

DIVISION 210

STATIONARY SOURCE NOTIFICATION REQUIREMENTS

340-210-0010 APPLICABILITY

This division applies to all stationary sources in the state.

State effective: 10/14/99; EPA effective: 3/24/2003

340-210-0020 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 OAR 340-200-0020, the definition in this rule applies to this division.

State effective: 10/14/99; EPA effective: 3/24/2003

REGISTRATION

340-210-0100 REGISTRATION IN GENERAL

Any air contaminant source not subject to Air Contaminant Discharge Permits, OAR 340 division 216, or Oregon Title V Operating Permits, OAR 340 division 218, must register with the Department upon request pursuant to OAR 340-210-0110 through 340-210-0120.

State effective: 7/1/01; EPA effective: 3/24/2003

340-210-0110 REGISTRATION REQUIREMENTS

- (1) Registration must be completed within 30 days following the mailing date of the request by the Department.
- (2) Registration must be made on forms furnished by the Department and completed by the owner, lessee of the source, or agent.
- (3) The following information must be reported by registrants:
 - (a) Name, address, and nature of business;
 - (b) Name of local person responsible for compliance with these rules;
 - (c) Name of person authorized to receive requests for data and information;
 - (d) A description of the production processes and a related flow chart;
 - (e) A plot plan showing the location and height of all air contaminant sources. The plot plan must also indicate the nearest residential or commercial property;
 - (f) Type and quantity of fuels used;

(g) Amount, nature, and duration of air contaminant emissions;

(h) Estimated efficiency of air pollution control equipment under present or anticipated operating conditions;

(i) Any other information requested by the Department.

State effective: 7/1/01; EPA effective: 3/24/2003

340-210-0120 RE-REGISTRATION

(1) Once a year upon the annual date of registration, a person responsible for an air contaminant source must reaffirm in writing the correctness and current status of the information furnished to the Department.

(2) Any change in any of the factual data reported under OAR 340-210-0110(3) must be reported to the Department, at which time re-registration may be required on forms furnished by the Department.

State effective: 7/1/01; EPA effective: 3/24/2003

NOTICE OF CONSTRUCTION AND APPROVAL OF PLANS

340-210-0205 APPLICABILITY

(1) Except as provided in section (2) of this rule, OAR 340-210-0200 through 340-210-0250 apply to

(a) All stationary sources; and

(b) All air pollution control equipment used to comply with emissions limits or used to avoid Oregon Title V Operating Permits (OAR 340 division 218) or New Source Review (OAR 340 division 224) requirements, or MACT standards (OAR 340 division 244).

(2) OAR 340-210-0200 through 340-210-0250 do not apply to the following stationary sources:

(a) Equipment used in agricultural operations and the growing or harvesting of crops or the raising of fowls or animals;

(b) Agricultural land clearing operations or land grading;

(c) Heating equipment in or used in connection with residences used exclusively as dwellings for not more than four families;

(d) Other activities associated with residences used exclusively as dwellings for not more than four families, including, but not limit to barbecues, house painting, maintenance, and groundskeeping; and

(e) Categorically insignificant activities as defined in OAR 340-200-0020 that are not subject to NESHAP or NSPS requirements. This exemption applies to all categorically insignificant activities whether or not they are located at major or non-major sources.

State effective: 7/1/01; EPA effective: 3/24/2003

340-210-0215 REQUIREMENT

(1) New Stationary Sources. No person is allowed to construct, install, or establish a new stationary source that will cause an increase in any regulated pollutant emissions without first notifying the Department in writing.

(2) Modifications to Stationary Sources. No person is allowed to make a physical change or change in operation of an existing stationary source that will cause an increase, on an hourly basis at full production, in any regulated pollutant emissions without first notifying the Department in writing.

(3) Air Pollution Control Equipment. No person is allowed to construct or modify any air pollution control equipment without first notifying the Department in writing.

State effective: 7/1/01; EPA effective: 3/24/2003

340-210-0225 TYPES OF CONSTRUCTION/MODIFICATION CHANGES

For the purpose of OAR 340-210-0200 through 340-210-0250, changes that involve new construction or modifications of stationary sources or air pollution control equipment are divided into the following Types:

(1) Type 1 changes include construction or modification of stationary sources or air pollution control equipment where such a change:

(a) Would not increase emissions above the Plant Site Emission Limit by more than the de minimis levels defined in OAR 340-200-0020 for sources required to have a permit;

(b) Would not increase emissions above the netting basis by more than or equal to the significant emissions rate;

(c) Would not increase emissions from any stationary source or combination of stationary sources by more than the de minimis levels defined in OAR 340-200-0020;

(d) Would not be used to establish a federally enforceable limit on the potential to emit; and

(e) Would not require a TACT determination under OAR 340-226-0130 or a MACT determination under OAR 340-244-0200.

(2) Type 2 changes include construction or modification of stationary sources or air pollution control equipment where such a change:

(a) Would meet the criteria of sub-sections (1)(a), (1)(b), (1)(d), and (1)(e) of this rule; and

(b) Would not increase emissions from any stationary source or combination of stationary sources by more than or equal to the significant emission rate;

(3) Type 3 changes include construction or modification of stationary sources or air pollution control equipment where such a change:

(a) Would increase emissions above the Plant Site Emission Limit by more than the de minimis levels defined in OAR 340-200-0020 but less than the significant emission rate for sources required to have a permit;

(b) Would increase emissions from any stationary source or combination of stationary sources by more than the significant emission rate but are not subject to OAR 340-222-0041(3)(b) or OAR 340, division 224 (NSR rules);

(c) Would be used to establish a federally enforceable limit on the potential to emit; or

(d) Would require a TACT determination under OAR 340-226-0130 or a MACT determination under OAR 340-244-0200.

(4) Type 4 changes include construction or modification of stationary sources or air pollution control equipment where such a change or changes would increase emissions above the PSEL or Netting Basis of the source by more than the significant emission rate.

State effective: 7/1/01; EPA effective: 3/24/2003

340-210-0230 NOTICE TO CONSTRUCT

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

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

(b) Name of local person responsible for compliance with these rules;

(c) Name of person authorized to receive requests for data and information;

(d) The type of construction or modification as defined in OAR 340-210-0220;

(e) A description of the constructed or modified source;

(f) A description of the production processes and a related flow chart for the constructed or modified source;

(g) A plot plan showing the location and height of the constructed or modified source. The plot plan must also indicate the nearest residential or commercial property;

- (h) Type and quantity of fuels used;
 - (i) The change in the amount, nature and duration of regulated air pollutant emissions;
 - (j) Plans and specifications for air pollution control equipment and facilities and their relationship to the production process, including estimated efficiency of air pollution control equipment under present or anticipated operating conditions;
 - (k) Any information on pollution prevention measures and cross-media impacts the owner or operator wants the Department to consider in determining applicable control requirements and evaluating compliance methods;
 - (l) A list of any requirements applicable to the new construction or modification;
 - (m) Where the operation or maintenance of air pollution control equipment and emission reduction processes can be adjusted or varied from the highest reasonable efficiency and effectiveness, information necessary for the Department to establish operational and maintenance requirements under OAR 340-226-0120(1) and (2);
 - (n) Amount and method of refuse disposal; and
 - (o) Land Use Compatibility Statement signed by a local (city or county) planner either approving or disapproving construction or modification to the source if required by the local planning agency.
- (2) Any person proposing a Type 3 or 4 change must submit an application for either a construction ACDP, new permit, or permit modification, whichever is appropriate.
- (3) The Department must be notified of any corrections and revisions to the plans and specifications upon becoming aware of the changes.
- (4) Where a permit issued in accordance with OAR 340 divisions 216 or 218 includes construction approval for future changes for operational flexibility, the notice requirements in this rule are waived for the approved changes.

State effective: 7/1/01; EPA effective: 3/24/2003

340-210-0240 CONSTRUCTION APPROVAL

- (1) Approval to Construct:
- (a) For Type 1 changes, the owner or operator may proceed with construction or modification 10 days after the Department receives the notice required in OAR 340-210-0230, unless the Department notifies the owner or operator in writing that the proposed construction or modification is not a Type 1 change.
 - (b) For Type 2 changes, the owner or operator may proceed with the construction or

modification 60 days after the Department receives the notice required in OAR 340-210-0230 or on the date that the Department approves the proposed construction in writing, whichever is sooner.

(c) For Type 3 changes, the owner or operator must obtain either a Construction ACDP or a new or modified Standard ACDP in accordance with OAR chapter 340 division 216 before proceeding with the construction or modification.

(d) For Type 4 changes, the owner or operator must obtain a new or modified Standard ACDP before proceeding with the construction or modification.

[**Note:** In non-attainment areas and maintenance areas, Type 4 changes may be subject to OAR 340 division 224, New Source Review. In attainment areas, Type 4 changes may be subject to OAR 340-224-0070, Prevention of Significant Deterioration, only if the source would be a federal major source after making the change.]

(2) Approval to construct does not relieve the owner of the obligation of complying with applicable requirements.

(3) Notice of Completion. Unless otherwise specified in the construction ACDP or approval, the owner or operator must notify the Department in writing that the construction or modification has been completed using a form furnished by the Department. Unless otherwise specified, the notice is due 30 days after completing the construction or modification. The notice of completion must include the following:

(a) The date of completion of construction or modification; and

(b) The date the stationary source or air pollution control equipment was or will be put in operation.

(4) Order Prohibiting Construction or Modification. If at any time, the Department determines that the proposed construction is not in accordance with applicable statutes, rules, regulations, and orders, the Department will issue an order prohibiting the construction or modification. The order prohibiting construction or modification will be forwarded to the owner or operator by certified mail.

(5) Hearing. A person against whom an order prohibiting construction or modification is directed may demand a hearing within 20 days from the date of mailing the order. The demand must be in writing, state the grounds for hearing, and be mailed to the Director of the Department. The hearing will be conducted pursuant to the applicable provisions in division 11 of this chapter.

State effective: 7/1/01; EPA effective: 3/24/2003

340-210-0250 APPROVAL TO OPERATE

(1) The approval to construct does not provide approval to operate the constructed or modified stationary source or air pollution control equipment unless otherwise allowed by either the ACDP or Oregon Title V Operating Permit programs (OAR 340 divisions 216 and 218).

(2) Type 1 and 2 changes:

(a) For sources that are not required to obtain a permit in accordance with OAR 340-216-0020, Type 1 and 2 changes may be operated without further approval.

(b) For new sources that are required to obtain an ACDP in accordance with OAR 340-216-0020, the ACDP, which allows operation, is required before operating Type 1 or 2 changes.

(c) For sources currently operating under an ACDP, Type 1 and 2 changes may be operated without further approval unless the ACDP specifically prohibits the operation.

(d) For sources currently operating under an Oregon Title V Operating Permit, Type 1 and 2 changes may only be operated in accordance with OAR 340-218-0190(2).

(3) Type 3 and 4 changes:

(a) For new sources, Type 3 or 4 changes require a standard ACDP before operation of the changes.

(b) For sources currently operating under an ACDP, approval to operate Type 3 or 4 changes will require a new or modified standard ACDP. All ACDP terms and conditions remain in effect until the ACDP is modified.

(c) For sources currently operating under an Oregon Title V Operating Permit, approval to operate Type 3 or 4 changes must be in accordance with OAR 340-218-0190(2).

State effective: 7/1/01; EPA effective: 3/24/2003

DIVISION 212

STATIONARY SOURCE TESTING AND MONITORING

340-212-0010 DEFINITIONS

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

State effective: 10/14/99; EPA effective: 3/24/2003

SAMPLING, TESTING AND MEASUREMENT

340-212-0110 APPLICABILITY

OAR 340-212-0110 through 340-212-0160 apply to all stationary sources in the state.

State effective: 10/14/99; EPA effective: 3/24/2003

340-212-0120 PROGRAM

(1) As part of its coordinated program of air quality control and preventing and abating air

pollution, the Department may:

- (a) Require the owner or operator of a stationary source to determine the type, quantity, quality, and duration of the emissions from any air contamination source;
- (b) Require full reporting in writing of all test procedures and signed by the person or persons responsible for conducting the tests;
- (c) Require continuous monitoring of specified air contaminant emissions or parameters and periodic regular reporting of the results of such monitoring.

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

- (a) Sampling ports, safe sampling platforms, and access to sampling platforms adequate for test methods applicable to such source; and
- (b) Utilities for sampling and testing equipment.

(3) Testing must be conducted in accordance with the Department's **Source Sampling Manual (January 1992)**, the Department's **Continuous Monitoring Manual (January 1992)**, or an applicable EPA Reference Method unless the Department, if allowed under applicable federal requirements:

- (a) Specifies or approves minor changes in methodology in specific cases;
- (b) Approves the use of an equivalent method or alternative method that will provide adequate results;
- (c) Waives the testing requirement because the owner or operator has satisfied the Department that the affected facility is in compliance with applicable requirements; or
- (d) Approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors.

State effective: 7/1/01; EPA effective: 3/24/2003

340-212-0130 STACK HEIGHTS AND DISPERSION TECHNIQUES

(1) **40 CFR Parts 51.100(ff)** through **51.100(kk)**, and **51.118**, **51.160** through **51.166 (July 1, 2000)**, concerning stack heights and dispersion techniques, are adopted and incorporated herein. The federal rule generally prohibits the use of excessive stack height and certain dispersion techniques when calculating compliance with ambient air quality standards. The rule forbids neither the construction and actual use of excessively tall stacks, nor the use of dispersion techniques. It only forbids their use in noted calculations. The rule generally applies as follows. Stacks 65 meters high or greater that were constructed after December 31, 1970, and major modifications made after December 31, 1970 to existing plants with stacks 65 meters high or greater which were constructed before that date are subject to this rule. Certain stacks at federally

owned, coal-fired steam electric generating units constructed under a contract awarded before February 8, 1974 are exempt. Any dispersion technique implemented after December 31, 1970 at any plant is subject to this rule. However, if the plant's total allowable emissions of sulfur dioxide are less than 5,000 tons per year, then certain dispersion techniques to increase final exhaust gas plume rise may be used when calculating compliance with ambient air quality standards for sulfur dioxide.

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

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

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

(c) The "procedures" referred to in **40 CFR 51.164** are the Department's New Source Review procedures (OAR 340 division 224 or Title 38 of LRAPA rules), and the review procedures for new, or modifications to, minor sources, at the Department's review procedures for new or modified minor sources (OAR 340-210-0200 to 340-210-0220, OAR 340 division 216 or LRAPA Title 34).

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

(e) "Applicable state implementation plan" and "plan" refer to the Department's or LRAPA's programs and rules, as approved by the EPA, or any regulations promulgated by EPA (see **40 CFR Part 52, Subpart MM**).

State effective: 7/1/01; EPA effective: 3/24/2003

340-212-0140 METHODS

(1) Any sampling, testing, or measurement performed pursuant to this division must conform to methods contained in the **Department's Source Sampling Manual (January 1992)** or to recognized applicable standard methods approved in advance by the Department.

(2) The Department may approve any alternative method of sampling if it finds that the proposed method is satisfactory and complies with the intent of these rules, is at least equivalent to the uniform recognized procedures in objectivity and reliability, and is demonstrated to be reproducible, selective, sensitive, accurate, and applicable to the program.

State effective: 7/1/01; EPA effective: 3/24/2003

340-212-0150 DEPARTMENT TESTING

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

State effective: 7/1/01; EPA effective: 3/24/2003

COMPLIANCE ASSURANCE MONITORING

340-212-0200 PURPOSE AND APPLICABILITY

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

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

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

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

(2) Exemptions:

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

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

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

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

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

(E) An emissions cap that meets the requirements specified in 40 CFR 70.4(b)(12), 71.6(a)(13)(iii) (July 2000), or OAR 340 division 222 (Plant Site Emission Limits);

(F) Emission limitations or standards for which an Oregon Title V Operating Permit

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

(b) Exemption for backup utility power emissions units. The requirements of OAR 340-212-0200 through 212-0280 do not apply to a utility unit, as defined in 40 CFR 72.2 (July 2000), that is municipally owned if the owner or operator provides documentation in an Oregon Title V Operating Permit application that:

(A) The utility unit is exempt from all monitoring requirements in 40 CFR part 75 (July 2000) (including the appendices thereto);

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

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

State effective: 7/1/01; EPA effective: 3/24/2003

340-212-0210 MONITORING DESIGN CRITERIA

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

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

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

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

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

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

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

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

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

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

(b) For new or modified monitoring equipment, verification procedures to confirm the operational status of the monitoring prior to the date by which the owner or operator must conduct monitoring under OAR 340-212-0200 through 340-212-0280 as specified in OAR

340-212-0250(1). The owner or operator must consider the monitoring equipment manufacturer's requirements or recommendations for installation, calibration, and start-up operation;

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

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

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

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

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

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

into the control technology, and the level of actual emissions relative to the compliance limitation.

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

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

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

(A) Section 51.214 and Appendix P of 40 CFR part 51 (July 1, 2000);

(B) Section 60.13 and Appendix B of 40 CFR part 60 (July 1, 2001);

(C) Section 63.8 and any applicable performance specifications required pursuant to the applicable subpart of 40 CFR part 63 (July 1, 2000);

(D) 40 CFR part 75 (July 1, 2000);

(E) Subpart H and Appendix IX of 40 CFR part 266 (July 1, 2000); or

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

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

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

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

State effective: 7/1/01; EPA effective: 3/24/2003

340-212-0220 SUBMITTAL REQUIREMENTS

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

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

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

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

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

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

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

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

(c) Excepted or alternative monitoring methods allowed or approved pursuant to **40 CFR part 75 (July 1, 2000)**;

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

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

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

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

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

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

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

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

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

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

State effective: 7/1/01; EPA effective: 3/24/2003

340-212-0230 DEADLINES FOR SUBMITTALS

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

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

(A) Has not been filed; or

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

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

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

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

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

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

State effective: 7/1/01; EPA effective: 3/24/2003

340-212-0240 APPROVAL OF MONITORING PLANS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

State effective: 7/1/01; EPA effective: 3/24/2003

340-212-0250 OPERATION OF APPROVED MONITORING

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

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

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

(4) Response to excursions or exceedances:

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

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

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

State effective: 7/1/01; EPA effective: 3/24/2003

340-212-0260 QUALITY IMPROVEMENT PLAN (QIP) REQUIREMENTS

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

(2) Elements of a QIP:

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

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

(A) Improved preventive maintenance practices;

(B) Process operation changes;

(C) Appropriate improvements to control methods;

(D) Other steps appropriate to correct control performance;

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

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

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

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

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

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

State effective: 7/1/01; EPA effective: 3/24/2003

340-212-0270 REPORTING AND RECORDKEEPING REQUIREMENTS

(1) General reporting requirements:

(a) On and after the date specified in OAR 340-212-0250(1) by which the owner or operator must conduct monitoring that meets the requirements of OAR 340-212-0200 through 340-212-0280, the owner or operator must submit monitoring reports to the Department in

accordance with OAR 340-218-0050(3)(c);

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

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

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

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

(2) General recordkeeping requirements:

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

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

State effective: 7/1/01; EPA effective: 3/24/2003

340-212-0280 SAVINGS PROVISIONS

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

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

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

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

State effective: 7/1/01; EPA effective: 3/24/2003

DIVISION 214

STATIONARY SOURCE REPORTING REQUIREMENTS

340-214-0010 DEFINITIONS

The definitions in OAR 340-200-0020, 340-204-0010 and this rule apply to this division. If the same term is defined in this rule and OAR 340-200-0020 or 340-204-0010, the definition in this rule applies to this division.

(1) "Large Source", as used in OAR 340-214-0300 through 340-214-0350, means any station source whose actual emissions or potential controlled emissions while operating full time at the design capacity are equal to or exceed 100 tons per year of any regulated air pollutant, or which is subject to a National Emissions Standard for Hazardous Air Pollutants (NESHAP). Where PSELs have been incorporated into the ACDP, the PSEL will be used to determine actual emissions.

(2) "Small Source" means any stationary source with a simple or standard ACDP or an Oregon Title V Operating Permit that is not classified as a large source.

State effective: 7/1/01; EPA effective: 3/24/2003

REPORTING

340-214-0100 APPLICABILITY

OAR 340-214-0100 through 340-214-0130 apply to all stationary sources in the state.

State effective: 10/14/99; EPA effective: 3/24/2003

340-214-0110 REQUEST FOR INFORMATION

All stationary sources must provide in a reasonably timely manner any and all information that the Department reasonably requires for the purpose of regulating stationary sources. Such information may be required on a one-time, periodic, or continuous basis and may include, but is not limited to, information necessary to:

(1) Issue a permit and ascertain compliance or noncompliance with the permit terms and

conditions;

- (2) Ascertain applicability of any requirement;
- (3) Ascertain compliance or noncompliance with any applicable requirement; and
- (4) Incorporate monitoring, recordkeeping, reporting, and compliance certification requirements into a permit.

State effective: 7/1/01; EPA effective: 3/24/2003

340-214-0114 RECORDS; MAINTAINING AND REPORTING

(1) When notified by the Department, any person owning or operating a source within the state must keep and maintain written records of the nature, type, and amounts of emissions from such source and other information the Department may require in order to determine whether the source is in compliance with applicable emission rules, limitations, or control measures.

(2) The records must be prepared in the form of a report and submitted to the Department on an annual, semi-annual, or more frequent basis, as requested in writing by the Department. Submittals must be filed at the end of the first full period after the Department's notification to such persons owning or operating a stationary air contaminant source of these recordkeeping requirements. Unless otherwise required by rule or permit, semi-annual periods are January 1 to June 30, and July 1 to December 31. A more frequent basis for reporting may be required due to noncompliance or if necessary to protect human health or the environment.

(3) The required reports must be completed on forms approved by the Department and submitted within 30 days after the end of the reporting period, unless otherwise authorized by permit.

(4) All reports and certifications submitted to the Department under Divisions 200 to 264 must accurately reflect the monitoring, record keeping and other documentation held or performed by the owner or operator.

State effective: 7/1/01; EPA effective: 3/24/2003

340-214-0120 ENFORCEMENT

Notwithstanding any other provisions contained in any applicable requirement, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any such applicable requirements.

State effective: 10/14/99; EPA effective: 3/24/2003

340-214-0130 INFORMATION EXEMPT FROM DISCLOSURE

(1) Pursuant to the provisions of ORS 192.410 to 192.505, all information submitted to the Department is subject to inspection upon request by any person unless such information is determined to be exempt from disclosure pursuant to section (2) or (3) of this rule.

(2) If an owner or operator claims that any writing, as that term is defined in ORS 192.410, is

confidential or otherwise exempt from disclosure, in whole or in part, the owner or operator must comply with the following procedures:

(a) The writing must be clearly marked with a request for exemption from disclosure. For a multi-page writing, each page must be so marked.

(b) The owner or operator must state the specific statutory provision under which it claims exemption from disclosure and explain why the writing meets the requirements of that provision.

(c) For writings that contain both exempt and non-exempt material, the proposed exempt material must be clearly distinguishable from the non-exempt material. If possible, the exempt material should be arranged so that it is placed on separate pages from the non-exempt material.

(3) For a writing to be considered exempt from disclosure as a "trade secret," it must meet all of the following criteria:

(a) The information cannot be patented;

(b) It must be known only to a limited number of individuals within a commercial concern who have made efforts to maintain the secrecy of the information;

(c) It must be information that derives actual or potential economic value from not being disclosed to other persons; and

(d) It must give its users the chance to obtain a business advantage over competitors not having the information.

State effective: 7/1/01; EPA effective: 3/24/2003

EMISSION STATEMENTS FOR VOC AND NO_x SOURCES

340-214-0200 PURPOSE AND APPLICABILITY

(1) The purpose of these rules is to obtain data on actual emissions of VOCs and NO_x from sources in ozone nonattainment areas, in accordance with FCAA requirements, for the purpose of monitoring progress toward attainment of the ozone national ambient air quality standard.

(2) This rule applies to sources of VOC and NO_x in ozone nonattainment areas that have a PSEL equal to or greater than 25 tons per year for either pollutant, whose actual emissions are equal to or greater than 25 tons per year for either pollutant.

(3) For purposes of establishing consistent emission reporting requirements, owners or operators of VOC and NO_x sources already subject to Oregon Title V Operating Permit Fees, OAR 340 division 220, and electing to pay fees based on actual emissions must report emission data to the Department, utilizing procedures identified in those rules to calculate actual VOC and NO_x emissions, to the extent applicable. Owners or operators of other sources must use current and

applicable emission factors and actual production data to estimate and report actual emissions.
State effective: 7/1/01; EPA effective: 3/24/2003

340-214-0210 REQUIREMENTS

(1) Owners or operators of VOC and NO_x sources subject to the requirements of OAR 340-214-0200 through 340-214-0220 must submit data annually on the actual average emissions during the ozone season to the Department. These Emission Statements must contain the following information:

(a) Certification that the information contained in the statement is accurate to the best of the certifying individual's knowledge;

(b) Source identification information: full name, physical location, mailing address of the facility, and permit number;

(c) Emissions information:

(A) The estimated actual VOC and NO_x emissions for those emissions equal to or greater than 25 tons per year, on an average weekday basis during the preceding year's ozone season, by source category, for the calendar year for the ozone season; and

(B) Each emission factor used and reference source for the emission factor, if applicable, or an explanation of any other method or procedure used to calculate emissions (e.g., material balance, source test, or continuous monitoring).

(2) Owners or operators of sources subject to these rules must keep at the plant site records of the information used to calculate actual emissions pursuant to these rules. These records must contain all applicable operating data, process rate data, control equipment efficiency information, and other information used to calculate or estimate actual emissions. The information must be available for the Department's review or submitted upon request. Such records must be kept by the owner or operator for three calendar years after submittal of the emission statement.

State effective: 7/1/01; EPA effective: 3/24/2003

340-214-0220 SUBMISSION OF EMISSION STATEMENT

The owner or operator of any facility meeting the applicability requirements stated in OAR 340-214-0200 must submit annual Emission Statements to the Department. The Emission Statement for the preceding calendar year is due to the Department no later than the due date for the annual permit report specified in the source's ACDP or Oregon Title V Operating Permit.

State effective: 7/1/01; EPA effective: 3/24/2003

DIVISION 216

AIR CONTAMINANT DISCHARGE PERMITS

340-216-0010 PURPOSE

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

State effective: 7/1/01; EPA effective: 3/24/2003

340-216-0020 APPLICABILITY

This division applies to all sources referred to in Table 1. This division also applies to Oregon Title V Operating Permit program sources when an ACDP is required by OAR 340-218-0020 or OAR 340-224-0010.

(1) No person may construct, install, establish, develop or operate any air contaminant source which is referred to in Table 1 without first obtaining an Air Contaminant Discharge Permit (ACDP) from the Department or Regional Authority.

(a) For portable sources, a single permit may be issued for operating at any area of the state if the permit includes the requirements from both the Department and Regional Authorities.

(b) The Department or Regional Authority where the portable source's Corporate offices are located will be responsible for issuing the permit. If the corporate office of a portable source is located outside of the state, the Department will be responsible for issuing the permit.

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

(3) No person may modify any source that has been issued an ACDP without first complying with the requirements of OAR 340-210-0200 through 340-210-0250.

(4) No person may modify any source required to have an ACDP such that the source becomes subject to the Oregon Title V Operating Permit program without complying with the requirements of OAR 340-210-0200 through 340-210-0250.

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

State effective: 7/1/01; EPA effective: 3/24/2003

TABLE 1 OAR 340-216-0020

Part A: Activities and Sources

The following commercial and industrial sources must obtain a Basic ACDP under the procedures set forth in 340-216-0056 unless the source is required to obtain a different form of ACDP by Part B or C hereof:

1.	** Autobody Repair or Painting Shops painting more than 25 automobiles in a year
2.	Natural Gas and Propane Fired Boilers (with or without #2 diesel oil back-up ^(a)) of 10 or more MMBTU but less than 30 MMBTU/hr heat input constructed after June 9, 1989
3.	Bakeries, Commercial baking more than 500 tons of dough per year
4.	* Cereal Preparations and Associated Grain Elevators more than 2,000 but less than 10,000 tons per year throughput
5.	Coffee Roasters roasting more than 6 tons coffee beans in a year, but less than 30 tons/yr
6.	* Flour, Blended and/or Prepared and Associated Grain Elevators more than 2,000 but less than 10,000 tons per year throughput
7.	* Grain Elevators used for intermediate storage more than 1,000 but less than 10,000 tons/yr. throughput
8.	Millwork (including kitchen cabinets and structural wood members) more than 5,000 but less than 25,000 bd. ft./maximum 8 hour input
9.	Non-Ferrous Metal Foundries more than one ton/yr. but less than 100 tons/yr. of metal charged
10.	Pesticide Manufacturing more than 1,000 tons/yr. but less than 5,000 tons/yr
11.	Prepared feeds for animals and fowl and associated grain elevators more than 1,000 tons/yr. but less than 10,000 tons per year throughput
12.	Rock, Concrete or Asphalt Crushing both portable and stationary more than 5,000 tons/yr. but less than 25,000 tons/yr. crushed.
13.	Sawmills and/or Planing Mills more than 5,000 but less than 25,000 bd. ft./maximum 8 hour finished product
14.	* Seed Cleaning and Associated Grain Elevators more than 1,000 but less than 5000 tons per year throughput
15.	Spray Paint Booths and surface coating operations whose actual or expected usage of coating materials is greater than 250 gallons per month, excluding sources that exclusively use non-VOC containing coatings (e.g. powder coating operations)
16.	Wood Furniture and Fixtures more than 5,000 but less than 25,000 bd. ft./maximum 8 hour input

Part B: Activities and Sources

The following commercial and industrial sources must obtain either:

- a General ACDP, if one is available for the source classification and the source qualifies for a General ACDP under the procedures set forth in 340-216-0060;

•	a Simple ACDP under the procedures set forth in 340-216-0064; or
•	a Standard ACDP under the procedures set forth in 340-216-0066 if the source fits one of the criteria of Part C hereof.
1.	Aerospace or Aerospace Parts Manufacturing
2.	Aluminum Production - Primary
3.	Ammonia Manufacturing
4.	Animal Rendering and Animal Reduction Facilities
5.	Asphalt Blowing Plants
6.	Asphalt Felts or Coating
7.	Asphaltic Concrete Paving Plants both stationary and portable
8.	Bakeries, Commercial over 10 tons of VOC emissions per year
9.	Battery Separator Manufacturing
10.	Battery Manufacturing and Re-manufacturing
11.	Beet Sugar Manufacturing
12.	Boilers and other Fuel Burning Equipment over 10 MMBTU/hr. heat input, except exclusively Natural Gas and Propane fired units (with or without #2 diesel backup) under 30 MMBTU/hr. heat input
13.	Building paper and Buildingboard Mills
14.	Calcium Carbide Manufacturing
15.	*** Can or Drum Coating
16.	Cement Manufacturing
17.	* Cereal Preparations and Associated Grain Elevators 10,000 or more tons/yr. throughput
18.	Charcoal Manufacturing
19.	Chemical Manufacturing and Distribution
20.	Chlorine and Alkalies Manufacturing
21.	Chrome Plating
22.	Coffee Roasting (roasting more than 30 tons per year)
23.	Concrete Manufacturing including Redimix and CTB
24.	Crematory and Pathological Waste Incinerators

25.	Electrical Power Generation from combustion (excluding units used exclusively as emergency generators)
26.	Ethylene Oxide Sterilization
27.	*** Flatwood Coating regulated by Division 232
28.	*** Flexographic or Rotogravure Printing subject to RACT
29.	* Flour, Blended and/or Prepared and Associated Grain Elevators 10,000 or more tons/yr. throughput
30.	Galvanizing and Pipe Coating
31.	*** Gasoline Plants and Bulk Terminals subject to OAR 232
32.	Gasoline Terminals
33.	Glass and Glass Container Manufacturing
34.	* Grain Elevators used for intermediate storage 10,000 or more tons/yr. throughput
35.	Grain terminal elevators
36.	Gray iron and steel foundries, malleable iron foundries, steel investment foundries, steel foundries (not elsewhere identified)
37.	Gypsum Products Manufacturing
38.	Hardboard Manufacturing (including fiberboard)
39.	Incinerators with two or more ton per day capacity
40.	Lime Manufacturing
41.	*** Liquid Storage Tanks subject to OAR Division 232
42.	Magnetic Tape Manufacturing
43.	Manufactured and Mobile Home Manufacturing
44.	Marine Vessel Petroleum Loading and Unloading
45.	Millwork (including kitchen cabinets and structural wood members) 25,000 or more bd. ft./maximum 8 hr. input
46.	Molded Container
47.	Motor Coach Manufacturing
48.	Natural Gas and Oil Production and Processing and associated fuel burning equipment
49.	Nitric Acid Manufacturing
50.	Non-Ferrous Metal Foundries 100 or more tons/yr. of metal charged
51.	Organic or Inorganic Industrial Chemical Manufacturing

52.	*** Paper or other Substrate Coating
53.	Particleboard Manufacturing (including strandboard, flakeboard, and waferboard)
54.	Perchloroethylene dry cleaners that do not submit a complete Dry Cleaner Annual Hazardous Waste and Air Compliance Report by June 1 of any given year
55.	Pesticide Manufacturing greater than 5,000 or more tons/yr. annual production
56.	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
57.	Plywood Manufacturing and/or Veneer Drying
58.	Prepared feeds for animals and fowl and associated grain elevators 10,000 or more tons per year throughput
59.	Primary Smelting and/or Refining of Ferrous and Non-Ferrous Metals
60.	Pulp, Paper and Paperboard Mills
61.	Rock, Concrete or Asphalt Crushing both portable and stationary 25,000 or more tons/yr. crushed
62.	Sawmills and/or Planing Mills 25,000 or more bd. ft./maximum 8 hr. finished product
63.	Secondary Smelting and/or Refining of Ferrous and Non-Ferrous Metals
64.	* Seed Cleaning and Associated Grain Elevators 5,000 or more tons/yr. throughput
65.	Sewage Treatment Facilities employing internal combustion for digester gasses
66.	Soil Remediation Facilities stationary or portable
67.	Steel Works, Rolling and Finishing Mills
68.	*** Surface Coating in Manufacturing subject to RACT
69.	Surface Coating Operations with actual emissions of VOCs before add on controls of 10 or more tons/yr.
70.	Synthetic Resin Manufacturing
71.	Tire Manufacturing
72.	Wood Furniture and Fixtures 25,000 or more bd. ft./maximum 8 hr. input
73.	Wood Preserving (excluding waterborne)
74.	All Other Sources not listed herein that the Department determines an air quality concern exists or one which would emit significant malodorous emissions
75.	All Other Sources not listed herein which would have actual emissions, if the source were to operate uncontrolled, of 5 or more tons a year of PM10 if located in a PM10 non-attainment area, or 10 or more tons of any single criteria pollutant in any part of the state

Part C: Activities and Sources	
The following sources must obtain a Standard ACDP under the procedures set forth in 340-216-0066:	
1.	Incinerators for PCBs and / or other hazardous wastes
2.	All Sources that the Department determines have emissions that constitute a nuisance
3.	All Sources electing to maintain the source's baseline emission rate, or netting basis
4.	All Sources subject to a RACT, BACT, LAER, NESHAP, NSPS, State MACT, or other significant Air Quality regulation(s), except:
(a)	Source categories for which a General ACDP has been issued, and
(b)	Sources with less than 10 tons/yr. actual emissions that are subject to RACT, NSPS or a NESHAP which qualify for a Simple ACDP
5.	All Sources having the Potential to Emit more than 100 tons of any regulated air contaminant in a year
6.	All Sources having the Potential to Emit more than 10 tons of a single hazardous air pollutant in a year
7.	All Sources having the Potential to Emit more than 25 tons of all hazardous air pollutants combined in a year
Notes:	
	* Applies only to Special Control Areas
	** Portland AQMA only
	*** Portland AQMA, Medford-Ashland AQMA or Salem SATS only
	(a) "back-up" means less than 10,000 gallons of fuel per year

Table 2 OAR 340-216-0020		
Part 1.	Initial Permitting Application Fees: (in addition to first annual fee)	
a.	Short Term Activity ACDP	\$250.00
b.	Basic ACDP	\$100.00
c.	Assignment to General ACDP	\$1,000.00
d.	Simple ACDP	\$5,000.00
e.	Construction ACDP	\$8,000.00
f.	Standard ACDP	\$10,000.00

g.	Standard ACDP (PSD/NSR)	\$35,000.00
Part 2.	Annual Fees: (due 12/1 for 1/1 to 12/31 of the following year)	
a.	Short Term Activity ACDP	\$NA
b.	Basic ACDP	\$100.00
c.	General ACDP	
	(A) Fee Class One	\$500.00
	(B) Fee Class Two	\$900.00
	(C) Fee Class Three	\$1,300.00
d.	Simple ACDP	\$2,000.00
e.	Standard ACDP	\$4,000.00
Part 3.	Specific Activity Fees:	
a.	Non-Technical Permit Modification (1)	\$300.00
b.	Non-PSD/NSR Basic Technical Permit Modification (2)	\$300.00
c.	Non-PSD/NSR Simple Technical Permit Modification(3)	\$1,000.00
d.	Non-PSD/NSR Moderate Technical Permit Modification (4)	\$5,000.00
e.	Non-PSD/NSR Complex Technical Permit Modification (5)	\$10,000.00
f.	PSD/NSR Modification	\$ 35,000.00
g.	Modeling Review (outside PSD/NSR)	\$5,000.00
h.	Public Hearing at Source's Request	\$2,000.00
i.	State MACT Determination	\$5,000.00
j.	Compliance Order Monitoring (6)	\$100.00/mo.
Part 4.	Late Fees:	
a.	8-30 days late	5% of annual fee
b.	31-60 days late	10% of annual fee
c.	61 or more days late	20% of annual fee
(1)	Non-Technical modifications include, but are not limited to name changes, change of ownership and similar administrative changes.	
(2)	Basic Technical Modifications include, but are not limited to corrections of emission factors in compliance methods, changing source test dates for extenuating circumstances, and similar changes.	

(3)	Simple Technical Modifications include, but are not limited to, incorporating a PSEL compliance method from a review report into an ACDP, modifying a compliance method to use different emission factors or process parameter, changing source test dates for extenuating circumstances, changing reporting frequency, incorporating NSPS and NESHAP requirements that do not require judgement, and similar changes.
(4)	Moderate Technical Modifications include, but are not limited to incorporating a relatively simple new compliance method into a permit, adding a relatively simple compliance method or monitoring for an emission point or control device not previously addressed in a permit, revising monitoring and reporting requirements other than dates and frequency, adding a new applicable requirement into a permit due to a change in process or change in rules and that does not require judgment by the Department, incorporating NSPS and NESHAP requirements that do not require judgment, and similar changes.
(5)	Complex Technical Modifications include, but are not limited to incorporating a relatively complex new compliance method into a permit, adding a relatively complex compliance method or monitoring for an emission point or control device not previously addressed in a permit, adding a relatively complex new applicable requirement into a permit due to a change in process or change in rules and that requires judgement by the Department, and similar changes.
(6)	This is a one time fee payable when a Compliance Order is established in a Permit or a Department Order containing a compliance schedule becomes a Final Order of the Department and is based on the number of months the Department will have to oversee the Order.

340-216-0025 TYPES OF PERMITS

(1) Construction ACDP:

(a) A Construction ACDP may be used for approval of Type 3 changes specified in OAR 340-210-0220 at a source subject to the ACDP permit requirements in this division.

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

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

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

(b) The Department determines that the source has not had ongoing, reoccurring, or serious compliance problems; and

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

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

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

(a) Owners and operators of sources and activities listed in Table 1, Part A of OAR 340-216-0020 must at a minimum obtain a Basic ACDP.

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

(5) **Simple ACD.** A Simple ACDP is a permit that contains:

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

(b) Generic PSELs for all pollutants emitted at more than the de minimis level in accordance with OAR 340 division 222;

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

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

(6) **Standard ACDP:**

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

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

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

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

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

(b) All owners and operators of sources and activities listed in Table 1, Part C of OAR 340-216-0020 must obtain a Standard ACDP.

(c) Owners or operators of sources and activities listed in Table 1, Part B of OAR 340-216-0020 which do not qualify for a General ACDP or Simple ACDP must obtain a Standard ACDP.

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

State effective: 7/1/01; EPA effective: 3/24/2003

340-216-0030 DEFINITIONS

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

(2) "Permit modification" or "modified permit" means any change to the content of a permit.

State effective: 7/1/01; EPA effective: 3/24/2003

340-216-0040 APPLICATION REQUIREMENTS

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

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

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

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

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

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

(f) The type and quantity of fuels used;

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

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

(i) Estimated efficiency of air pollution control equipment under present or anticipated operating conditions;

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

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

(l) Any other information requested by the Department.

(2) **Renewal Permits.** Except for Short Term Activity ACDPs, any person required to renew an existing permit must submit the information identified in section (1) using forms provided by the Department, unless there are no significant changes to the permit. If there are significant changes, the applicant must provide the information identified in section (1) only for those changes. Where there are no significant changes to the permit, the applicant may use a streamlined permit renewal application process by providing the following information:

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

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

(3) **Permit Modifications.** For Simple and Standard ACDP modifications, the applicant must provide the information in section (1) relevant to the requested changes to the permit and a list of any new requirements applicable to those changes.

(4) The department must receive the application at least 60 days before a permit or modified permit is needed.

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

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

(7) A copy of NSR permit applications and supplemental information must also be submitted directly to the EPA.

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

(9) All applications must include the appropriate fees as specified in Table 2 of OAR 340-216-0020.

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

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

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

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

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

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

State effective: 7/1/01; EPA effective: 3/24/2003

304-216-0052 CONSTRUCTION ACDP

(1) Purpose. A Construction ACDP is a permit for approval of Type 3 construction or modification changes as specified in OAR 340-210-0220. The Construction ACDP includes requirements for the construction or modification of stationary sources or air pollution control equipment and does not by itself provide authorization to operate the new construction or modification. A new or modified Standard ACDP or Oregon Title V Operating Permit is required before operation of the new construction or modification. A Construction ACDP may be used for the following situations:

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

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

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

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

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

(3) Fees. Applicants for a Construction ACDP must pay the fees set forth in Table 2 of OAR 340-216-0020.

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

(a) A requirement that construction must commence within 18 months after the permit is

issued;

(b) A requirement to construct in accordance with approved plans;

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

(d) Emission limits for affected stationary sources;

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

(f) Performance test requirements;

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

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

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

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

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

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

(5) Permit issuance procedures:

(a) A Construction ACDP requires public notice in accordance with OAR 340 division 209 for Category III permit actions.

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

(c) Issuance of a modified Construction ACDP requires one of the following, as applicable:
(A) Non-technical modifications and non-NSR Basic and Simple technical modifications require public notice in accordance with OAR 340 division 209 for Category I permit

actions.

(B) Non-NSR/PSD Moderate and Complex technical modifications require public notice in accordance with OAR 340 division 209 for Category II permit actions.

State effective: 7/1/01; EPA effective: 3/24/2003

340-216-0054 SHORT TERM ACTIVITY ACDPS

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

(2) Fees. Applicants for a Short Term Activity ACDP must pay the fees set forth in Table 2 of 340-216-0020.

(3) Permit content.

(a) This permit includes conditions that ensure adequate protection of property and preservation of public health, welfare, and resources.

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

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

(d) A Short Term Activity ACDPs will be properly conditioned to ensure adequate protection of property and preservation of public health, welfare and resources.

(4) Permit issuance procedures. A Short Term Activity ACDP requires public notice in accordance with OAR 340 division 209 for Category I permit actions.

State effective: 7/1/01; EPA effective: 3/24/2003

340-216-0056 BASIC ACDPS

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

(2) Fees. Applicants for a new Basic ACDP must pay the fees set forth in Table 2 of 340-216-0020.

(3) Permit content:

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

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

(c) A Basic ACDP requires a simplified annual report be submitted to the Department; and

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

(4) Permit issuance procedures. A Basic ACDP requires public notice in accordance with OAR 340 division 209 for Category I permit actions.

State effective: 7/1/01; EPA effective: 3/24/2003

340-216-0060 GENERAL AIR CONTAMINANT DISCHARGE PERMITS

(1) Applicability.

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

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

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

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

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

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

(A) All relevant requirements;

(B) Generic PSELS for all pollutants emitted at more than the de minimis level in accordance with OAR 340, division 222;

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

(D) A permit duration not to exceed 10 years.

(c) Permit issuance procedures: A General ACDP requires public notice and opportunity for comment in accordance with ORS 183.325 to 183.410. All General ACDPs are on file and available for review at the Department's headquarters. The Commission chair signs a General ACDP.

(2) Source assignment:

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

(b) Fees. Applicants must pay the fees set forth in Table 2 of OAR 340-216-0020.

(c) Source assignment procedures:

(A) Assignment of a source to a General ACDP is subject to public notice in accordance with OAR 340 division 209 for Category I permit actions.

(B) Assignments to General ACDPs terminate when the General ACDP expires or is modified, terminated or revoked.

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

(4) Rescission. In addition to OAR 340-216-0082 (Termination or Revocation of an ACDP), the Department may rescind an individual source's assignment to a General ACDP if the source no longer meets the requirements of this rule or the conditions of the permit, including, but not limited to the source having an ongoing, reoccurring or serious compliance problem. Upon rescinding a source's assignment to a General ACDP the Department will place the source on a Simple or Standard ACDP. The Commission may also revoke a General ACDP if conditions, standards or rules have changed so the permit no longer meets the requirements of this rule.

State effective: 7/1/01; EPA effective: 3/24/2003

340-216-0064 SIMPLE ACDP

(1) Applicability

(a) Sources and activities listed in Table 1, Part B of OAR 340-216-0020 that do not qualify for a General ACDP and are not required to obtain a Standard ACDP must, at a minimum, obtain a Simple ACDP.

(b) Any source required to obtain a Simple ACDP may obtain a Standard ACDP.

(c) The Department may determine that a source is ineligible for a Simple ACDP and must obtain a Standard ACDP based upon, but not limited to, the following considerations:

- (A) the nature, extent, and toxicity of the source's emissions;
- (B) the complexity of the source and the rules applicable to that source;
- (C) the location of the source; and
- (D) the compliance history of the source.

(2) Application Requirements. Any person requesting a new, modified, or renewed Simple ACDP must submit an application in accordance with OAR 340-216-0040.

(3) Fees. Applicants for a new, modified, or renewed Simple ACDP must pay the fees set forth in Table 2 of 340-216-0020.

(4) Permit Content.

- (a) All relevant applicable requirements for source operation, including general ACDP conditions for incorporating generally applicable requirements;
- (b) Generic PSELs for all pollutants emitted at more than the de minimis level in accordance with OAR 340 division 222;
- (c) Testing, monitoring, recordkeeping, and reporting requirements sufficient to determine compliance with the PSEL and other emission limits and standards, as necessary; and
- (d) A permit duration not to exceed 5 years

(5) Permit issuance procedures:

- (a) Issuance of a new or renewed Simple ACDP requires public notice in accordance with OAR 340 division 209 for Category II permit actions.
- (b) Issuance of a modification to a Simple ACDP requires one of the following procedures, as applicable:
 - (A) Non-technical and non-NSR/PSD Basic and Simple technical modifications require public notice in accordance with OAR 340, division 209 for Category I permit actions;
 - (B) Issuance of non-NSR/PSD Moderate and Complex technical modifications require public notice in accordance with OAR 340 division 209 for Category II permit actions.

State effective: 7/01/01; EPA effective: 3/24/2003

340-216-0066 STANDARD ACDPS

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

(a) For new or modified Standard ACDPs that are not subject to NSR (OAR 340 division 224) but have emissions increases above the significant emissions rate, the application must include an analysis of the air quality and visibility (federal major sources only) impact of the source or modification, including meteorological and topographical data, specific details of models used, and other information necessary to estimate air quality impacts.

(b) For new or modified Standard ACDPs that are subject to NSR (OAR 340 division 224), the application must include the following additional information as applicable:

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

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

(C) An analysis of the air quality and visibility (federal major sources only) impacts, and the nature and extent of all commercial, residential, industrial, and other source emission growth, which has occurred since January 1, 1978, in the area the source or modification would affect.

(2) Fees. Applicants for a Standard ACDP must pay the fees set forth in Table 2 of 340-216-0020.

(3) Permit content. A Standard ACDP is a permit that contains:

(a) all applicable requirements, including general ACDP conditions for incorporating generally applicable requirements;

(b) Source specific PSELS or Generic PSELS, whichever are applicable, as specified in OAR 340, division 222;

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

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

(4) Permit issuance procedures.

(a) Issuance of a new or renewed Standard ACDP requires public notice as follows:

(A) For non-NSR permit actions, issuance of a new Standard ACDP requires public notice in accordance with OAR 340 division 209 for Category III permit actions.

(B) For NSR permit actions, issuance of a new Standard ACDP requires public notice in accordance with OAR 340 division 209 for Category IV permit actions.

(b) Issuance of a modified Standard ACDP requires one of the following, as applicable:

(A) Non-technical modifications and non-NSR Basic and Simple technical modifications require public notice in accordance with OAR 340 division 209 for Category I permit actions.

(B) Non-NSR/PSD Moderate and Complex technical modifications require public notice in accordance with OAR 340 division 209 for Category II permit actions.

(C) NSR/PSD modifications require public notice in accordance with OAR 340 division 209 for Category IV permit actions.

State effective: 7/1/01; EPA effective: 3/24/2003

340-216-0070 PERMITTING MULTIPLE SOURCES AT A SINGLE ADJACENT OR CONTIGUOUS SITE

A single or contiguous site containing activities or processes that are covered by more than one General ACDP, or a source that contains processes or activities listed in more than one Part of Table 1, Part A to Part C, OAR 340-216-0020 may obtain a Standard ACDP.

State effective: 7/1/01; EPA effective: 3/24/2003

340-216-0082 TERMINATION OR REVOCATION OF AN ACDP

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

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

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

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

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

(2) Reinstatement of Terminated Permit: A permit automatically terminated under 340-216-0082(1)(b) through (1)(d) may only be reinstated by the permittee by applying for a new permit, including the applicable new source permit application fees as set forth in this Division.

(3) Revocation:

(a) If the Department determines that a permittee is in noncompliance with the terms of the permit, submitted false information in the application or other required documentation, or is in violation of any applicable rule or statute, the Department may revoke the permit. Notice of the intent to revoke the permit will be provided to the permittee in accordance with OAR 340-011-0097. The notice will include the reasons why the permit will be revoked, and include an opportunity for hearing prior to the revocation. A written request for hearing must be received within 60 days from service of the notice, and must state the grounds of the request. The hearing will be conducted as a contested case hearing in accordance with ORS 183.413 through 183.470 and OAR chapter 340 division 011. The permit will continue in effect until the 60 days expires, or until a final order is issued if an appeal is filed, whichever is later.

(b) If the Department finds there is a serious danger to the public health, safety or the environment caused by a permittee's activities, the Department may immediately revoke or refuse to renew the permit without prior notice or opportunity for a hearing. If no advance notice is provided, notification will be provided to the permittee as soon as possible as provided in OAR 340-011-0097. The notification will set forth the specific reasons for the revocation or refusal to renew. For the permittee to contest the Department's revocation or refusal to renew the Department must receive a written request for a hearing within 90 days of service of the notice and the request must state the grounds for the request. The hearing will be conducted as a contested case hearing in accordance with ORS 183.413 through 183.470 and OAR chapter 340, division 011. The revocation or refusal to renew becomes final without further action by the Department if a request for a hearing is not received within the 90 days.

State effective: 7/1/01; EPA effective: 3/24/2003

340-216-0084 DEPARTMENT INITIATED MODIFICATION

If the Department determines it is appropriate to modify an ACDP, other than a General ACDP, the Department will notify the permittee by regular, registered or certified mail of the modification and will include the proposed modification and the reasons for the modification. The modification will become effective upon mailing unless the permittee requests a hearing within 20 days. Such a request for hearing must be made in writing and must include the grounds for the request. The hearing will be conducted as a contested case hearing in accordance with ORS 183.413 through 183.470 and OAR chapter 340 division 011. If a hearing is requested, the

existing permit will remain in effect until after a final order is issued in the hearing.

State effective: 7/1/01; EPA effective: 3/24/2003

340-216-0090 SOURCES SUBJECT TO ACDPS AND FEES

All air contaminant discharge sources listed in Table 1 OAR 340-216-0020 must obtain a permit from the Department and are subject to fees as set forth in **Table 2** OAR 340-216-0020.

State effective: 7/1/01; EPA effective: 3/24/2003

340-216-0094 TEMPORARY CLOSURE

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

(2) Annual fees for temporary closure are one half of the regular annual fee for the source.

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

State effective: 7/1/01; EPA effective: 3/24/2003

DIVISION 222

STATIONARY SOURCE PLANT SITE EMISSION LIMITS

340-222-0010 POLICY

The Commission recognizes the need to establish a more definitive method for regulating increases and decreases in air emissions of permit holders as contained in this division. However, by the adoption of these rules, the Commission does not intend to: Limit the use of existing production capacity of any air quality permittee (except for synthetic minor source permittees); cause any undue hardship or expense to any permittee due to the utilization of existing unused productive capacity; or create inequity within any class of permittees subject to specific industrial standards which are based on emissions related to production. PSELs can be established at levels higher than baseline provided a demonstrated need exists to emit at a higher level and PSD increments and air quality standards would not be violated and reasonable further progress in implementing control strategies would not be impeded.

State effective: 7/01/01; EPA effective: 3/24/2003

340-222-0020 APPLICABILITY

(1) PSELs shall be incorporated in all ACDPs and Oregon Title V Operating Permits, except as

provided in Section (3) of this rule, as a means of managing airshed capacity. Except as provided in OAR 340-222-0060 or 340-222-0070, all sources subject to regular permit requirements shall be subject to PSELs for all regulated pollutants. PSELs will be incorporated in permits when permits are renewed, modified, or newly issued.

- (2) The emissions limits established by PSELs shall provide the basis for:
- (a) Assuring reasonable further progress toward attaining compliance with ambient air standards;
 - (b) Assuring that compliance with ambient air standards and Prevention of Significant Deterioration increments are being maintained;
 - (c) Administering offset, banking and bubble programs;
 - (d) Establishing the baseline for tracking consumption of Prevention of Significant Deterioration Increments.

(3) PSELs shall not be required for:

- (a) Insignificant discharge permits issued under OAR 340-216-0020(7);
- (b) Minimal source permits issued under OAR 340-216-0020(8); or
- (c) General permits issued under 216-0060 for sources that:
 - (A) Qualify for an insignificant discharge permit or minimal source permit; or
 - (B) Are not listed in OAR 340-216-0090 Table 1 but elect to obtain a synthetic minor permit.

State effective: 7/01/01; EPA effective: 3/24/2003

340-222-0030 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 OAR 340-200-0020, the definition in this rule applies to this division.

State effective: 10/14/99; EPA effective: 3/24/2003

CRITERIA FOR ESTABLISHING PLANT SITE EMISSION LIMITS

340-222-0040 GENERIC ANNUAL PSEL

(1) Sources with capacity less than the Significant Emission Rate (SER) will receive a Generic

PSEL unless they have a netting basis and request a source specific PSEL under 340-222-0041.

(2) A Generic PSEL may be used for any pollutant that will be emitted at less than the SER. The netting basis for a source with a generic PSEL is zero.

State effective: 7/1/2001; EPA effective: 3/24/2003

340-222-0041 SOURCE SPECIFIC ANNUAL PSEL

(1) For sources with potential to emit less than the SER, that request a source specific PSEL, an initial source specific PSEL will be set equal to the Generic PSEL.

(2) For sources with potential to emit greater than or equal to the SER, an initial source specific PSEL will be set equal to the source's potential to emit or netting basis, whichever is less.

(3) If an applicant wants an annual PSEL at a rate greater than the netting basis, the applicant must:

(a) Demonstrate that the requested increase over the netting basis is less than the SER; or

(b) For increases equal to or greater than the SER over the netting basis, but not subject to New Source Review (OAR 340 division 224):

(A) If located within, or creating a significant air quality impact as defined in OAR 340-200-0020 upon, an area designated as nonattainment in OAR 340-204-0030, the applicant must obtain offsets and demonstrate a net air quality benefit in accordance with OAR 340-225-0090.

(B) If located within, or creating a significant air quality impact as defined in OAR 340-200-0020 upon, an area designated as maintenance in OAR 340-204-0040, the applicant must

(i) Obtain offsets and demonstrate a net air quality benefit in accordance with OAR 340-225-0090;

(ii) Obtain an allocation from an available growth allowance in accordance with the applicable maintenance plan; or

(iii) Demonstrate compliance with the air quality impact levels in OAR 340-224-0060(2)(c) or (2)(d), whichever applies to the maintenance area, by conducting an air quality analysis in accordance with OAR 340-225-0045.

(C) If located within an attainment, maintenance, or unclassifiable area, the applicant must demonstrate compliance with the NAAQS and PSD increments by conducting an air

quality analysis in accordance with OAR 340-225-0050(1) and (2) and 340-225-0060.

(D) For federal major sources, the applicant must demonstrate compliance with AQRV protection in accordance with OAR 340-225-0050(3) and 340-225-0070.

(c) For increases equal to or greater than the SER over the netting basis and subject to New Source Review, the applicant must demonstrate that the applicable New Source Review requirements have been satisfied.

State effective: 10/8/2002; EPA effective: 3/24/2003

340-222-0042 SHORT TERM PSEL

(1) For sources located in areas with established short term SER (OAR 340-200-0020 Table 3), PSELS are required on a short term basis for those pollutants that have a short term SER. The short term averaging period is daily, unless emissions cannot be monitored on a daily basis. The averaging period for short term PSELS can never be greater than monthly.

(a) For existing sources, the initial short term PSEL will be set as:

(A) the lesser of the short term capacity or the current permit's short term PSEL, if each is greater than or equal to the short term SER; or

(B) the generic PSEL, if either the short term capacity or the current short term PSEL is less than the short term SER.

(b) For new sources, the initial short term PSEL will be zero.

(2) If an applicant wants a short term PSEL at a rate greater than the initial short term PSEL, the applicant must:

(a) Demonstrate that the requested increase over the initial short term PSEL is less than the significant emission rate (Note: In this case new sources would get a generic PSEL); or

(b) For increases equal to or greater than the SER over the initial short term PSEL:

(A) Obtain offsets and demonstrate a net air quality benefit in accordance with OAR 340-225-0090;

(B) Obtain an allocation from an available growth allowance in accordance with the applicable maintenance plan; or

(C) For carbon monoxide, demonstrate that the source or modification will not cause or contribute to an air quality impact equal to or greater than 0.5 mg/m³ (8 hour average) and 2 mg/m³ (1 hour average).

(D) For federal major sources, demonstrate compliance with air quality related values (AQRV) protection in accordance with OAR 340-225-0070.

(3) Once the short term PSEL is increased pursuant to section (2) of this rule, the increased level becomes the initial short term PSEL for future evaluations.

State effective: 7/1/2001; EPA effective: 3/24/2003

340-222-0043 GENERAL REQUIREMENTS FOR ALL PSEL

(1) No PSEL may allow emissions in excess of those allowed by any applicable federal or state regulation or by any specific permit conditions unless the source meets the specific provisions of OAR 340-226-0400 (Alternative Emission Controls).

(2) Source specific PSELs may be changed pursuant to the Department's rules for permit modifications when:

(a) Errors are found or better data is available for calculating PSELs

(b) More stringent control is required by a rule adopted by the Commission; or

(c) The Department modifies a permit pursuant to OAR 340-216-0084, Modification of a Permit, or OAR 340-218-0200, Reopenings.

(3) Annual PSELs are established on a rolling 12 consecutive month basis and will limit the source's potential to emit.

(4) In order to maintain the netting basis, permittees must maintain either a Standard ACDP or an Oregon Title V Operating Permit. A request by a permittee to be assigned any other type of an ACDP sets the netting basis at zero upon issuance of the other type of permit.

State effective: 7/1/2001; EPA effective: 3/24/2003

340-222-0045 UNASSIGNED EMISSIONS

(1) Purpose. The purpose of unassigned emissions is to track and manage the difference in the quantity of emissions between the netting basis and what the source could emit based on the facility's current physical and operational design.

(2) Establishing unassigned emissions.

(a) Unassigned emissions equal the netting basis minus the source's current PTE, minus any banked emission reduction credits. Unassigned emissions are zero if this result is negative.

(b) Unused capacity created after the effective date of this rule due to reduced potential to emit that is not banked or expired emission reduction credits (OAR 340-268-0030), increase unassigned emissions on a ton for ton basis.

(3) Maximum unassigned emissions.

(a) Except as provided in paragraph (c) of this section, unassigned emissions will be reduced to not more than the SER (OAR 340-200-0020 Table 2) on July 1, 2007 and at each permit renewal following this date.

(b) The netting basis is reduced by the amount that unassigned emissions are reduced.

(c) In an AQMA where the EPA requires an attainment demonstration based on dispersion modeling, unassigned emissions are not subject to reduction under this rule.

(4) Using unassigned emissions.

(a) Unassigned emissions may be used for internal netting to allow an emission increase at the existing source in accordance with the permit.

(b) Unassigned emissions may not be banked or transferred to another source.

(c) Emissions that are removed from the netting basis are unavailable for netting in any future permit actions.

(5) Upon renewal, modification or other reopening of a permit after July 1, 2002 the unassigned emissions will be established with an expiration date of July 1, 2007 for all unassigned emissions in excess of the SER. Each time the permit is renewed after July 1, 2007 the unassigned emissions will be established again and reduced upon the following permit renewal to no more than the SER for each pollutant in OAR 340-200-0020 Table 2.

340-222-0070 PLANT SITE EMISSION LIMITS FOR INSIGNIFICANT ACTIVITIES

(1) For purposes of establishing PSEs, emissions from categorically insignificant activities listed in OAR 340-200-0020 are not considered under OAR 340-222-0020, except as provided in section (3) of this rule.

(2) For purposes of establishing PSEs, emissions from aggregate insignificant emissions listed in OAR 340-200-0020 are considered under OAR 340-222-0020.

(3) For purposes of determining New Source Review or Prevention of Significant Deterioration applicability under OAR 340 division 224, emissions from insignificant activities are considered.
State effective: 7/1/2001; EPA effective: 3/24/2003

340-222-0080 PLANT SITE EMISSION LIMIT COMPLIANCE

(1) The permittee must monitor pollutant emissions or other parameters that are sufficient to

produce the records necessary for demonstrating compliance with the PSEL.

(2) The frequency of the monitoring and associated averaging periods must be as short as possible and consistent with that used in the compliance method.

(a) For annual PSELS, the permittee must monitor appropriate parameters and maintain all records necessary for demonstrating compliance with the annual PSEL at least monthly and be able to determine emissions on a rolling 12 consecutive month basis.

(b) For short term PSELS, the permittee must monitor appropriate parameters and maintain all records necessary for demonstrating compliance with any short term PSEL at least as frequently as the short term PSEL averaging period.

(4) The applicant must specify in the permit application the method(s) for determining compliance with the PSEL. The Department will review the method(s) and approve or modify, as necessary, to assure compliance with the PSEL. The Department will include PSEL compliance monitoring methods in all permits that contain PSELS.

(5) Depending on source operations, one or more of the following methods may be acceptable:

(a) Continuous emissions monitors;

(b) Material balance calculations;

(c) Emissions calculations using approved emission factors and process information;

(d) Alternative production or process limits; and

(e) Other methods approved by the Department.

(6) When annual reports are required, the permittee must include the emissions total for each consecutive 12-month period during the calendar year, unless otherwise specified by a permit condition.

State effective: 7/1/2001; EPA effective: 3/24/2003

340-222-0090 COMBINING AND SPLITTING SOURCES

(1) When two or more sources combine into one source:

(a) The sum of the netting basis for all the sources is the combined source netting basis.

(b) The combined source is regulated as one source, except:

(A) the simple act of combining sources, without an increase over the combined PSEL, does not subject the combined source to New Source Review.

(B) if the combined source PSEL, without a requested increase over the existing combined PSEL, exceeds the combined netting basis plus the SER, the source may continue operating at the existing combined source PSEL without becoming subject to New Source Review until an increase in the PSEL is requested or the source is modified. If an increase in the PSEL is requested or the source is modified, the Department will evaluate whether New Source Review applies.

(2) When one source is split into two or more separate sources:

(a) The netting basis and the SER for the original source is split amongst the new sources as requested by the original permittee.

(b) The split of netting basis and SER must either:

(A) be sufficient to avoid New Source Review for each of the newly created sources or

(B) the newly created source(s) that become subject to New Source Review must comply with the requirements of OAR 340 division 224 before beginning operation under the new arrangement.

(3) The owner of the device or emissions unit must maintain records of physical changes and changes in operation occurring since the baseline period.

State effective: 7/1/2001; EPA effective: 3/24/2003

DIVISION 224

MAJOR NEW SOURCE REVIEW

340-224-0010 Applicability and General Prohibitions

(1) Within designated Nonattainment and Maintenance areas, this division applies to owners and operators of proposed major sources and major modifications of air contaminant sources. Within attainment and unclassifiable areas, this division applies to owners and operators of proposed Federal Major sources and major modifications at Federal Major sources. This division does not apply to owners or operators of proposed non-major sources or non-major modifications. Such owners or operators are subject to other Department rules, including Highest and Best Practicable Treatment and Control Required (OAR 340-226-0100 through 340-226-0140), Notice of Construction and Approval of Plans (OAR 340-210-0205 through 340-210-0250), ACDPs (OAR 340 division 216), Emission Standards for Hazardous Air Contaminants (OAR 340 division 244), and Standards of Performance for New Stationary Sources (OAR 340 division 238).

- (2) No owner or operator may begin construction of a major source or a major modification of an air contaminant source without having received an air contaminant discharge permit (ACDP) from the Department and having satisfied the requirements of this division.

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

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0220; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1900; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2004, f.& cert. ef. 4-14-04

State effective: 4/14/04; EPA effective: 8/18/2006

340-224-0020 DEFINITIONS

The definitions in OAR 340-200-0020, 340-204-0010 and this rule apply to this division. If the same term is defined in this rule and OAR 340-200-0020 or 340-204-0010, the definition in this rule applies to this division.

State effective: 10/14/99; EPA effective: 3/24/2003

340-224-0030 Procedural Requirements

- (1) Information Required. The owner or operator of a proposed major source or major modification must submit all information the Department needs to perform any analysis or make any determination required under this division and OAR 340 division 225. The information must be in writing on forms supplied by the Department and include the information for a Standard ACDP as detailed in OAR 340 division 216.

- (2) Other Obligations:

- (a) Approval to construct becomes invalid if construction is not commenced within 18 months after the Department issues such approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed within 18 months of the scheduled time. The Department may extend the 18-month period for good cause. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within 18 months of the projected and approved commencement date;
- (b) Approval to construct does not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the State Implementation Plan and any other requirements under local, state or federal law;

- (c) Approval to construct a source under an ACDP issued under paragraph (3)(b) of this rule authorizes construction and operation of the source, except as prohibited in subsection (d) of this rule, until the later of:
 - (A) One year from the date of initial startup of operation of the major source or major modification; or
 - (B) If a timely and complete application for an Oregon Title V Operating Permit is submitted, the date of final action by the Department on the Oregon Title V Operating Permit application.
- (d) Where an existing Oregon Title V Operating Permit would prohibit construction or change in operation, the owner or operator must obtain a permit revision before commencing construction or operation.

(3) Application Processing:

- (a) Within 30 days after receiving an application to construct, or any addition to such application, the Department will advise the applicant of any deficiency in the application or in the information submitted. For purposes of this section, the date the Department received a complete application is the date on which the Department received all required information;
- (b) Notwithstanding the requirements of OAR 340-216-0040 or OAR 340-218-0040, concerning permit application requirements, the Department will make a final determination on the application within six months after receiving a complete application. This involves performing the following actions in a timely manner:
 - (A) Making a preliminary determination whether construction should be approved, approved with conditions, or disapproved;
 - (B) Making the proposed permit available in accordance with the public participation procedures required by OAR 340 division 209 for Category IV. Extension of Construction Permits beyond the 18-month time period in paragraph (2)(a) of this rule are available in accordance with the public participation procedures required by Category II in lieu of Category IV.

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

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 18-1984, f. & ef. 10-16-84; DEQ 13-1988, f. & cert. ef. 6-17-88; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0230; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 24-1994, f. & cert. ef. 10-28-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1910; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2004, f.& cert. ef. 4-14-04

State effective: 4/14/04; EPA effective: 8/18/2006

340-224-0040 REVIEW OF NEW SOURCES AND MODIFICATIONS FOR COMPLIANCE WITH REGULATIONS

The owner or operator of a proposed major source or major modification must demonstrate the ability of the proposed source or modification to comply with all applicable air quality requirements of the Department.

State effective: 7/1/01; EPA effective: 3/24/2003

340-224-0050 Requirements for Sources in Nonattainment Areas

Proposed major sources and major modifications that would emit a nonattainment pollutant within a designated nonattainment area, including VOC or NO_x in a designated Ozone Nonattainment Area must meet the requirements listed below:

- (1) Lowest Achievable Emission Rate (LAER). The owner or operator must demonstrate that the source or modification will comply with the LAER for each nonattainment pollutant emitted at or above the significant emission rate (SER).
 - (a) For a major modification, the requirement for LAER applies only to each emissions unit that emits the pollutant in question and was installed since the baseline period or the most recent New Source Review construction approval for that pollutant, and to each modified emission unit that increases actual emissions of the pollutant in question above the netting basis.
 - (b) For phased construction projects, the LAER determination must be reviewed at the latest reasonable time before commencing construction of each independent phase.
 - (c) When determining LAER for a change that was made at a source before the current NSR application, the Department will consider technical feasibility of retrofitting required controls provided:
 - (A) The change was made in compliance with NSR requirements in effect when the change was made, and
 - (B) No limit will be relaxed that was previously relied on to avoid NSR.
 - (d) Individual modifications with potential to emit less than 10 percent of the SER are exempt from this section unless:
 - (A) They are not constructed yet;
 - (B) They are part of a discrete, identifiable, larger project that was constructed within the previous 5 years and is equal to or greater than 10 percent of the SER; or
 - (C) they were constructed without, or in violation of, the Department's approval.

- (2) Offsets and Net Air Quality Benefit. The owner or operator must obtain offsets and demonstrate that a net air quality benefit will be achieved as specified in OAR 340-225-0090.
- (3) Additional Requirements for Federal Major Sources:
- (a) The owner or operator of a source that emits or has the potential to emit 100 tons per year of any regulated NSR pollutant must evaluate alternative sites, sizes, production processes, and environmental control techniques for the proposed source or modification and demonstrate that benefits of the proposed source or modification will significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification.
 - (b) The owner or operator of a source that emits or has the potential to emit 100 tons per year of any regulated NSR pollutant must demonstrate that all major sources owned or operated by such person (or by an entity controlling, controlled by, or under common control with such person) in the state are in compliance, or are on a schedule for compliance, with all applicable emission limitations and standards under the Act.
 - (c) The owner or operator of a federal major source must meet the visibility impact requirements in OAR 340-225-0070.
- (4) Special Exemption for the Salem Ozone Nonattainment area. Proposed major sources and major modifications located in or that impact the Salem Ozone Nonattainment Area are exempt from OAR 340-225-0090 and section (2) of this rule for VOC and NO_x emissions with respect to ozone formation in the Salem Ozone Nonattainment area.

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

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0240; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1930; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2004, f. & cert. ef. 4-14-04

State effective: 4/14/04; EPA effective: 8/18/2006

340-224-0060 Requirements for Sources in Maintenance Areas

Proposed major sources and major modifications that would emit a maintenance pollutant within a designated maintenance area, including VOC or NO_x in a designated ozone maintenance area, must meet the requirements listed below:

(1) Best Available Control Technology (BACT). Except as provided in section (5) and (6) of this rule, the owner or operator must apply BACT for each maintenance pollutant emitted at a SER.

(a) For a major modification, the requirement for BACT applies only to:

(A) Each new emissions unit that emits the pollutant in question and was installed since the baseline period or the most recent New Source Review construction approval for that pollutant; and

(B) Each modified emissions unit that increases the actual emissions of the pollutant in question above the netting basis.

(b) For phased construction projects, the BACT determination must be reviewed at the latest reasonable time before commencement of construction of each independent phase.

(c) When determining BACT for a change that was made at a source before the current NSR application, the technical and economic feasibility of retrofitting required controls may be considered, provided:

(A) The change was made in compliance with NSR requirements in effect when the change was made; and

(B) No limit is being relaxed that was previously relied on to avoid NSR.

(d) Individual modifications with potential to emit less than 10 percent of the significant emission rate are exempt from this section unless:

(A) They are not constructed yet;

(B) They are part of a discrete, identifiable larger project that was constructed within the previous 5 years and that is equal to or greater than 10 percent of the significant emission rate; or

(C) They were constructed without, or in violation of, the Department's approval.

(2) Air Quality Protection:

(a) Offsets and Net Air Quality Benefit. Except as provided in subsections (b), (c) and (d) of this section, the owner or operator must obtain offsets and demonstrate that a net air quality benefit will be achieved in the area as specified in OAR 340-225-0090.

(b) Growth Allowance. The requirements of this section may be met in whole or in part in an ozone or carbon monoxide maintenance area with an allocation by the Department from a growth allowance, if available, in accordance with the applicable maintenance plan in the SIP adopted by the Commission and approved by EPA. An allocation from a growth allowance used to meet the requirements of this section is not subject to OAR 340-225-

0090. Procedures for allocating the growth allowances for the Oregon portion of the Portland-Vancouver Interstate Maintenance Area for Ozone and the Portland Maintenance Area for Carbon Monoxide are contained in OAR 340-242-0430 and 340-242-0440.

- (c) In a carbon monoxide maintenance area, a proposed carbon monoxide major source or major modification is exempt from subsections (a) and (b) of this section if the owner or operator can demonstrate that the source or modification will not cause or contribute to an air quality impact equal to or greater than 0.5 mg/m³ (8 hour average) and 2 mg/m³ (1-hour average). The demonstration must comply with the requirements of OAR 340-225-0045.
- (d) In a PM₁₀ maintenance area, a proposed PM₁₀ major source or major modification is exempt from subsection (a) of this section if the owner or operator can demonstrate, pursuant to the requirements of OAR 340-225-0045, that the source or modification will not cause or contribute to an air quality impact in excess of:
 - (A) 120 µg/m³ (24-hour average) or 40 µg/m³ (annual average) in the Grants Pass PM₁₀ maintenance area;
 - (B) 140 µg/m³ (24-hour average) or 47 µg/m³ (annual average) in the Klamath Falls PM₁₀ maintenance area; or
 - (C) 140 µg/m³ (24-hour average) or 45 µg/m³ (annual average) in the Lakeview PM₁₀ maintenance area. In addition, a single source impact is limited to an increase of 5 µg/m³ (24-hour average) in the Lakeview PM₁₀ maintenance area.
- (3) The owner or operator of a source subject to this rule must provide an air quality analysis in accordance with OAR 340-225-0050(1) and (2), and 340-225-0060.
- (4) Additional Requirements for Federal Major Sources: The owner or operator of a federal major source subject to this rule must provide an analysis of the air quality impacts for the proposed source or modification in accordance with OAR 340-225-0050(3) and 340-225-0070. In addition to the provisions of this section, provisions of section 340-224-0070 also apply to federal major sources.
- (5) Contingency Plan Requirements. If the contingency plan in an applicable maintenance plan is implemented due to a violation of an ambient air quality standard, this section applies in addition to other requirements of this rule until the Commission adopts a revised maintenance plan and EPA approves it as a SIP revision.
 - (a) The requirement for BACT in section (1) of this rule is replaced by the requirement for LAER contained in OAR 340-224-0050(1).
 - (b) An allocation from a growth allowance may not be used to meet the requirement for offsets in section (2) of this rule.

- (c) The exemption provided in subsection (2)(c) and (2)(d) of this rule for major sources or major modifications within a carbon monoxide or PM10 maintenance area no longer applies.
- (6) Medford-Ashland AQMA: Proposed major sources and major modifications that would emit PM10 within the Medford-Ashland AQMA must meet the LAER emission control technology requirements in OAR 340-224-0050.
- (7) Pending Redesignation Requests. This rule does not apply to a proposed major source or major modification for which a complete application to construct was submitted to the Department before the maintenance area was redesignated from nonattainment to attainment by EPA. Such a source is subject to OAR 340-224-0050.

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

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

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 15-1998, f. & cert. ef. 9-23-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1935; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 9-2005, f. & cert. ef. 9-9-05

State effective: 9/9/05; EPA effective: 8/18/2006

340-224-0070 Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas

Proposed new federal major sources or major modifications at federal major sources locating in areas designated attainment or unclassifiable must meet the following requirements:

- (1) Best Available Control Technology (BACT). The owner or operator of the proposed major source or major modification must apply BACT for each pollutant emitted at a SER over the netting basis. In the Medford-Ashland AQMA, the owner or operator of any proposed new Federal Major PM10 source, or proposed major modification of a Federal Major PM10 source must comply with the LAER emission control technology requirement in 340-224-0050(1), and is exempt from the BACT provision of this section.
 - (a) For a major modification, the requirement for BACT applies only to:
 - (A) Each new emissions unit that emits the pollutant in question and was installed since the baseline period or the most recent New Source Review construction approval for that pollutant and
 - (B) Each modified emissions unit that increases the actual emissions of the pollutant in question above the netting basis.

- (b) For phased construction projects, the BACT determination must be reviewed at the latest reasonable time before commencement of construction of each independent phase.
- (c) When determining BACT for a change that was made at a source before the current NSR application, any additional cost of retrofitting required controls may be considered provided:
 - (A) The change was made in compliance with NSR requirements in effect at the time the change was made, and
 - (B) No limit is being relaxed that was previously relied on to avoid NSR.
- (d) Individual modifications with potential to emit less than 10 percent of the significant emission rate are exempt from this section unless:
 - (A) They are not constructed yet;
 - (B) They are part of a discrete, identifiable larger project that was constructed within the previous 5 years and that is equal to or greater than 10 percent of the significant emission rate; or
 - (C) They were constructed without, or in violation of, the Department's approval.
- (2) Air Quality Analysis: The owner or operator of a source subject to this rule must provide an analysis of the air quality impacts for the proposed source or modification in accordance with OAR 340-225-0050 through 340-225-0070. The owner or operator of any source subject to this rule that significantly affects air quality in a designated nonattainment or maintenance area must meet the requirements of net air quality benefit in OAR 340-225-0090.
- (3) Air Quality Monitoring: The owner or operator of a source subject to this rule must conduct ambient air quality monitoring in accordance with the requirements in OAR 340-225-0050.
- (4) The owner or operator of a source subject to this rule and significantly impacting a PM10 maintenance area (significant air quality impact is defined in OAR 340-200-0020), must comply with the requirements of OAR 340-224-0060(2).

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

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

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; DEQ 18-1984, f. & ef. 10-16-84; DEQ 14-1985, f. & ef. 10-16-85; DEQ 5-1986, f. & ef. 2-21-86; DEQ 8-1988, f. & cert. ef. 5-19-88 (and corrected 5-31-88); DEQ 27-1992, f. & cert. ef. 11-12-92; Section (8) Renumbered from 340-020-0241; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0245; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1940; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 1-2004, f. & cert. ef. 4-14-04; DEQ 1-2005, f. & cert. ef. 1-4-05

State effective: 1/4/05; EPA effective: 8/18/2006

340-224-0080 Exemptions

Temporary emission sources that would be in operation at a site for less than two years, such as pilot plants and portable facilities, and emissions resulting from the construction phase of a new source or modification must comply with OAR 340-224-0050(1), 340-224-0060(1) or 340-224-0070(1), whichever is applicable, but are exempt from the remaining requirements of OAR 340-224-0050, 340-224-0060 and 340-224-0070 provided that the source or modification would not impact a Class I area or an area with a known violation of a National Ambient Air Quality Standard (NAAQS) or an applicable increment as defined in OAR 340 division 202.

[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-020-0047.]

Stat. Auth.: ORS 468 & 468A

Stats. Implemented: ORS 468 & 468A

Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0250; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1950; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 1-2004, f.& cert. ef. 4-14-04

State effective: 4/14/04; EPA effective: 8/18/2006

340-224-0100 FUGITIVE AND SECONDARY EMISSIONS

Fugitive emissions are included in the calculation of emission rates of all air contaminants. Fugitive emissions are subject to the same control requirements and analyses required for emissions from identifiable stacks or vents. Secondary emissions are not included in calculations of potential emissions that are made to determine if a proposed source or modification is major. Once a source or modification is identified as being major, secondary emissions are added to the primary emissions and become subject to the air quality impact analysis requirements in this division and OAR 340 division 225.

State effective: 7/1/01; EPA effective: 3/24/2003

DIVISION 225

AIR QUALITY ANALYSIS REQUIREMENTS

340-225-0010 PURPOSE

This division contains the definitions and requirements for air quality analysis referred to in OAR 340 divisions 200 through 268. It does not apply unless a rule in another division refers the reader here. For example, divisions 222 (Stationary Source Plant Site Emissions Limits) and 224 (Major New Source Review) refer the reader to provisions in this division for specific air quality analysis requirements.

State effective: 7/1/01; EPA effective: 3/24/2003

340-225-0020 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 OAR-340-200-0020, the definition in this rule applies to this division.

- (1) "Allowable Emissions" means the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:
 - (a) The applicable standards as set forth in 40 CFR parts 60, 61 and 63;
 - (b) The applicable State Implementation Plan emissions limitation, including those with a future compliance date; or
 - (c) The emissions rate specified as a federally enforceable permit condition.
- (2) "Background Light Extinction" means the reference levels (Mm⁻¹) shown in the estimates of natural conditions as referenced in the FLAG to be representative of the PSD Class I or Class II area being evaluated.
- (3) "Baseline Concentration" means:
 - (a) Except as provided in subsection (c), the ambient concentration level for sulfur dioxide and PM₁₀ that existed in an area during the calendar year 1978. If no ambient air quality data is available in an area, the baseline concentration may be estimated using modeling based on actual emissions for 1978. Actual emission increases or decreases occurring before January 1, 1978 must be included in the baseline calculation, except that actual emission increases from any source or modification on which construction commenced after January 6, 1975 must not be included in the baseline calculation;
 - (b) The ambient concentration level for nitrogen oxides that existed in an area during the calendar year 1988.
 - (c) For the area of northeastern Oregon within the boundaries of the Umatilla, Wallowa-Whitman, Ochoco, and Malheur National Forests, the ambient concentration level for PM₁₀ that existed during the calendar year 1993. The Department may allow the source to use an earlier time period if the Department determines that it is more representative of normal emissions.
 - (d) For PM₁₀ in the Medford-Ashland AQMA: the ambient PM₁₀ concentration levels that existed during the year that EPA redesignates the AQMA to attainment for PM₁₀.
- (4) "Competing PSD Increment Consuming Source Impacts" means the total modeled concentration above the modeled Baseline Concentration resulting from increased emissions of all other sources since the baseline concentration year that are within the Range of

Influence of the source in question. Allowable Emissions may be used as a conservative estimate, in lieu of Actual Emissions, in this analysis.

- (5) "Competing NAAQS Source Impacts" means total modeled concentration resulting from allowable emissions of all other sources that are within the Range of Influence of the source in question.
- (6) "FLAG " refers to the Federal Land Managers' Air Quality Related Values Work Group Phase I Report. See 66 Federal Register 2, January 3, 2001 at 382 to 383.
- (7) "General Background Concentration" means impacts from natural sources and unidentified sources that were not explicitly modeled. The Department may determine this as site-specific ambient monitoring or representative ambient monitoring from another location.
- (8) "Predicted Maintenance Area Concentration" means the future year ambient concentration predicted by the Department in the applicable maintenance plan as follows:
 - (a) The future year (2015) concentrations for the Grants Pass UGB are 89 $\mu\text{g}/\text{m}^3$ (24-hour average) and 21 $\mu\text{g}/\text{m}^3$ (annual average).
 - (b) The future year (2015) concentrations for the Klamath Falls UGB are 114 $\mu\text{g}/\text{m}^3$ (24-hour average) and 25 $\mu\text{g}/\text{m}^3$ (annual average).
 - (c) The future year (2025) concentrations for the Lakeview UGB are 126 $\mu\text{g}/\text{m}^3$ (24-hour average) and 27 $\mu\text{g}/\text{m}^3$ (annual average).
- (9) "Nitrogen Deposition" means the sum of anion and cation nitrogen deposition expressed in terms of the mass of total elemental nitrogen being deposited. As an example, Nitrogen Deposition for NH_4NO_3 is 0.3500 times the weight of NH_4NO_3 being deposited.
- (10) "Ozone Precursor Distance" means the distance in kilometers from the nearest boundary of a designated ozone nonattainment or maintenance area within which a major new or modified source of VOC or NO_x is considered to significantly affect that designated area. The determination of significance is made by either the formula method or the demonstration method.
 - (a) The Formula Method.
 - (A) For sources with complete permit applications submitted before January 1, 2003: $D = 30 \text{ km}$
 - (B) For sources with complete permit applications submitted on or after January 1, 2003: $D = (Q/40) \times 30 \text{ km}$
 - (C) D is the Ozone Precursor Distance in kilometers. The value for D is 100 kilometers when D is calculated to exceed 100 kilometers. Q is the larger of the NO_x or VOC

emissions increase from the source being evaluated in tons/year, and is quantified relative to the netting basis.

(D) If a source is located at a distance less than D from the designated area, the source is considered to have a significant effect on the designated area. If the source is located at a distance equal to or greater than D, it is not considered to have a significant effect.

(b) The Demonstration Method. An applicant may demonstrate to the Department that the source or proposed source would not significantly impact a nonattainment area or maintenance area. This demonstration may be based on an analysis of major topographic features, dispersion modeling, meteorological conditions, or other factors. If the Department determines that the source or proposed source would not significantly impact the nonattainment area or maintenance area under high ozone conditions, the Ozone Precursor Distance is zero kilometers.

(11) "Ozone Precursor Offsets" means the emission reductions required to offset emission increases from a major new or modified source located inside the designated nonattainment or maintenance area or within the Ozone Precursor Distance. Emission reductions must come from within the designated area or from within the Ozone Precursor Distance of the offsetting source as described in OAR 340-225-0090. The offsets determination is made by either the formula method or the demonstration method.

(a) The Formula Method.

(A) Required offsets (RO) for new or modified sources are determined as follows:

(i) For sources with complete permit applications submitted before January 1, 2003:
 $RO = SQ$

(ii) For sources with complete permit applications submitted on or after January 1, 2003: $RO = (SQ \text{ minus } (40/30 * SD))$

(B) Contributing sources may provide offsets (PO) calculated as follows: $PO = CQ \text{ minus } (40/30 * CD)$

(C) Multiple sources may contribute to the required offsets of a new source. For the formula method to be satisfied, total provided offsets (PO) must equal or exceed the required offset (RO).

(D) Definitions of factors used in paragraphs (A) (B) and (C) of this subsection:

(i) RO is the required offset of NO_x or VOC in tons per year as a result of the source emissions increase. If RO is calculated to be negative, RO is set to zero;

(ii) SQ is the source emissions increase of NO_x or VOC in tons per year above the netting basis;

- (iii) SD is the source distance in kilometers to the nonattainment or maintenance area. SD is zero for sources located within the nonattainment or maintenance area.
 - (iv) PO is the provided offset from a contributing source and must be equal to or greater than zero;
 - (v) CQ is the contributing emissions reduction in tons per year quantified relative to contemporaneous pre-reduction actual emissions (OAR 340-268-0030(1)(b)).
 - (vi) CD is the contributing source distance in kilometers to the nonattainment or maintenance area. For a contributing source located within the nonattainment or maintenance area, CD equals zero.
- (b) The Demonstration Method. An applicant may demonstrate to the Department using dispersion modeling or other analyses the level and location of offsets that would be sufficient to provide actual reductions in concentrations of VOC or NO_x in the designated area during high ozone conditions. The modeled reductions of ambient VOC or NO_x concentrations resulting from the emissions offset must be demonstrated over a greater area and over a greater period of time within the designated area as compared to the modeled ambient VOC or NO_x concentrations resulting from the emissions increase from the source subject to this rule. If the Department determines that the demonstration is acceptable, then the Department will approve the offsets proposed by the applicant. The demonstration method does not apply to sources located inside an ozone nonattainment area.

(12) "Range of Influence (ROI)" means:

- (a) For PSD Class II and Class III areas, the Range of Influence of a competing source (in kilometers) is defined by:
 - (A) $ROI (km) = Q (tons/year) / K (tons/year km)$.
 - (B) Definition of factors used in paragraph (A) of this subsection:
 - (i) ROI is the distance a source has an effect on an area and is compared to the distance from a potential competing source to the Significant Impact Area of a proposed new source. Maximum ROI is 50 km, however the Department may request that sources at a distance greater than 50 km be included in a competing source analysis.
 - (ii) Q is the emission rate of the potential competing source in tons per year.
 - (iii) K (tons/year km) is a pollutant specific constant as defined in the table below:
[Table not included. See ED. NOTE.]

(b) For PSD Class I areas, the Range of Influence of a competing source includes emissions from all sources that occur within the modeling domain of the source being evaluated. The Department determines the modeling domain on a case-by-case basis.

(13) "Source Impact Area" means a circular area with a radius extending from the source to the largest distance to where predicted impacts from the source or modification equal or exceed the Significant Air Quality Impact levels set out in Table 1 of OAR 340 division 200. This definition only applies to PSD Class II areas and is not intended to limit the distance for PSD Class I modeling.

(14) "Sulfur Deposition" means the sum of anion and cation sulfur deposition expressed in terms of the total mass of elemental sulfur being deposited. As an example, sulfur deposition for (NH₄)₂SO₄ is 0.2427 times the weight of (NH₄)₂SO₄ being deposited.

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A

Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 12-2002(Temp), f. & cert. ef. 10-8-02 thru 4-6-03; Administrative correction 11-10-03; DEQ 1-2004, f.& cert. ef. 4-14-04; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 9-2005, f. & cert. ef. 9-9-05

State effective: 9/9/05; EPA effective: 8/18/2006

340-225-0030 PROCEDURAL REQUIREMENTS

Information Required. In addition to the requirements defined in OAR 340-216-0040, the owner or operator of a source (where required by divisions 222 or 224) must submit all information necessary to perform any analysis or make any determination required under these rules. Such information must include, but is not limited to:

(1) Emissions data for all existing and proposed emission points from the source or modification. This data must represent maximum emissions for the following averaging times by pollutant:

PM10	24 hours, annual
Sulfur Oxides	3 hour, 24 hours, annual
Nitrogen Oxides	annual
Carbon Monoxide	1 hour, 8 hours, annual
Lead	annual quarterly, annual

(2) Stack parameter data (height above ground, exit diameter, exit velocity, and exit temperature data for all existing and proposed emission points from the source or modification;

- (3) An analysis of the air quality and visibility impact of the source or modification, including meteorological and topographical data, specific details of models used, and other information necessary to estimate air quality impacts; and
- (4) An analysis of the air quality and visibility impacts, and the nature and extent of all commercial, residential, industrial, and other source emission growth, that has occurred since January 1, 1978, in the area the source or modification would significantly affect.

State effective: 7/1/01; EPA effective: 3/24/2003

340-225-0040 AIR QUALITY MODELS

All modeled estimates of ambient concentrations required under this rule must be based on the applicable air quality models, data bases, and other requirements specified in 40 CFR Part 51, Appendix W, "Guidelines on Air Quality Models (Revised)" (July 1, 2000). Where an air quality impact model specified in 40 CFR Part 51, Appendix W is inappropriate, the methods published in the FLAG are generally preferred for analyses in PSD Class I areas. Where an air quality impact model specified in 40 CFR Part 51, Appendix W is inappropriate in PSD Class II and III areas, the model may be modified or another model substituted. Any change or substitution from models specified in 40 CFR Part 51, Appendix W is subject to notice and opportunity for public comment and must receive prior written approval from the Department and the EPA. Where necessary, methods like those outlined in the "Interim Procedures for Evaluating Air Quality Models (Revised)" (U.S. Environmental Protection Agency, 1984) provide guidance in determining the comparability of models.

State effective: 7/1/01; EPA effective: 3/24/2003

340-225-0045 Requirements for Analysis in Maintenance Areas

Modeling: For determining compliance with the limits established in OAR 340-224-0060(2)(c) and (2)(d), NAAQS, and PSD Increments, the following methods must be used:

- (1) A single source impact analysis is sufficient to show compliance with standards, PSD increments, and limits if modeled impacts from the source being evaluated are less than the Significant Air Quality Impact levels specified in OAR 340-200-0020, Table 1 for all maintenance pollutants.
- (2) If the above requirement is not satisfied, the owner or operator of a proposed source or modification being evaluated must perform competing source modeling as follows:
 - (a) For demonstrating compliance with the maintenance area limits established in OAR 340-224-0060(2)(c) and (2)(d), the owner or operator of a proposed source or modification must show that modeled impacts from the proposed increased emissions plus Competing Source Impacts, plus predicted maintenance area concentration are less than the limits for all averaging times.

- (b) For demonstrating compliance with the NAAQS, the owner or operator of a proposed source or modification must show that the total modeled impacts plus total Competing NAAQS Source Impacts plus General Background Concentrations are less than the NAAQS for all averaging
- (c) For demonstrating compliance with the PSD Increments (as defined in OAR 340-202-0210, Table 1), the owner or operator of a proposed source or modification must show that modeled impacts from the proposed increased emissions (above the baseline concentration) plus competing PSD Increment Consuming Source Impacts (above the baseline concentration) are less than the PSD increments for all averaging times.

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A, 468A.025 & 468A.035
Hist.: DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 1-2005, f. & cert. ef. 1-4-05

State effective: 1/4/05; EPA effective: 8/18/2006

340-225-0050 Requirements for Analysis in PSD Class II and Class III Areas

Modeling: For determining compliance with the NAAQS and PSD Increments in PSD Class II and Class III areas, the following methods must be used:

- (1) A single source impact analysis is sufficient to show compliance with standards and increments if modeled impacts from the source being evaluated are less than the Significant Air Quality Impact levels specified in OAR 340-200-0020, Table 1 for all pollutants.
- (2) If the above requirement is not satisfied, the owner or operator of a proposed source or modification being evaluated must perform competing source modeling as follows:
 - (a) For demonstrating compliance with the PSD Increments (as defined in OAR 340-202-0210, Table 1), the owner or operator of a proposed source or modification must show that modeled impacts from the proposed increased emissions (above the modeled Baseline Concentration) plus Competing PSD Increment Consuming Source Impacts (above the modeled Baseline Concentration) are less than the PSD increments for all averaging times.
 - (b) For demonstrating compliance with the NAAQS, the owner or operator of a proposed source must show that the total modeled impacts plus total Competing NAAQS Source Impacts plus General Background Concentrations are less than the NAAQS for all averaging times.
- (3) Additional Impact Modeling:
 - (a) When referred to this rule by divisions 222 or 224, the owner or operator of a source must provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the source or modification, and general commercial, residential, industrial and other growth associated with the source or modification. As a part of this analysis, deposition modeling analysis is required for sources emitting heavy metals above the

significant emission rates as defined in OAR 340-200-0020, Table 2. Concentration and deposition modeling may also be required for sources emitting other compounds on a case-by-case basis;

- (b) The owner or operator must provide an analysis of the air quality concentration projected for the area as a result of general commercial, residential, industrial and other growth associated with the source or modification.

(4) Air Quality Monitoring:

(a)(A) When referred to this rule by division 224, the owner or operator of a source must submit with the application an analysis of ambient air quality in the area impacted by the proposed project. This analysis, which is subject to the Department's approval, must be conducted for each pollutant potentially emitted at a significant emission rate by the proposed source or modification. The analysis must include continuous air quality monitoring data for any pollutant that may be emitted by the source or modification, except for volatile organic compounds. The data must relate to the year preceding receipt of the complete application and must have been gathered over the same time period. The Department may allow the owner or operator to demonstrate that data gathered over some other time period would be adequate to determine that the source or modification would not cause or contribute to a violation of an ambient air quality standard or any applicable pollutant increment. Pursuant to the requirements of these rules, the owner or operator must submit for the Department's approval, a preconstruction air quality monitoring plan. This plan must be submitted in writing at least 60 days prior to the planned beginning of monitoring and approved in writing by the Department before monitoring begins.

(B) Required air quality monitoring must be conducted in accordance with 40 CFR 58 Appendix B, "Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring" (July 1, 2000) and with other methods on file with the Department.

(C) The Department may exempt the owner or operator of a proposed source or modification from preconstruction monitoring for a specific pollutant if the owner or operator demonstrates that the air quality impact from the emissions increase would be less than the amounts listed below or that modeled competing source concentration (plus General Background Concentration) of the pollutant within the Source Impact Area are less than the following significant monitoring concentrations:

(i) Carbon monoxide; 575 ug/m³, 8 hour average;

(ii) Nitrogen dioxide; 14 ug/m³, annual average;

(iii) PM₁₀; 10 ug/m³, 24 hour average.

(iv) Sulfur dioxide; 13 ug/m³, 24 hour average;

- (v) Ozone; Any net increase of 100 tons/year or more of VOCs from a source or modification subject to PSD requires an ambient impact analysis, including the gathering of ambient air quality data. However, requirement for ambient air monitoring may be exempted if existing representative monitoring data shows maximum ozone concentrations are less than 50% of the ozone NAAQS based on a full season of monitoring;
 - (vi) Lead; 0.1 ug/m³, 24 hour average;
 - (vii) Fluorides; 0.25 ug/m³, 24 hour average;
 - (viii) Total reduced sulfur; 10 ug/m³, 1 hour average;
 - (ix) Hydrogen sulfide; 0.04 ug/m³, 1 hour average;
 - (x) Reduced sulfur compounds; 10 ug/m³, 1 hour average.
- (D) The Department may allow the owner or operator of a source (where required by divisions 222 or 224) to substitute post construction monitoring for the requirements of (4)(a)(A) for a specific pollutant if the owner or operator demonstrates that the air quality impact from the emissions increase would not cause or contribute to an exceedance of any air quality standard. This analysis must meet the requirements of 340-225-0050(2)(b) and must use representative or conservative General Background Concentration data.
- (E) When PM₁₀ preconstruction monitoring is required by this section, at least four months of data must be collected, including the season(s) the Department judges to have the highest PM₁₀ levels. PM₁₀ must be measured in accordance with 40 CFR part 50, Appendix J (July 1, 1999). In some cases, a full year of data will be required.
- (b) After construction has been completed, the Department may require ambient air quality monitoring as a permit condition to establish the effect of emissions, other than volatile organic compounds, on the air quality of any area that such emissions could affect.

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A

Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 1-2004, f. & cert. ef. 4-14-04

State effective: 4/14/04; EPA effective: 8/18/2006

340-225-0060 REQUIREMENTS FOR DEMONSTRATING COMPLIANCE WITH STANDARDS AND INCREMENTS IN PSD CLASS I AREAS

For determining compliance with standards and increments in PSD Class I areas, the following methods must be used:

- (1) Before January 1, 2003, the owner or operator of a source (where required by divisions 222 or

224) must model impacts and demonstrate compliance with standards and increments on all PSD Class I areas that may be affected by the source or modification.

(2) On or after January 1, 2003, the owner or operator of a source (where required by divisions 222 or 224) must meet the following requirements:

(a) A single source impact analysis will be sufficient to show compliance with increments if modeled impacts from the source being evaluated are demonstrated to be less than the impact levels specified in Table I below.

Table I
Significant Impact Levels for PSD Class I Areas

Pollutant	Averaging Time	PSD Class I Significant Impact Level
PM10	24 hour	0.30 µg/m ³
PM10	Annual	0.20 µg/m ³
SO ₂	3-hour	1.0 µg/m ³
SO ₂	24-hour	0.20 µg/m ³
SO ₂	Annual	0.10 µg/m ³
NO ₂	Annual	0.10 µg/m ³

(b) If the above requirement is not satisfied, the owner or operator must also show that the increased source impacts (above Baseline Concentration) plus Competing PSD Increment Consuming Source Impacts are less than the PSD increments for all averaging times

(c) A single source impact analysis will be sufficient to show compliance with standards if modeled impacts from the source being evaluated are demonstrated to be less than the impact levels specified in OAR 340-200-0020, Table 1 for all pollutants.

(d) If the requirement of (4) is not satisfied, and background monitoring data for each PSD Class I area shows that the NAAQS is more controlling than the PSD increment then the source must also demonstrate compliance with the NAAQS by showing that their total modeled impacts plus total modeled Competing NAAQS Source Impacts plus General Background Concentrations are less than the NAAQS for all averaging times.

State effective: 7/1/01; EPA effective: 3/24/2003

340-225-0070 REQUIREMENTS FOR DEMONSTRATING COMPLIANCE WITH AQRV PROTECTION

(1) Sources that are not Federal Major Sources are exempt from the requirements of the remainder of this rule.

(2) Notice of permit application for actions subject to the requirements of divisions 222 and 224:

(a) If a proposed major source or major modification could impact air quality related values (including visibility) within a Class I area, the Department will provide written notice to the EPA and to the appropriate Federal Land Manager within 30 days of receiving such permit application. The notice will include a copy of all information relevant to the permit application, including analysis of anticipated impacts on Class I area air quality related values (including visibility). The Department will also provide at least 30 days notice to EPA and the appropriate Federal Land Manager of any scheduled public hearings and preliminary and final actions taken on the application;

(b) If the Department receives advance notice of a permit application for a source that may affect Class I area visibility, the Department will notify all affected Federal Land Managers within 30 days of receiving the advance notice;

(c) During its review of source impacts on Class I area air quality related values (including visibility) pursuant to this rule, the Department will consider any analysis performed by the Federal Land Manager that is received by the Department within 30 days of the notice required by subsection (a). If the Department disagrees with the Federal Land Manager's demonstration, the Department will include a discussion of the disagreement in the Notice of Public Hearing;

(d) As a part of the notification required in OAR 340-209-0060, the Department will provide the Federal Land Manager an opportunity to demonstrate that the emissions from the proposed source or modification would have an adverse impact on air quality related values (including visibility) of any federal mandatory Class I area. This adverse impact determination may be made even if there is no demonstration that a Class I maximum allowable increment has been exceeded. If the Department agrees with the demonstration, it will not issue the permit.

(3) Visibility impact analysis requirements:

(a) If divisions 222 or 224 require a visibility impact analysis, the owner or operator must demonstrate that the potential to emit any pollutant at a significant emission rate in conjunction with all other applicable emission increases or decreases, including secondary emissions, permitted since January 1, 1984 and other increases or decreases in emissions, will not cause or contribute to significant impairment of visibility on any Class I area. The Department also encourages the owner or operator to demonstrate that these same emission increases or decreases will not cause or contribute to significant impairment of visibility on the Columbia River Gorge National Scenic Area (if it is affected by the source);

(b) The owner or operator must submit all information necessary to perform any analysis or demonstration required by these rules pursuant to OAR 340-224-0030(1).

(c) Determination of significant impairment: The results of the modeling must be sent to the

affected Federal Land Managers and the Department. The land managers may, within 30 days following receipt of the source's visibility impact analysis, determine whether or not significant impairment of visibility in a Class I area would result. The Department will consider the comments of the Federal Land Manager in its consideration of whether significant impairment will result. If the Department determines that impairment would result, it will not issue a permit for the proposed source.

(4) Types of visibility modeling required. For receptors in PSD Class I areas within the PSD Class I Range of Influence, a plume blight analysis or regional haze analysis is required.

(5) Criteria for visibility impacts:

(a) The owner or operator of a source (where required by divisions 222 or 224) is encouraged to demonstrate that their impacts on visibility satisfy the guidance criteria as referenced in the FLAG.

(b) If visibility impacts are a concern, the Department will consider comments from the Federal Land Manager when deciding whether significant impairment will result. Emission offsets may also be considered. If the Department determines that impairment would result, it will not issue a permit for the proposed source.

(6) Deposition modeling may be required for receptors in PSD Class I areas where visibility modeling is required. This may include, but is not limited to an analysis of Nitrogen Deposition and Sulfur Deposition.

(7) Visibility monitoring:

(a) If divisions 222 or 224 require visibility monitoring data, the owner or operator must use existing data to establish existing visibility conditions within Class I areas as summarized in the FLAG Report.

(b) After construction has been completed the owner or operator must conduct such visibility monitoring as the Department requires as a permit condition to establish the effect of the pollutant on visibility conditions within the impacted Class I area.

(8) Additional impact analysis: the owner or operator subject to OAR 340-224-0060(3) or OAR 340-224-0070(2) must provide an analysis of the impact to visibility that would occur as a result of the proposed source or modification and general commercial, residential, industrial, and other growth associated with the source or major modification.

(9) If the Federal Land Manager recommends and the Department agrees, the Department may require the owner or operator to analyze the potential impacts on other Air Quality Related Values and how to protect them. Procedures from the FLAG report should be used in this

recommendation. Emission offsets may also be used. If the Federal Land Manager finds that significant impairment would result from the proposed activities and Department agrees, the Department will not issue a permit for the proposed source.

State effective: 7/1/01; EPA effective: 3/24/2003

340-225-0090 Requirements for Demonstrating a Net Air Quality Benefit

Demonstrations of net air quality benefit for offsets must include the following:

- (1) Ozone areas (VOC and NO_x emissions). For sources capable of impacting a designated ozone nonattainment or maintenance area;
 - (a) Offsets for VOC and NO_x are required if the source will be located within the designated area or within the Ozone Precursor Distance.
 - (b) The amount and location of offsets must be determined in accordance with this subsection:
 - (i) For new or modified sources locating within a designated nonattainment area, the offset ratio is 1.1:1. These offsets must come from within either the same designated nonattainment area as the new or modified source or another ozone nonattainment area (with equal or higher nonattainment classification) that contributes to a violation of the NAAQS in the same designated nonattainment area as the new or modified source.
 - (ii) For new or modified sources locating within a designated maintenance area, the offset ratio is 1.1:1. These offsets may come from within either the designated area or the ozone precursor distance.
 - (iii) For new or modified sources locating outside the designated area, but within the ozone precursor distance, the offset ratio is 1:1. These offsets may come from within either the designated area or the ozone precursor distance.
 - (iv) Offsets from outside the designated area but within the Ozone Precursor Distance must be from sources affecting the designated area in a comparable manner to the proposed emissions increase. Methods for determining offsets are described in the Ozone Precursor Offsets definition (OAR 340-225-0020(11)).
 - (c) In lieu of obtaining offsets, the owner or operator may obtain an allocation at the rate of 1:1 from a growth allowance, if available, in an applicable maintenance plan.
 - (d) Sources within or affecting the Medford Ozone Maintenance Area are exempt from the requirement for NO_x offsets relating to ozone formation.
 - (e) Sources within or affecting the Salem Ozone Nonattainment Area are exempt from the requirement for VOC and NO_x offsets relating to ozone formation.
- (2) Non-Ozone areas (PM₁₀, SO₂, CO, NO_x, and Lead emissions)

- (a) For a source locating within a designated nonattainment area, the owner or operator must:
 - (A) obtain offsets from within the same designated nonattainment area;
 - (B) provide a minimum of 1:1 offsets for emission increases over the Netting Basis;
 - (C) provide a net air quality benefit within the designated nonattainment area. "Net Air Quality Benefit" means a reduction in concentration at a majority of the modeled receptors and less than a significant impact level increase at all modeled receptors;
 - (D) provide offsets sufficient to demonstrate reasonable further progress toward achieving the NAAQS.
- (b) For a source locating outside a designated nonattainment area but causing a significant air quality impact on the area, the owner or operator must provide offsets sufficient to reduce the modeled impacts below the significant air quality impact level (OAR 340-200-0020) at all receptors within the designated nonattainment area. These offsets may come from within or outside the designated nonattainment area.
- (c) For a source locating inside or causing a significant air quality impact on a designated maintenance area, the owner or operator must either provide offsets sufficient to reduce modeled impacts below the significant air quality impact level (OAR 240-200-0020) at all receptors within the designated maintenance area or obtain an allocation from an available growth allowance as allowed by an applicable maintenance plan. These offsets may come from within or outside the designated maintenance area.
 - (A) Medford-Ashland AQMA: Proposed new major PM10 sources or major PM10 modifications locating within the AQMA that are required to provide emission offsets under OAR 340-224-0060(2)(a) must provide reductions in PM10 emissions equal to 1.2 times the emissions increase over the netting basis from the new or modified source, and must provide a net air quality benefit within the AQMA. "Net Air Quality Benefit" means a reduction in concentration at a majority of the modeled receptors and less than a significant impact level increase at all modeled receptors.
 - (B) Medford-Ashland AQMA: Proposed new major PM10 sources or major PM10 modifications located outside the Medford-Ashland AQMA that cause a significant air quality impact on the AQMA must provide reductions in PM10 emissions sufficient to reduce modeled impacts below the significant air quality impact level (OAR 240-200-0020) at all receptors within the AQMA.
- (3) The emission reductions used as offsets must be of the same type of pollutant as the emissions from the new source or modification. Sources of PM10 must be offset with particulate in the same size range.
- (4) The emission reductions used as offsets must be contemporaneous, that is, the reductions must take effect before the time of startup but not more than two years before the submittal of a

complete permit application for the new source or modification. This time limitation may be extended through banking, as provided for in OAR 340 division 268, Emission Reduction Credit Banking. In the case of replacement facilities, the Department may allow simultaneous operation of the old and new facilities during the startup period of the new facility, if net emissions are not increased during that time period. Any emission reductions must be federally enforceable at the time of the issuance of the permit.

- (5) Offsets required under this rule must meet the requirements of Emissions Reduction Credits in OAR 340 division 268.
- (6) Emission reductions used as offsets must be equivalent in terms of short term, seasonal, and yearly time periods to mitigate the effects of the proposed emissions.

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

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; DEQ 8-1988, f. & cert. ef. 5-19-88 (and corrected 5-31-88); DEQ 22-1989, f. & cert. ef. 9-26-89; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0260; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 4-1995, f. & cert. ef. 2-17-95; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1970; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0111; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-224-0090 & 340-240-0260; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 12-2002(Temp), f. & cert. ef. 10-8-02 thru 4-6-03; Administrative correction 11-10-03; DEQ 1-2004, f.& cert. ef. 4-14-04; DEQ 1-2005, f. & cert. ef. 1-4-05

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