.g., the permit is issued to "first, middle initial, last" name). This restriction on who can technically be the applicant/permittee does not align with the statutory definition of 'person' in ORS 468A.700. Propose text to require OR SOS registration in some instances and not require it in others, as applicable, (e.g., city government, state agency, etc.). DEQ proposes to use more language from the statutory definition of 'person' within this rule section.
14. OAR 340-216-0060(3)(b). This list explains the fee classification for various General ACDP categories of sources. Some of these categories are no longer General ACDPs that DEQ has issued (i.e., they are no longer available) and should be removed from the list, including:
  - a. Hard Chrome platers,
  - b. Decorative Chrome platers,
  - c. Paint and Allied Products manufacturing, and
  - d. Wood Preserving
15. OAR 340-216-0060(3)(b). This listed an incorrect cross reference to the activities which determines the fee class for a 'metal fabrication and finishing' facility.
16. OAR 340-216-0060(3)(b). The fee classification of a General Permit category under this rule determines which Attachments a facility is eligible to obtain. DEQ has issued a General ACDP Attachment for 'emergency engines', but not issued a stand-alone General ACDP. Lowering this fee classification provides broader availability of the new General ACDP Attachment but does not result in lower fees collected by the agency, as Attachments are always assessed Fee Class Five. This change also reduces the number of General ACDP sources who would be required to change to a source specific ACDP (Simple or Standard) due to emergency backup engine installation and operation.
17. OAR 340-216-0064(3)(a). Low Fee Eligibility for Simple ACDP permittees. "Or will be" is not relevant language to include. Annual fees are collected after permit issuance. Trying to determine a fee based on what 'will be' in the future is problematic for implementation of the rule. Further, according to other rules in Division 216, a new Simple ACDP must

always pay the High Fee initially. Propose to clarify applicability by, in part, deleting 'or will be'.

- a. "Only one" clarification. DEQ staff and external consultants have asked for clarification on this eligibility multiple times in the past few years. As written, it is unclear whether 'only one' is referring to the list below only, or only one of the items on the list and any other category not listed that can also be applicable.
  - b. Propose to clarify DEQ's intent with this change; for the Low Fee eligibility, the Simple ACDP source must only be permitted under one of the listed categories and nothing else.
18. OAR 340-216-0064(3)(b). Incorrect cross reference regarding the Simple ACDP 'low fee'.
19. OAR 340-216-8010 Table 1 Activities and Sources.
- a. Propose to add the text "reserved" to Part A #9, which was included as part of a previous rulemaking that was repealed, leaving a blank listing. Propose to add 'reserved' for clarity.
  - b. B.49 Correct the erroneous cross reference to Division 216.
  - c. B.81. EPA and DEQ have documented decisions establishing that retreading operations are substantially similar to tire manufacturing. DEQ has determined that tire retreading facilities are subject to the NESHAP for tire manufacturing. This change only ensures these retreading facilities would be permitted under this B.81 instead of B.88 and does not require additional facilities to obtain an air permit.
20. OAR 340-216-8010 Table 1. Rounding is a standard practice across air quality permitting. When applied to this list of activities and sources which require an air permit, however, rounding a facility's 'Potential To Emit' could require a permit based on how the category is described. Propose to re-word several categories that are phrased like the 2<sup>nd</sup> example below such that rounding up does not, by itself, require an air permit.
- a. For example: "B.9 Bakeries, commercial over 10 tons of VOC emissions per year.". This listing means rounding calculations up to 10 tons does not trigger a permit. Alternatively, "B.18 Cereal preparations and associated grain elevators 10,000 or more tons/year throughput.". This listing means that rounding up to 10,000 tons would require a permit.
  - b. This changes are proposed to the following categories:
    - i. B.18 Cereal preparation and associated grain elevators 10,000 or more tons/year throughput.
    - ii. B.23 Coffee roasting, roasting 30 or more green tons per year.
    - iii. B.24 Concrete manufacturing including redi-mix and CTB, both stationary and portable, 25,000 or more cubic yards per year output.
    - iv. B.25 Crematory incinerators 20 or more tons/year material input.
    - v. B.32 Flour, blended and/or prepared and associated grain elevators 10,000 or more tons/year throughput.
    - vi. B.37 Grain elevators used for intermediate storage 10,000 or more tons/year throughput.

- vii. B.39 Gray iron and steel foundries, malleable iron foundries, steel investment foundries, steel foundries 100 or more tons/year metal charged, not elsewhere identified.
  - viii. B.50 Millwork manufacturing, including kitchen cabinets and structural wood members, 25,000 or more board feet/maximum 8 hour input.
  - ix. B.56 Nonferrous metal foundries 100 or more tons/year of metal charged
  - x. B.63 Pesticide manufacturing 5,000 or more tons/year annual production.
  - xi. B.67 Prepared feeds manufacturing for animals and fowl and associated grain elevators 10,000 or more tons per year throughput.
  - xii. B.70 Rock, concrete or asphalt crushing, both stationary and portable, 25,000 or more tons/year crushed.
  - xiii. B.71 Sawmills and/or planing mills 25,000 or more board feet/maximum 8 hour finished product.
  - xiv. B.74 Seed cleaning and associated grain elevators 5,000 or more tons/year throughput.
  - xv. B.82 Wood furniture and fixtures 25,000 or more board feet/maximum 8 hour input.
21. OAR 340-216-8020 Table 2. The ACDP fee table includes text in the header that states the initial application fees are in addition to the first annual fees. DEQ's process is no longer to collect the first annual fee with the initial application fee. Propose to remove this language.

## **Division 226 – General Emission Standards**

22. OAR 340-226-0130(2)(a). This TACT provision applies based on the regulated pollutant emitted. Including that clarification at the very end of the subsection has caused confusion. Propose to include the exact same language earlier in the subsection for clarity.

## **Division 230 – Incinerator Regulations**

23. OAR 340-230-0210(3). This rule attempts to refer to the definition of 'crematory incinerator' but is an incorrect cross reference. Propose to update and correct.
24. OAR 340-230-0220(1). Include a missing period ( . ) at the end of the section.
25. OAR 340-230-0220(2). Crematory recordkeeping. Update this section to require recordkeeping for five years by crematory incinerator owners and operators instead of two. The generic recordkeeping provision included in DEQ permits is five years. Further, the General ACDP #12 for crematory incinerators has included a five-year recordkeeping provision since at least 2017. Propose to update to a five-year period for consistency.

## **Division 232 – Emission Standards for VOC Point Sources**

26. OAR 340-232-0150(2). This section includes a reference to (1)(c), which no longer exists. Propose to delete this cross reference. Update the prior word "subsections" to be singular to further accommodate this change.

## Division 236 – Emission Standards for Specific Industries

27. OAR 340-236-0500(1)(a). Propose to align this landfill rule (implementing 40 CFR part 60 subpart Cf) with the revised Cf promulgated by EPA, which allows owners/operators the option to comply with the more stringent landfill regulation under NESHAP AAAA.
28. OAR 340-236-8010 Table Attachment. Process Weight Table for Hot Mix Asphalt Plants. Propose to add commas throughout the tables for clarity (e.g., 10000 instead shown as 10,000). Propose to also correct the typographical error listing “600000” which should be “60,000”.

## Division 239 – Landfill Gas Emissions

29. OAR 340-239-0010(3). Propose to rephrase the provision explaining the exemptions to the division, clearly referring to (a), (b), and (c). The preferred method is to include a direct reference instead of using ‘the following’.
  - a. Propose to rephrase to refer to the owner or operator instead of the landfill directly.
  - b. Add a missing space between “under” and “subsection” in the second sentence.
  - c. Add a comma after the word “request” in the second sentence.
30. OAR 340-239-0015. “Advanced methane detection technology” definition proposed to be added according to SB726 and further described within the public notice.
31. OAR 340-239-0015. “Beneficial Use”. Propose to add a definition for ‘beneficial use’. The term is used in 340-239-0110(2)(d)(C) regarding Gas Collection and Control Systems Operational Standards. Treated landfill gas must be routed for sale or ‘beneficial use’ or else it must be controlled according to -0110(2)(b), (c), or (d); (b = enclosed flares; c = open flares through 1/1/2024; d = gas control devices other than flares)
32. OAR 340-239-0015. “Component Leak”. Propose to update definition to clearly state that 500 ppmv is an exceedance (see #33 below).
33. OAR 340-239 (various). DEQ’s intent with Division 239 landfill rules were to establish a singular division that could be written into an air permit, negating the need to incorporate various other state and federal requirements/regulations applicable to landfills. To achieve this, DEQ drafted the rules to align with the most stringent requirement between Division 236, NESHAP AAAA, NSPS WWW, NSPS XXX, and Emission Guidelines under Cf.
  - a. Under NESHAP AAAA, 500 ppm is clearly identified as an exceedance, while Division 239 inadvertently established ‘above 500’ as the exceedance. Propose to revise Division 239 to clearly establish the exceedance level as ‘500 ppmv’.
34. OAR 340-239-0015. “Integrated Surface Monitoring” and “Instantaneous Surface Monitoring”. Propose to add a definition for each of these monitoring requirements to provide more clarity to all parties.
35. OAR 340-239-0015. “Nondecomposable solid waste”. Propose to remove “containing” from the reference to asbestos waste. As worded, any amount of waste with 1% asbestos would be asbestos-containing waste. DEQ’s intent was to allow only asbestos waste to be considered applicable for this definition.

36. OAR 340-239-0015. "Open Flare". Propose to remove 'or shroud'. A shrouded flare is not considered an enclosed flare. Including 'or shroud' here allows an open flare with a shroud to be considered an enclosed flare where other rules within Division 239 do not otherwise allow open flares.
37. OAR 340-239-0015. "Operator". (d) & (e) In alignment with how the rules are implemented and enforced, add to the definition of 'operator' that it includes those entities or individuals who have contracts to receive landfill gas in addition to those who purchase the gas.
38. OAR 340-239-0015. "Owner". (d) & (e) In alignment with how the rules are implemented and enforced, add to the definition of 'owner' that it includes those entities or individuals who have contracts to receive landfill gas in addition to those who purchase the gas.
39. OAR 340-239-0015. "Root Cause Analysis". As currently defined, root cause analysis is only for determining the primary cause of positive pressure at a wellhead. However, the Division 239 rules also specify that a root cause analysis is used to investigate temperature exceedances. Propose to add "temperature exceedances and similar issues" such that when the rules refer to a 'root cause analysis' there is not a conflict with this definition.
40. OAR 340-239-0100(1). Propose to add language to the end of this section clarifying when a permit application is specifically not required (landfill owners and operators who have submitted a closure notification and have calculated methane generation rate of below 664 metric tons).
41. OAR 340-239-0100(2). Replace "may not" with "must not" for clarity.
42. OAR 340-239-0100(4) Language clarification from 'shall' to 'will'. Propose to clarify the end of this section as applicable to the owner/operator instead of the landfill itself.
43. OAR 340-239-0100(6)(b). Propose to delete the text "after four consecutive quarterly monitoring periods" from this subsection. This is the introduction of surface emissions monitoring. The clearest way to explain the requirement is to establish the monitoring limit (200 ppmv) and that it is required quarterly. Later rule provisions address reduced monitoring, but including a reference here to four consecutive monitoring periods without any additional information is not clear and has resulted in confusion.
44. OAR 340-239-0100(6)(b). Surface emissions monitoring is set up based on a quarterly schedule. Setting the 90-day threshold resulted in some facilities having due dates that didn't align with a quarterly monitoring schedule. Propose to adjust this from 90 days to 'the next calendar quarter'.
45. OAR 340-239-0100(6)(b). Propose to delete the rule reference to -0600(6), as that reference is to the rule that it is found in. The text immediately prior says "this rule" which is sufficient.
46. OAR 340-239-0100(6)(b)(A). In several places throughout this division, propose to delete the word "landfill" when it is immediately followed by "owner or operator". This improves clarity surrounding the obligations of individuals or entities that purchase or contract to receive landfill gas that must comply with the methane control requirements.
47. OAR 340-239-0100(6)(b)(B)(i). This subsection includes references to rule -0800. But this specific subparagraph also includes a reference to itself "this subsection". Propose to replace the self-reference with a reference only to rule -0800.

48. OAR 340-239-0100(6)(b)(C)(iii). Propose to delete a typographical error. "(5)(b.)" to become "(5)(b)".
49. OAR 340-239-0100(8)(b). Incorrect cross reference for calculating bioreactor moisture content. Propose to update this (10) reference to (9).
50. OAR 340-239-0105(1). The text "to which this division applies, as provided in 340-239-0010, "Applicability,"" is redundant. If the division does not apply, this rule -0105 does not apply. This language adds nothing to the content of the rules. Propose to delete.
51. OAR 340-239-0110(1)(e). This provision requires new wells to be installed within 60 days, but other provisions require within 120 days, creating a conflict. As the new well installation is addressed in other parts of the rules, propose to delete this provision entirely to reduce confusion. (Other 120-day deadlines to install new wells after the third exceedance of 500 ppmv under 340-239-0600(1)(a)(C)(iii), and 25 ppmv integrated under 340-239-0600(1)(b)(B)(ii).)
52. OAR 340-239-0110(2)(a)(B). Cross reference included to (1)(a)(G) does not exist. Correct to the intended cross reference target of "(1)(c)(G)".
53. OAR 340-239-0110(2)(a)(L)(i). This subparagraph ends with "or". This is confusing because the rule already specifies when the next provision is applicable. This is not clear with an "or" included. Propose to delete.
54. OAR 340-239-0110(2)(b). In several places throughout this division, propose to delete the word "landfill" when it is immediately followed by "owner or operator". This improves clarity surrounding the obligations of individuals or entities that purchase or contract to receive landfill gas that must comply with the methane control requirements.
55. OAR 340-239-0110(2)(b)(D). This paragraph required that devices must be operated within parameter ranges established in an ACDP or TV air permit. There are instances in which this rule will need to be implemented prior to the issuance of a permit. Propose to revise this paragraph to specify what parameter ranges are appropriate prior to an issued ACDP or TV permit (source test or manufacturer specifications).
56. OAR 340-239-0110(2)(c) & (d). In several places throughout this division, propose to delete the word "landfill" when it is immediately followed by "owner or operator". This improves clarity surrounding the obligations of individuals or entities that purchase or contract to receive landfill gas that must comply with the methane control requirements.
57. OAR 340-239-0110(2)(d)(A). The phrasing of this requirement has been flagged by external and internal parties. It is not clear whether this is referring to (1- a "boiler" OR a "process heater with design capacity"...) or (2- either a "boiler" or "process heater", either of which has design capacity). To clarify the rule, propose to add 'either having' in two places in this paragraph.
58. OAR 340-239-0110(2)(d)(B)(i). Language, as written, appears to require lean burn engines to meet 99% methane destruction requirement and 3,000 ppmv limit. DEQ's intent was for lean burn engines to instead comply with the 3,000 ppmv limit. Propose to add language to clarify this provision.
59. OAR 340-239-0110(2)(f)(C). DEQ's intent was for this requirement to establish that once three consecutive tests demonstrated compliance, the owner or operator could test every three years. As currently worded, the requirement established four consecutive tests before the owner or operator could reduce the frequency. The phrasing, referring

back to the 'initial' performance test, was also communicated to DEQ as being confusing. Propose to correct.

60. OAR 340-239-0110(2)(f)(D). Language clarification from "may not" to "must not" and "shall make" to "must make".
61. OAR 340-239 (various). DEQ's intent with Division 239 landfill rules was to establish a singular division that could be written into an air permit, negating the need to incorporate various other state and federal landfill requirements/regulations. To achieve this goal, DEQ drafted the rules to align with the most stringent requirement between Division 236, NESHAP AAAA, NSPS WWW, NSPS XXX, and Emission Guidelines subpart Cf. Under NESHAP AAAA, 500 ppm is clearly identified as an exceedance, while Division 239 inadvertently established 'above 500' as the exceedance. Propose to revise Division 239 to clearly establish the exceedance level as '500 ppmv'.
62. OAR 340-239-0200(1)(b). Typographical error in the listed cross reference. OAR 340-239-800(3)(c) should be -0800. Propose to add "0".
63. OAR 340-239-0400. In several places throughout this division, propose to delete the word "landfill" when it is immediately followed by "owner or operator". This improves clarity surrounding the obligations of individuals or entities that purchase or contract to receive landfill gas that must comply with the methane control requirements
64. OAR 340-239-0400(1). Remove "of" from the text '...provided all of the following...'
65. OAR 340-239-0600(1)(a)(C)(ii). Propose to delete typographical error where "owner or" was repeated.
66. OAR 340-239-0600(1)(a)(C)(ii). As written, the rules require a facility without a GCCS to install one within 120 days. The rule language assumed the facility performing the SEM already had a GCCS installed. Propose to separate out the two situations by adding new sub-paragraphs (I) and (II).
67. OAR 340-239-0600(1)(a)(C)(ii) & (iii). Other rules within this division require a new or replaced well to be installed within 120 days of the initial exceedance, not the 3rd. When two requirements conflict, the most stringent applies. Propose to revise this to align with the already-existing requirement. Of note, landfills subject to NESHAP AAAA must comply with that regulation by using the 'initial' date regardless of this rule referring to the third exceedance.
68. OAR 340-239-0600(1)(a)(C)(ii) & (iii). There is nothing in the rule that requires a new well, installed due to an exceedance, to be installed in an area nearby where the exceedances were detected. This is the intent of requiring a new or replacement well; propose to add language requiring the new/replaced well to be placed in an area where it will address the monitoring exceedance.
69. OAR 340-239-0600(1)(a)(C)(iv). Propose to delete the last sentence. This reference to the 'alternative approvals' rule is unnecessary. The provisions for alternative approvals applies on its own merits and does not need a reference in this rule. A reference here means DEQ should write in a reference and examples for many other provisions of Division 239.
70. OAR 340-239-0600(1)(a)(E). This paragraph includes an incorrect cross reference to (1)(a)(C) which should instead be (1)(a)(D). Propose to correct.

71. OAR 340-239-0600(1)(b)(B)(ii). Other rules within this division require the new or replaced well to be installed within 120 days of the initial exceedance, not the 3rd. When two requirements conflict, the most stringent applies. Propose to revise this to align with the already-existing requirement. Of note, landfills subject to NESHAP AAAA must comply with that regulation by using the 'initial' date regardless of this rule referring to the third exceedance.
72. OAR 340-239-0600(1)(b)(B)(ii). There is nothing in the rule that requires a new well, installed due to a monitoring exceedance, be installed in an area nearby where the exceedances were detected. This is the intent of requiring a new or replacement well; propose to add language requiring the new/replaced well to be placed in an area where it will address the monitoring exceedance. Also see #71 above for information regarding 'initial' vs. 'third' change.
73. OAR 340-239-0600(2)(a)(A). The phrasing of this requirement has been flagged by external and internal parties. It is not clear whether this is referring to (1- a "boiler" OR a "process heater with design capacity"...) or (2- either a "boiler" or "process heater", either of which has design capacity). To clarify the rule, propose to add 'either having' in this paragraph.
74. OAR 340-239 (various). DEQ's intent with Division 239 landfill rules were to establish a singular division that could be written into an air permit, negating the need to incorporate various state and federal requirements/regulations. To achieve this goal, DEQ drafted the rules to align with the most stringent requirement between Division 236, NESHAP AAAA, NSPS WWW, NSPS XXX, and Emission Guidelines subpart Cf. Under NESHAP AAAA, 500 ppm is clearly identified as an exceedance, while Division 239 inadvertently established 'above 500' as the exceedance. Propose to revise Division 239 to clearly establish the exceedance level as '500 ppmv'.
75. OAR 340-239-0600(2)(d). Replace "5" with "five".
76. OAR 340-239-0600(4). Correct 'shall' to 'must' for clarity.
77. OAR 340-239-0610. Propose new rule to implement SB 726.
78. OAR 340-239-0700(2)(a). In several places throughout this division, propose to delete the word "landfill" when it is immediately followed by "owner or operator". This improves clarity surrounding the obligations of individuals or entities that purchase or contract to receive landfill gas that must comply with the methane control requirements.
79. OAR 340-239-0700(2)(a). Propose to delete the text "subject to this division". Owners and operators not subject to this division are not subject to the rule. This text adds nothing to the content of the rule.
80. OAR 340-239-0700(2)(a)(C). The walking pattern is not a data element required to be recorded; propose to add. Data is required in -0600(1)(a)(A) but should be reiterated here in the recordkeeping rule.
81. OAR 340-239-0700(2)(a)(C). Propose to add ", including all results" which will make all instantaneous SEM results required to be retained such that an integrated SEM number can be calculated. If records only include those results of 100ppmv or higher, the integrated SEM result will always show an exceedance.

82. OAR 340-239-0700(2)(a)(E). Propose to clarify that a higher temperature for a specific well may be approved and then that approval would set the temperature monitoring value.
83. OAR 340-239-0700(2)(a)(E). Formatting correction; spell out the word “five” instead of listing the number.
84. OAR 340-239-0700(2)(a)(J)(iii). “and” was incorrectly listed in the 3<sup>rd</sup> to last item in the list. Propose to move it to the 2<sup>nd</sup> to last item.
85. OAR 340-239-0700(2)(a)(J)(iv). Propose to establish a clearer recordkeeping requirement associated with the monthly cover integrity requirement found in OAR 340-239-0600(4).
86. OAR 340-239-0700(2)(a)(M)(i). This Fahrenheit conversion from Celsius is incorrect at 52. 28 degrees Celsius is 82 degrees Fahrenheit, as is listed in rule -0700. Propose to correct this conversion to the appropriate degrees.
87. OAR 340-239-0700(2)(a)(M)(ii). The phrasing of this requirement has been flagged by external and internal parties. It is not clear whether this is referring to (1- a “boiler” OR a “process heater with design capacity” ...) or (2- either a “boiler” or “process heater”, either of which has design capacity). To clarify the rule, propose to add ‘either having’ in this paragraph.
88. OAR 340-239-0700(2)(a)(N). Propose to add ‘component leak standards’ as they also have a ppmv compliance limit that should have records demonstrating compliance.
89. OAR 340-239-0700(2)(a)(O). In several places throughout this division, propose to delete the word “landfill” when it is immediately followed by “owner or operator”. This improves clarity surrounding the obligations of individuals or entities that purchase or contract to receive landfill gas that must comply with the methane control requirements.
90. OAR 340-239-0700(2)(a)(P)(iv). The walking pattern is not a data element required to be recorded; propose to add. Data is required in -0600(1)(a)(A) but should be reiterated here in the recordkeeping rule.
91. OAR 340-239-0700(2)(a)(R) & (S). “and” is incorrectly listed in the 3<sup>rd</sup> to last item on the list. Propose to move it down to (S), which is the correct 2<sup>nd</sup> to last entry on the list.
92. OAR 340-239 (various). DEQ’s intent with Division 239 landfill rules were to establish a singular division that could be written into an air permit, negating the need to incorporate various state and federal requirements/regulations. To achieve this goal, DEQ drafted the rules to align with the most stringent requirement between Division 236, NESHAP AAAA, NSPS WWW, NSPS XXX, and Emission Guidelines subpart Cf. Under NESHAP AAAA, 500 ppm is clearly identified as an exceedance, while Division 239 inadvertently established ‘above 500’ as the exceedance. Propose to revise Division 239 to clearly establish the exceedance level as ‘500 ppmv’.
93. OAR 340-239-0700(2)(b). In several places throughout this division, propose to delete the word “landfill” when it is immediately followed by “owner or operator”. This improves clarity surrounding the obligations of individuals or entities that purchase or contract to receive landfill gas that must comply with the methane control requirements.
94. OAR 340-239-0700(2)(b)(E). This paragraph was flagged by internal and external parties as confusing. Propose to clarify this by moving the text at the end of the paragraph to the middle. It is unclear whether this applied to:

- a. “an enclosed device with design heat input... where the device is not a boiler/process heater”; or
  - b. “an enclosed device that is not a ‘boiler’ or a ‘process heater with design heat input..”
95. OAR 340-239-0700(2)(d) & (3)(c). In several places throughout this division, propose to delete the word “landfill” when it is immediately followed by “owner or operator”. This improves clarity surrounding the obligations of individuals or entities that purchase or contract to receive landfill gas that must comply with the methane control requirements.
  96. OAR 340-239-0700(3)(c)(A). The walking pattern and map showing the exceedances are not a data element required to be recorded in rule -0700; propose to add. Data is required in -0600(1)(a)(A) but should be reiterated here in the recordkeeping rule.
  97. OAR 340-239-0700(3)(c)(H). The current rule requires the semi-annual report to include the ‘location’ of each well or collection system expansion but does not explicitly require this information to be provided by a map. Propose to clarify. Data is required in -0600(1)(a)(A) but should be reiterated here in the recordkeeping rule.
  98. OAR 340-239-0700(3)(c)(J). The phrasing of this requirement has been flagged by external and internal parties. It is not clear whether this is referring to (1- a “boiler” OR a “process heater with design capacity”...) or (2- either a “boiler” or “process heater”, either of which has design capacity). To clarify the rule, propose to add ‘either having’ in this paragraph.
  99. OAR 340-239-0700(3)(d). Current rule establishes a due date as February 15<sup>th</sup> which can be extended through March 15<sup>th</sup> at the latest. Facilities and permits have varied reporting due dates. Propose to provide additional flexibility in establishing the reporting due date so that it’s possible to align this due date with other, existing, reporting obligations in the facility’s permit.
  100. OAR 340-239-0700(3)(d)(J) & (K). “and” is incorrectly listed in the last item on the list. Propose to move it up to (J), which is the correct 2nd to last entry on the list.
  101. OAR 340-239-0700(3)(e). Once a landfill submits a closure notification to DEQ, they are confirming that no more waste will be added to the landfill. There is no need for a landfill that has stopped accepting waste to continue to submit annual waste in place reports. Propose to clarify.
  102. OAR 340-239-0700(3)(e). Propose to revise these due dates to align with other reporting due dates that are typically in air permits. Most sources have annual reports due by February or March 15. For permits that include other reporting due dates, DEQ also proposes to establish increased flexibility for an air permit to establish a different date that aligns with other reporting requirements, as appropriate.
  103. OAR 340-239-0700(3)(f). Under OAR 340-239-0100(4), owners and operators are no longer subject to this requirement once a closure notification has been submitted. Propose to reiterate that here for clarity.
  104. OAR 340-239-0700(3)(f)(C). Propose to make this reporting requirement less restrictive. Provide an alternative date to the report requirement when an ACDP or TV permit is issued to the facility such that the report timeline can align with other reporting due dates.
  105. OAR 340-239-0700(3)(g)(H). Remove one extra space within the rule reference listed in this paragraph (“(2)(g) (A)” to become “(2)(g)(A)”). Also provide an alternative date to the

- report requirement when an ACDP or TV permit is issued to the facility such that the report timeline can align with other reporting due dates.
106. OAR 340-239-0700(3)(g)(I). Remove one extra space within the rule reference listed in this paragraph (see #105, above).
  107. OAR 340-239-0700(3)(h). The 30-day timeline is a fast turnaround to have a completed report submitted. Propose instead to revise to align with the federal regulation NESHAP AAAA, which provides 60 days.
  108. OAR 340-239-0700(3)(h)(B). This paragraph, listed as (D), is immediately preceded by paragraph (A). This paragraph should be (B). Propose to correct this typographical error.
  109. OAR 340-239-0700(3)(h)(D) [now (B)]. This paragraph ends with an inaccurate “and”, where the next line is a new subsection. Propose to delete and replace with a period.
  110. OAR 340-239-0700(3)(j) & (A) & (B). Amended design plan. The phrasing of this subsection is confusing where it includes the 90 days threshold here instead of in each paragraph below. Propose to delete and include in the paragraphs below.
  111. OAR 340-239-0700(3)(k). Capitalize the ‘R’ in ‘reports’ to be consistent with the formatting of the rest of the division (e.g., Collection and Control System Design Plan, Corrective Action Reports, etc.)
  112. OAR 340-239-0700(3)(k)(A) & (B) & (C). In several places throughout this division, propose to delete the word “landfill” when it is immediately followed by “owner or operator”. This improves clarity surrounding the obligations of individuals or entities that purchase or contract to receive landfill gas that must comply with the methane control requirements.
  113. OAR 340-239-0700(3)(l)(B). This paragraph includes a self-reference which adds no substantive content to the rule language. (3)(l)(A) requires the monitoring report and this (B) specifies what must be included in the report. Propose to delete the self-reference.
  114. OAR 340-239-0700(3)(m). Capitalize the first letter in the title of this report to be consistent with the formatting of the rest of the division (e.g., Collection and Control System Design Plan, Corrective Action Reports, etc.)
  115. OAR 340-239-0700(3)(p). Propose to correct the typographical error in the word ‘bioreactor’
  116. OAR 340-239-0700(3)(q). In several places throughout this division, propose to delete the word “landfill” when it is immediately followed by “owner or operator”. This improves clarity surrounding the obligations of individuals or entities that purchase or contract to receive landfill gas that must comply with the methane control requirements.
  117. OAR 340-239-0800(1) & (1)(b). Correct ‘shall’ to ‘must’ for clarity.
  118. OAR 340-239-0800(2). Capitalize the ‘M’, ‘G’, and ‘R’ in ‘methane generation rate’ to be consistent with the formatting of the rest of the division (e.g., Collection and Control System Design Plan, Corrective Action Reports, etc.).
  119. OAR 340-239-0800(2)(a) & (b) & (c). Correct the capitalization of the “L” in landfill to lowercase.
  120. OAR 340-239-0800(3)(a)(B)(ii). Propose to modify the 100-foot interval to 30 meters to align with existing federal landfill regulation NESHAP AAAA. Otherwise, this rule will not be able to be determined equivalent to the NESHAP by EPA and sources subject to

NESHAP AAAA would have to use the 30-meter distance regardless of this state-specific distance requirement.

121. OAR 340-239 (various). DEQ's intent with Division 239 landfill rules were to establish a singular division that could be written into an air permit, negating the need to incorporate various state and federal requirements/regulations. To achieve this goal, DEQ drafted the rules to align with the most stringent requirement between Division 236, NESHAP AAAA, NSPS WWW, NSPS XXX, and Emission Guidelines subpart Cf. Under NESHAP AAAA, 500 ppm is clearly identified as an exceedance, while Division 239 inadvertently established 'above 500' as the exceedance. Propose revising Division 239 to clearly establish the exceedance level as '500 ppmv'.
122. OAR 340-239-0800(3)(b)(C). Delete the extra "." at the end of this paragraph.
123. OAR 340-239-0800(6). In several places throughout this division, propose to delete the word "landfill" when it is immediately followed by "owner or operator". This improves clarity surrounding the obligations of individuals or entities that purchase or contract to receive landfill gas that must comply with the methane control requirements.
124. OAR 340-239-0800(6)(a). Language, as written, does not clearly distinguish between the two methane requirements (enclosed combustor vs. lean burn internal combustion engine). Similar to the change in -0110(2)(d)(B)(i), propose to clarify these two standards are different. See #58, above.
125. OAR 340-239-0800(8)(e). Propose to delete the "." between the letters of CFR for consistency. Propose to lower case the 'p' in 'Part' when referring to the CFR for consistency.
  - a. Note: this "C.F.R." to "CFR" change also appears throughout each rule that is proposed to include any other type of change.
  - b. Similarly, DEQ is proposing to change, where it appears throughout the rules that are proposed to be amended as identified in this list, any reference to "Part" as "part" to be consistent. This is specifically referring to "part" where it is used to refer to the CFR.
126. OAR 340-239-0800(8)(f)(A). Propose to include this federally approved alternative method for analyzing carbon monoxide samples.
127. OAR 340-239-0800(10). In several places throughout this division, propose to delete the word "landfill" when it is immediately followed by "owner or operator". This improves clarity surrounding the obligations of individuals or entities that purchase or contract to receive landfill gas that must comply with the methane control requirements.

## **Division 244 – Oregon Federal Hazardous Air Pollutant Program**

128. OAR 340-244-0234(9). Clarify the requirement is applicable to 'owners and operators'.
129. OAR 340-244-0237(1). This section begins with a text reference to the name of rule 340-244-0245, "Work Practices, No Top Off, and Submerged Fill...." however, the rule name can appear to say that GDF 1 facilities are required to comply with the 'submerged fill' requirements. Propose to add the text 'as applicable' at the end to draw attention to the

- fact that not all the -0245 rule requirements will apply to a GDF 1 facility and that the text is the name of a rule instead of an explicit requirement.
130. OAR 340-244-0241(3). The way this was worded did not make the requirement clear. Propose to revise to clearly state that a new/replaced storage tank at a GDF 3 must install Stage 1 Vapor Balance and that the new/replaced tank must be dual-point.
131. OAR 340-244-0246(1) & (2). Clarify the requirement is applicable to owners and operators’.
132. OAR 340-244-0249(1). Clarify the requirement is applicable to owners and operators’. Also moved the text ‘conduct and pass’ to accommodate the reference to owners/operators.
133. OAR 340-244-0249(2). These 2024-adopted GDF rules require recurring testing every 24 months. This rule used the word ‘initial’ which could have several interpretations (shown below). Propose to clarify when recurring tests are due by changing the word ‘initial’ to ‘most recent passing’
- a. The initial test many years ago when the GDF rules were new (~2010);
  - b. An initial test conducted after the installation of a vapor balance system (~2010 or later);
  - c. The ‘initial’ testing described by this rule -0249.
134. OAR 340-244-0249(3) & (3)(b) & (c). Clarify the requirement is applicable to ‘owners and operators’.
135. OAR 340-244-0249(3) & (3)(a)-(c). DEQ has recognized that the required test ‘Leak Rate of Drop Tube’ is not technically possible to conduct at all facilities. This is because specific equipment components are required to conduct the test which have not been required to be installed under the current or previous rules. DEQ is proposing a change to only require this specific test at facilities that have Stage I Enhanced Vapor Recovery systems installed. Propose to delete the references to this test within the ‘Stage I and Stage II’ testing section.
136. OAR 340-244-0249(3)(b). Owners/operators who should have, but have not ever conducted the previously required tests are not exempt from this testing rule. Propose to revise this subsection to clarify.
137. OAR 340-244-0249(4). Clarify the requirement is applicable to ‘owners and operators’.
138. OAR 340-244-0249(6). Propose to add clarification that testing is based on the vapor equipment installed at the facility as one of the tests included in the list is specifically for Stage 1 EVR systems only.
139. OAR 340-244-0249(6)(a)(B). Clarify that the Leak Rate of Drop Tube test is only applicable to Stage I EVR systems (see #135 above, addressing this test).
140. OAR 340-244-0249(6)(a) & (b). Clarify the requirement is applicable to owners and operators’.
141. OAR 340-244-0249(7). replace ‘each’ with ‘the’ for consistency across the rules, referring to an owner or operator.
142. OAR 340-244-0251(3) & (3)(a) Initial notification requirements that align with the federal regulation for gasoline dispensing facilities (NESHAP CCCCC) were included to ensure DEQ’s rules were at least as stringent as the federal requirements. This section inadvertently expanded these notification requirements to facilities that are classified as a

GDF 2. Intent of rules and proposed here: only require this notification of facilities that have 120,000+ gallons of annual gasoline throughput as GDF type 3 and higher.