

Table 2

EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR)

DIVISION 21

GENERAL EMISSION STANDARDS FOR PARTICULATE MATTER

INDUSTRIAL CONTINGENCY REQUIREMENTS FOR PM-10 NONATTAINMENT AREAS

340-021-200 Purpose

OAR 340-021-200 through 340-021-245 establish contingency control requirements for existing industrial sources in the following PM₁₀ nonattainment areas: Medford-Ashland; Grants Pass; Klamath Falls; La Grande. ~~as required under section 172(c) of the Clean Air Act.~~ These requirements become effective in the PM₁₀ nonattainment area if the area fails to attain the national ambient air quality standard for PM₁₀ by the applicable attainment date in the Clean Air Act.

State effective: 5/1/1995; EPA effective: 11/21/1999; 64 FR 51051

340-021-205 Relation to Other Rules

OAR 340-021-200 through 340-021-245 shall apply in addition to all other rules of the Environmental Quality Commission. The adoption of these rules shall not, in any way, affect the applicability of all other rules of the Environmental Quality Commission and the latter shall remain in full force and effect, except as expressly provided otherwise. In cases of apparent conflict, the most stringent rule shall apply.

State effective: 3/10/1993; EPA effective: 4/28/1997; 62 FR 8385

340-021-210 Applicability

(1) OAR 340-21-200 through 340-21-245 shall apply in a PM₁₀ nonattainment area upon publication by EPA of notice in the Federal Register that the area has failed to attain the national ambient air quality standard for PM₁₀ by the attainment date required in the Clean Air Act.

(2) (a) OAR 340-21-200 through 340-21-245 shall apply to a major source located outside of a PM₁₀ nonattainment area upon a determination by the Department based upon a study conducted under subsection (b) of this section that the source has a significant impact on a PM₁₀ nonattainment area affected under section (1) of this rule.

(b) Upon request of the Department, the owner or operator of any source with the potential to have a significant impact on a PM₁₀ nonattainment area shall conduct, prior to the attainment date

required in the Clean Air Act and in accordance with a study protocol approved by the Department, a receptor and dispersion modeling study of the impact of emissions from the source on the PM₁₀ nonattainment area.

State effective: 3/10/1993; EPA effective: 4/28/1997; 62 FR 8385

340-021-215 Definitions

As used in OAR 340-021-200 through 340-021-245:

(1) “Air Conveying System” means an air moving device, such as a fan or blower, associated ductwork, and a cyclone or other collection device, the purpose of which is to move material from one point to another by entrainment in a moving air stream.

(2) “Charcoal Producing Plant” means an industrial, operation which uses the destructive distillation of wood to obtain the fixed carbon in the wood.

(3) “Collection Efficiency” means the overall performance of the air cleaning device in terms of ratio of weight of material collected to total weight of input to the collector.

(4) “Contingency Requirements” means the requirements of OAR 340-0 21-200 through 340-21-245.

(5) “Design Criteria” means the numerical as well as narrative description of the basis of design including, but not necessarily limited to, design flow rates, temperatures, humidities, descriptions of the types and chemical species of contaminants, uncontrolled and expected controlled mass emission rates and concentrations, scopes of any vendor-supplied and owner-supplied equipment and utilities, and a description of any operational controls.

(6) “EPA” means the United States Environmental Protection Agency.

(7) “Fugitive Emissions” means dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof not easily given to measurement, collection and treatment by conventional pollution control methods.

(8) “General Arrangement” means drawings or reproductions which show, as a minimum, the size and location of the control equipment on a source plot plan, the location of equipment served by the emission-control system, the location and elevation above grade of the ultimate point of contaminant emission to the atmosphere, and the diameter of the emission vent.

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

(10) “Large Sawmill” means a sawmill and/or planning mill which produces 25,000 or more board feet/shift of finished product.

(12) “Major Source” means a stationary source which emits, or has the potential to emit, any pollutant regulated under the Clean Air Act at a Significant Emission Rate (OAR 340-020-225(25)).

(13) “Opacity” means the degree to which an emission reduces transmission of light and obscures the view of an object in the background as measured in accordance with the Department’s Source Sampling Manual.

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

(15) “Particulate Matter” means all solid or liquid material, other than uncombined water, emitted to the ambient air as measured in accordance with the Department Source Sampling Manual. Particulate matter emission determinations shall consist of the average of three separate consecutive runs. For sources tested using DEQ Method 5 or DEQ Method 7, each run shall have a minimum sampling time of one hour, a maximum sampling time of eight hours, and a minimum sampling volume of 31.8 dscf. For sources tested using DEQ Method 8, each run shall have a minimum sampling time of 15 minutes, and shall collect a minimum particulate sample of 100 mg. Wood waste boilers shall be tested with DEQ Method 5; wood particle dryers, fiber dryers and press/cooling vents shall be tested with DEQ Method 7; and air conveying systems shall be tested with DEQ Method 8.

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

(17) “Press/Cooling Vents” means any openings, generally located immediately above the board press or board cooling area, through which particulate and gaseous emissions from panelboard manufacturing (including, but not limited to, particleboard and hardboard) are exhausted, either by natural draft or by powered fan, from the building housing the process.

(18) “Significant Impact” means an annual average impact of 1.0 ug/m³ or 24-hour average impact of 5.0 ug/m³ of PM₁₀ from a source at the point of maximum concentration within a PM₁₀ nonattainment area as computed by a receptor and dispersion model approved by the Department.

(19) “Veneer” means a single flat panel of wood not exceeding 1/4 inch in thickness formed by
State effective: 3/10/1993; EPA effective: 4/28/1997; 62 FR 8385

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(1) “Air Conveying System” means an air moving device, such as a fan or blower, associated ductwork, and a cyclone or other collection device, the purpose of which is to move material from one point to another by entrainment in a moving air stream.

(2) “Charcoal Producing Plant” means an industrial, operation which uses the destructive distillation of wood to obtain the fixed carbon in the wood.

(3) “Collection Efficiency” means the overall performance of the air cleaning device in terms of ratio of weight of material collected to total weight of input to the collector.

(4) “Contingency Requirements” means the requirements of OAR 340-0 21-200 through 340-21-245.

- (5) “Design Criteria” means the numerical as well as narrative description of the basis of design including, but not necessarily limited to, design flow rates, temperatures, humidities, descriptions of the types and chemical species of contaminants, uncontrolled and expected controlled mass emission rates and concentrations, scopes of any vendor-supplied and owner-supplied equipment and utilities, and a description of any operational controls.
- (6) “EPA” means the United States Environmental Protection Agency.
- (7) “Fugitive Emissions” means dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof not easily given to measurement, collection and treatment by conventional pollution control methods.
- (8) “General Arrangement” means drawings or reproductions which show, as a minimum, the size and location of the control equipment on a source plot plan, the location of equipment served by the emission-control system, the location and elevation above grade of the ultimate point of contaminant emission to the atmosphere, and the diameter of the emission vent.
- (9) “Hardboard” means a flat panel made from wood that has been reduced to basic wood fibers and bonded by adhesive properties under pressure.
- (10) “Large Sawmill” means a sawmill and/or planning mill which produces 25,000 or more board feet/shift of finished product.
- (12) “Major Source” means a stationary source which emits, or has the potential to emit, any pollutant regulated under the Clean Air Act at a Significant Emission Rate (OAR 340-020-225(25)).
- (13) “Opacity” means the degree to which an emission reduces transmission of light and obscures the view of an object in the background as measured in accordance with the Department’s Source Sampling Manual.
- (14) “Particleboard” means matformed flat panels consisting of wood particles bonded together with synthetic resin or other suitable binder.
- (15) “Particulate Matter” means all solid or liquid material, other than uncombined water, emitted to the ambient air as measured in accordance with the Department Source Sampling Manual. Particulate matter emission determinations shall consist of the average of three separate consecutive runs. For sources tested using DEQ Method 5 or DEQ Method 7, each run shall have a minimum sampling time of one hour, a maximum sampling time of eight hours, and a minimum sampling volume of 31.8 dscf. For sources tested using DEQ Method 8, each run shall have a minimum sampling time of 15 minutes, and shall collect a minimum particulate sample of 100 mg. Wood waste boilers shall be tested with DEQ Method 5; wood particle dryers, fiber dryers and press/cooling vents shall be tested with DEQ Method 7; and air conveying systems shall be tested with DEQ Method 8.

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

(17) “Press/Cooling Vents” means any openings, generally located immediately above the board press or board cooling area, through which particulate and gaseous emissions from panelboard manufacturing (including, but not limited to, particleboard and hardboard) are exhausted, either by natural draft or by powered fan, from the building housing the process.

(18) “Significant Impact” means an annual average impact of 1.0 ug/m³ or 24-hour average impact of 5.0 ug/m³ of PM₁₀ from a source at the point of maximum concentration within a PM₁₀ nonattainment area as computed by a receptor and dispersion model approved by the Department.

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

State effective: 3/10/1993; EPA effective: 4/28/1997; 62 FR 8385

340-21-220 Compliance Schedule for Existing Sources

(1) Except as provided in sections (2) and (3) of this rule compliance with applicable contingency requirements for a source that is located in an area prior to the date the contingency requirements first apply under OAR 340-21-210 shall be demonstrated as expeditiously as possible, but in no case later than the following schedule:

(a) No later than three months after the date the contingency requirements first apply under OAR 340-21-210 the owner or operator shall submit Design Criteria and a Notice of Intent to Construct for emission control systems for Department review and approval; and if the Department disapproves the Design Criteria, the owner or operator shall revise the Design Criteria to meet the Department’s objections and submit the revised Design Criteria to the Department no later than one month after receiving the Department’s disapproval;

(b) No later than three months after receiving the Department’s approval of the Design Criteria, the owner or operator shall submit to the Department a General Arrangement and copies of purchase orders for any emission-control devices;

(c) No later than eight months after receiving the Department’s approval of the Design Criteria, the owner or operator shall submit to the Department vendor drawings as approved for construction of any emission-control devices and specifications of any other major equipment in the emission control system in sufficient detail to demonstrate that the requirements of the Design Criteria will be satisfied;

(d) No later than nine months after receiving the Department’s approval of the Design Criteria, the owner or operator shall begin construction of any emission-control devices;

(e) No later than sixteen months after receiving the Department’s approval of Design Criteria, the

owner or operator shall complete construction in accordance with the Design Criteria;

(f) No later than thirty months from the date the contingency requirements first apply under OAR 340-21-210 the owner or operator shall demonstrate compliance with the applicable contingency requirements.

(2) Section (1) of this rule shall not apply if the owner or operator has demonstrated within six months after the date the contingency requirements first apply under OAR 340-21-210 that the source is capable of being operated and is operated in continuous compliance with applicable contingency requirements and the Department has agreed with the demonstration in writing. The Department may grant an extension of up to twelve months after the date the contingency requirements first apply under OAR 340-21-210 for a source to demonstrate compliance under this section. The applicable contingency requirements shall be incorporated in the Air Contaminant Discharge Permit issued to the source.

(3) The Department may adjust the schedule specified in paragraphs (a) through (e) of section (1) of this rule if necessary to ensure timely compliance with paragraph (f) of section (1) of this rule.

State effective: 3/10/1993; EPA effective: 4/28/1997; 62 FR 8385

340-021-225 Wood-Waste Boilers

No person shall cause or permit the emission into the atmosphere from any wood-waste boiler that is located on a plant site where the total heat input capacity from all wood-waste boilers is greater than 35 million Btu/hr:

(1) Any air contaminant for a period or periods aggregating more than three minutes in any one hour which is equal to or greater than 10% opacity, unless the permittee demonstrates by source test that the source can comply with the emission limit in section (2) of this rule at higher opacity but in no case shall emissions equal or exceed 20% opacity for more than an aggregate of 3 minutes in any one hour. Specific opacity limits shall be included in the Air Contaminant Discharge Permit for each affected source.

(2) Particulate matter in excess of 0.05 grains per standard cubic foot, corrected to 12% CO₂.

State effective: 3/10/1993; EPA effective: 4/28/1997; 62 FR 8385

340-021-230 Wood Particle Dryers at Particleboard Plants

(1) No person shall cause or permit the total emission of particulate matter from all wood particle dryers at a particleboard plant site to exceed 0.40 pounds per 1,000 square feet of board produced by the plant on a 3/4" basis of finished product equivalent.

(2) No person shall cause or permit the visible emissions from the wood particle dryers at a particleboard plant to exceed 10% opacity, unless the permittee demonstrates by source test that the particleboard matter emission limit in section (1) of this rule can be achieved at higher visible emissions, but in no case shall emissions equal or exceed 20% opacity. Specific opacity limits

shall be included in the Air Contaminant Discharge Permit for each effective source.

State effective: 3/10/1993; EPA effective: 4/28/1997; 62 FR 8385

340-021-235 Hardboard Manufacturing Plants

No person shall cause or permit the total emissions of particulate matter from all sources within a hardboard plant, other than press/cooling vents, in excess of 0.25 pounds per 1,000 square feet of hardboard produced on a 1/8" basis of finished product equivalent.

State effective: 1/29/1996; EPA effective: 4/28/1997; 62 FR 8385

340-021-240 Air Conveying Systems

(1) No person shall cause or permit the emission of particulate matter in excess of 0.1 grains per standard cubic foot from any air conveying system emitting less than or equal to 10 tons of particulate matter to the atmosphere during any 12-month period beginning on or after January 1, 1990.

(2) All air conveying systems emitting greater than 10 tons of particulate matter to the atmosphere during any 12-month period beginning on or after January 1, 1990 shall be equipped with a control system with a collection efficiency of at least 98.5 percent or equivalent control as approved by the Department.

(3) No person shall cause or permit the emission of any air contaminant which is equal to or greater than 5% opacity from any air conveying system subject to section (2) of this rule.

State effective: 3/10/1993; EPA effective: 4/28/1997; 62 FR 8385

340-021-245 Fugitive Emissions

The owner or operator of a large sawmill, any plywood mill or veneer manufacturing plant, particleboard plant, hardboard plant, or charcoal manufacturing plant that is located in an area subject to contingency requirements under OAR 340-021-210 shall comply with OAR 340-030-043.

DIVISION 200

GENERAL AIR POLLUTION PROCEDURES AND DEFINITIONS

340-200-0010 Purpose and Application

(1) This division provides general air pollution procedures and definitions that apply to all air quality rules in divisions 200 through 268.

(2) Divisions 200 through 268 apply in addition to all other rules adopted by the Environmental Quality Commission. In cases of apparent conflict between rules within these divisions, the most stringent rule applies unless otherwise expressly stated.

(3) The Department administers divisions 200 through 268 in all areas of the State of Oregon except in Lane County where Lane Regional Air Protection Agency administers the air pollution control regulations.

State effective: 11/8/2007; EPA effective: 1/26/2012; 76 FR 80747

340-200-0020 General Air Quality Definitions

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

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

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

(3) "Actual emissions" means the mass emissions of a pollutant from an emissions source during a specified time period.

(a) For determining actual emissions as of the baseline period:

(A) Except as provided in paragraphs (B) and (C) of this subsection and subsection (b) of this section, actual emissions equal the average rate at which the source actually emitted the pollutant during an applicable baseline period and that represents normal source operation;

(B) The Department presumes that the source-specific mass emissions limit included in a source's permit that was effective on September 8, 1981 is equivalent to the source's actual emissions during the applicable baseline period if it is within 10% of the actual emissions calculated under paragraph (A) of this subsection.

(C) Actual emissions equal the potential to emit of the source for the sources listed in paragraphs (i) through (iii) of this paragraph. The actual emissions will be reset if required in accordance with subsection (c) of this section.

(i) Any source or part of a source that had not begun normal operations during the applicable baseline period but was approved to construct and operate before or during the baseline period in

accordance with OAR 340 division 210, or

(ii) Any source or part of a source of greenhouse gases that had not begun normal operations prior to January 1, 2010, but was approved to construct and operate prior to January 1, 2011 in accordance with OAR 340 division 210, or

(iii) Any source or part of a source that had not begun normal operations during the applicable baseline period and was not required to obtain approval to construct and operate before or during the applicable baseline period.

(b) For any source or part of a source that had not begun normal operations during the applicable baseline period, but was approved to construct and operate in accordance with OAR 340 division 224, actual emissions on the date the permit is issued equal the potential to emit of the source. The actual emissions will be reset if required in accordance with subsection (c) of this section.

(c) Where actual emissions equal potential to emit under paragraph (a)(C) or subsection (b) of this section, the potential emissions will be reset to actual emissions as follows:

(A) Paragraphs (A) through (D) of this subsection apply to sources whose actual emissions of greenhouse gases were determined pursuant paragraph 3(a)(C), and to all other sources of all other regulated pollutants that are permitted in accordance with OAR division 224 on or after May 1, 2011.

(B) Except as provided in paragraph (D) of this subsection, ten years from the end of the applicable baseline period under paragraph (a)(C) or ten years from the date the permit is issued under subsection (b), or an earlier time if requested by the source in a permit application involving public notice, the Department will reset actual emissions to equal the highest actual emission rate during any consecutive 12-month period during the ten year period or any shorter period if requested by the source.

(C) Any emission reductions achieved due to enforceable permit conditions based on OAR 340-226-0110 and 0120 (highest and best practicable treatment and control) are not included in the reset calculation required in paragraph (B) of this subsection.

(D) The Department may extend the date of resetting by five additional years upon satisfactory demonstration by the source that construction is ongoing or normal operation has not yet been achieved.

(d) For determining actual emissions for Emission Statements under OAR 340-214-0200 through 340-214-0220 and Oregon Title V Operating Permit Fees under OAR 340 division 220, actual emissions include, but are not limited to, routine process emissions, fugitive emissions, excess emissions from maintenance, startups and shutdowns, equipment malfunction, and other activities, except categorically insignificant activities and secondary emissions.

(e) For Oregon Title V Operating Permit Fees under OAR 340 division 220, actual emissions must be directly measured with a continuous monitoring system or calculated using a material balance or verified emission factor determined in accordance with division 220 in combination with the source's actual operating hours, production rates, or types of materials processed, stored, or combusted during the specified time period.

(4) "Adjacent" means interdependent facilities that are nearby to each other.

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

(6) "Affected states" means all states:

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

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

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

(a) One ton for total reduced sulfur, hydrogen sulfide, sulfuric acid mist, any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act, and each criteria pollutant, except lead;

(b) 120 pounds for lead;

(c) 600 pounds for fluoride;

(d) 500 pounds for PM10 in a PM10 nonattainment area;

(e) 500 pounds for direct PM2.5 in a PM2.5 nonattainment area;

(f) The lesser of the amount established in OAR 340-244-0040, Table 1 or 340-244-0230, Table 3, or 1,000 pounds;

(g) An aggregate of 5,000 pounds for all Hazardous Air Pollutants;

(h) 2,756 tons CO₂e for greenhouse gases.

(8) "Air Contaminant" means a dust, fume, gas, mist, odor, smoke, vapor, pollen, soot, carbon, acid or particulate matter, or any combination thereof.

(9) "Air Contaminant Discharge Permit" or "ACDP" means a written permit issued, renewed, amended, or revised by the Department, pursuant to OAR 340 division 216.

(10) "Alternative method" means any method of sampling and analyzing for an air pollutant that is not a reference or equivalent method but has been demonstrated to the Department's satisfaction to, in specific cases, produce results adequate for determination of compliance. An alternative method used to meet an applicable federal requirement for which a reference method is specified must be approved by EPA unless EPA has delegated authority for the approval to the Department.

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

(12) "Applicable requirement" means all of the following as they apply to emissions units in an Oregon Title V Operating Permit program source or ACDP program source, including

requirements that have been promulgated or approved by the EPA through rule making at the time of issuance but have future effective compliance dates:

(a) Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by the EPA through rulemaking under Title I of the Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in 40 CFR Part 52;

(b) Any standard or other requirement adopted under OAR 340-200-0040 of the State of Oregon Clean Air Act Implementation Plan that is more stringent than the federal standard or requirement which has not yet been approved by the EPA, and other state-only enforceable air pollution control requirements;

(c) Any term or condition in an ACDP, OAR 340 division 216, including any term or condition of any preconstruction permits issued pursuant to OAR 340 division 224, New Source Review, until or unless the Department revokes or modifies the term or condition by a permit modification;

(d) Any term or condition in a Notice of Construction and Approval of Plans, OAR 340-210-0205 through 340-210-0240, until or unless the Department revokes or modifies the term or condition by a Notice of Construction and Approval of Plans or a permit modification;

(e) Any term or condition in a Notice of Approval, OAR 340-218-0190, issued before July 1, 2001, until or unless the Department revokes or modifies the term or condition by a Notice of Approval or a permit modification;

(f) Any term or condition of a PSD permit issued by the EPA until or unless the EPA revokes or modifies the term or condition by a permit modification;

(g) Any standard or other requirement under section 111 of the Act, including section 111(d);

(h) Any standard or other requirement under section 112 of the Act, including any requirement concerning accident prevention under section 112(r)(7) of the Act;

(i) Any standard or other requirement of the acid rain program under Title IV of the Act or the regulations promulgated thereunder;

(j) Any requirements established pursuant to section 504(b) or section 114(a)(3) of the Act;

(k) Any standard or other requirement under section 126(a)(1) and (c) of the Act;

(l) Any standard or other requirement governing solid waste incineration, under section 129 of the Act;

(m) Any standard or other requirement for consumer and commercial products, under section 183(e) of the Act;

(n) Any standard or other requirement for tank vessels, under section 183(f) of the Act;

(o) Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under section 328 of the Act;

(p) Any standard or other requirement of the regulations promulgated to protect stratospheric

ozone under Title VI of the Act, unless the Administrator has determined that such requirements need not be contained in an Oregon Title V Operating Permit; and

(q) Any national ambient air quality standard or increment or visibility requirement under part C of Title I of the Act, but only as it would apply to temporary sources permitted pursuant to section 504(e) of the Act.

(13) "Baseline Emission Rate" means the actual emission rate during a baseline period. Baseline emission rate does not include increases due to voluntary fuel switches or increased hours of operation that occurred after that baseline period.

(a) A baseline emission rate will be established only for regulated pollutants subject to OAR 340 division 224 as specified in the definition of regulated pollutant. A baseline emission rate will not be established for PM_{2.5}.

(b) The baseline emission rate for greenhouse gases, on a CO₂e basis, will be established with the first permitting action issued after July 1, 2011, provided the permitting action involved a public notice period that began after July 1, 2011.

(c) For a pollutant that becomes a regulated pollutant subject to OAR 340 division 224 after May 1, 2011, the initial baseline emission rate is the actual emissions of that pollutant during any consecutive 12 month period within the 24 months immediately preceding its designation as a regulated pollutant if a baseline period has not been defined for the pollutant.

(d) The baseline emission rate will be recalculated if actual emissions are reset in accordance with the definition of actual emissions.

(e) Once the baseline emission rate has been established or recalculated in accordance with subsection (d) of this section, the production basis for the baseline emission rate may only be changed if a material mistake or an inaccurate statement was made in establishing the production basis for baseline emission rate.

(14) "Baseline Period" means:

(a) Any consecutive 12 calendar month period during the calendar years 1977 or 1978 for any regulated pollutant other than greenhouse gases. The Department may allow the use of a prior time period upon a determination that it is more representative of normal source operation.

(b) Any consecutive 12 calendar month period during the calendar years 2000 through 2010 for greenhouse gases.

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

be required. Such standard must, to the degree possible, set forth the emission reduction achievable and provide for compliance by prescribing appropriate permit conditions.

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

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

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

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

(20) "Categorically insignificant activity" means any of the following listed pollutant emitting activities principally supporting the source or the major industrial group. Categorically insignificant activities must comply with all applicable requirements.

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

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

(c) Distillate oil, kerosene, and gasoline fuel burning equipment rated at less than or equal to 0.4 million Btu/hr;

(d) Natural gas and propane burning equipment rated at less than or equal to 2.0 million Btu/hr;

(e) Office activities;

(f) Food service activities;

(g) Janitorial activities;

(h) Personal care activities;

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

(j) On-site laundry activities;

(k) On-site recreation facilities;

- (l) Instrument calibration;
- (m) Maintenance and repair shop;
- (n) Automotive repair shops or storage garages;
- (o) Air cooling or ventilating equipment not designed to remove air contaminants generated by or released from associated equipment;
- (p) Refrigeration systems with less than 50 pounds of charge of ozone depleting substances regulated under Title VI, including pressure tanks used in refrigeration systems but excluding any combustion equipment associated with such systems;
- (q) Bench scale laboratory equipment and laboratory equipment used exclusively for chemical and physical analysis, including associated vacuum producing devices but excluding research and development facilities;
- (r) Temporary construction activities;
- (s) Warehouse activities;
- (t) Accidental fires;
- (u) Air vents from air compressors;
- (v) Air purification systems;
- (w) Continuous emissions monitoring vent lines;
- (x) Demineralized water tanks;
- (y) Pre-treatment of municipal water, including use of deionized water purification systems;
- (z) Electrical charging stations;
- (aa) Fire brigade training;
- (bb) Instrument air dryers and distribution;
- (cc) Process raw water filtration systems;
- (dd) Pharmaceutical packaging;
- (ee) Fire suppression;
- (ff) Blueprint making;
- (gg) Routine maintenance, repair, and replacement such as anticipated activities most often associated with and performed during regularly scheduled equipment outages to maintain a plant and its equipment in good operating condition, including but not limited to steam cleaning, abrasive use, and woodworking;

- (hh) Electric motors;
- (ii) Storage tanks, reservoirs, transfer and lubricating equipment used for ASTM grade distillate or residual fuels, lubricants, and hydraulic fluids;
- (jj) On-site storage tanks not subject to any New Source Performance Standards (NSPS), including underground storage tanks (UST), storing gasoline or diesel used exclusively for fueling of the facility's fleet of vehicles;
- (kk) Natural gas, propane, and liquefied petroleum gas (LPG) storage tanks and transfer equipment;
- (ll) Pressurized tanks containing gaseous compounds;
- (mm) Vacuum sheet stacker vents;
- (nn) Emissions from wastewater discharges to publicly owned treatment works (POTW) provided the source is authorized to discharge to the POTW, not including on-site wastewater treatment and/or holding facilities;
- (oo) Log ponds;
- (pp) Storm water settling basins;
- (qq) Fire suppression and training;
- (rr) Paved roads and paved parking lots within an urban growth boundary;
- (ss) Hazardous air pollutant emissions of fugitive dust from paved and unpaved roads except for those sources that have processes or activities that contribute to the deposition and entrainment of hazardous air pollutants from surface soils;
- (tt) Health, safety, and emergency response activities;
- (uu) Emergency generators and pumps used only during loss of primary equipment or utility service due to circumstances beyond the reasonable control of the owner or operator, or to address a power emergency as determined by the Department;
- (vv) Non-contact steam vents and leaks and safety and relief valves for boiler steam distribution systems;
- (ww) Non-contact steam condensate flash tanks;
- (xx) Non-contact steam vents on condensate receivers, deaerators and similar equipment;
- (yy) Boiler blowdown tanks;
- (zz) Industrial cooling towers that do not use chromium-based water treatment chemicals;
- (aaa) Ash piles maintained in a wetted condition and associated handling systems and activities;

- (bbb) Oil/water separators in effluent treatment systems;
- (ccc) Combustion source flame safety purging on startup;
- (ddd) Broke beaters, pulp and repulping tanks, stock chests and pulp handling equipment, excluding thickening equipment and repulpers;
- (eee) Stock cleaning and pressurized pulp washing, excluding open stock washing systems; and
- (fff) White water storage tanks.

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

(22) "CFR" means Code of Federal Regulations.

(23) "Class I area" means any Federal, State or Indian reservation land which is classified or reclassified as Class I area. Class I areas are identified in OAR 340-204-0050.

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

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

(b) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the source to be completed in a reasonable time.

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

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

(27) "Construction":

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

(b) As used in OAR 340 division 224 means any physical change including, but not limited to, fabrication, erection, installation, demolition, or modification of an emissions unit, or change in the method of operation of a source which would result in a change in actual emissions.

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

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

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

(29) "Continuous Monitoring Systems" means sampling and analysis, in a timed sequence, using techniques which will adequately reflect actual emissions or concentrations on a continuing basis in accordance with the Department's Continuous Monitoring Manual, and includes continuous emission monitoring systems, continuous opacity monitoring system (COMS) and continuous parameter monitoring systems.

(30) "Control device" means equipment, other than inherent process equipment that is used to destroy or remove air pollutant(s) prior to discharge to the atmosphere. The types of equipment that may commonly be used as control devices include, but are not limited to, fabric filters, mechanical collectors, electrostatic precipitators, inertial separators, afterburners, thermal or catalytic incinerators, adsorption devices (such as carbon beds), condensers, scrubbers(such as wet collection and gas absorption devices), selective catalytic or non-catalytic reduction systems, flue gas recirculation systems, spray dryers, spray towers, mist eliminators, acid plants, sulfur recovery plants, injection systems (such as water, steam, ammonia, sorbent or limestone injection), and combustion devices independent of the particular process being conducted at an emissions unit(e.g., the destruction of emissions achieved by venting process emission streams to flares, boilers or process heaters). For purposes of OAR 340-212-0200 through 340-212-0280, a control device does not include passive control measures that act to prevent pollutants from forming, such as the use of seals, lids, or roofs to prevent the release of pollutants, use of low-polluting fuel or feedstocks, or the use of combustion or other process design features or characteristics. If an applicable requirement establishes that particular equipment which otherwise meets this definition of a control device does not constitute a control device as applied to a particular pollutant-specific emissions unit, then that definition will be binding for purposes of OAR 340-212-0200 through 340-212-0280.

(31) "Criteria Pollutant" means nitrogen oxides, volatile organic compounds, particulate matter, PM 10, PM2.5, sulfur dioxide, carbon monoxide, or lead.

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

(33) "De minimis emission levels" mean the levels for the pollutants listed in Table 4.

NOTE: De minimis is compared to *all* increases that are not included in the PSEL.

(34) "Department":

(a) Means Department of Environmental Quality; except

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

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

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

(37) "Director" means the Director of the Department or the Director's designee.

(38) "Draft permit" means the version of an Oregon Title V Operating Permit for which the Department or Lane Regional Air Protection Agency offers public participation under OAR 340-218-0210 or the EPA and affected State review under 340-218-0230.

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

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

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

(42) "Emission Estimate Adjustment Factor" or "EEAF" means an adjustment applied to an emission factor to account for the relative inaccuracy of the emission factor.

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

(44)(a) Except as provided in subsection (b) of this section, "Emission Limitation" and "Emission Standard" mean a requirement established by a State, local government, or the EPA which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

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

(45) "Emission Reduction Credit Banking" means to presently reserve, subject to requirements of OAR 340 division 268, Emission Reduction Credits, emission reductions for use by the reserver or

assignee for future compliance with air pollution reduction requirements.

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

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

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

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

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

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

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

(d) Parts and activities cannot be grouped for determining emissions increases from an emissions unit under OAR 340-224-0050 through 340-224-0070, or 340 division 210, or for determining the applicability of any New Source Performance Standard (NSPS).

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

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

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

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

(52) "Excess emissions" means emissions in excess of a permit limit or any applicable air quality rule.

(53) "Excursion" means a departure from an indicator range established for monitoring under OAR

340-212-0200 through 340-212-0280 and 340-218-0050(3)(a), consistent with any averaging period specified for averaging the results of the monitoring.

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

(55) "Federal Major Source" means a source with potential to emit any individual regulated pollutant, excluding hazardous air pollutants listed in OAR 340 division 244, greater than or equal to 100 tons per year if in a source category listed below, or 250 tons per year if not in a source category listed. In addition, for greenhouse gases, a federal major source must also have the potential to emit CO₂e greater than or equal to 100,000 tons per year. The fugitive emissions and insignificant activity emissions of a stationary source are considered in determining whether it is a federal major source. Potential to emit calculations must include emission increases due to a new or modified source and may include emission decreases.

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

(b) Coal cleaning plants with thermal dryers;

(c) Kraft pulp mills;

(d) Portland cement plants;

(e) Primary Zinc Smelters;

(f) Iron and Steel Mill Plants;

(g) Primary aluminum ore reduction plants;

(h) Primary copper smelters;

(i) Municipal Incinerators capable of charging more than 50 tons of refuse per day;

(j) Hydrofluoric acid plants;

(k) Sulfuric acid plants;

(l) Nitric acid plants;

(m) Petroleum Refineries;

(n) Lime plants;

(o) Phosphate rock processing plants;

(p) Coke oven batteries;

(q) Sulfur recovery plants;

(r) Carbon black plants, furnace process;

(s) Primary lead smelters;

- (t) Fuel conversion plants;
- (u) Sintering plants;
- (v) Secondary metal production plants;
- (w) Chemical process plants;
- (x) Fossil fuel fired boilers, or combinations thereof, totaling more than 250 million BTU per hour heat input;
- (y) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (z) Taconite ore processing plants;
- (aa) Glass fiber processing plants;
- (bb) Charcoal production plants,

(56) "Final permit" means the version of an Oregon Title V Operating Permit issued by the Department or Lane Regional Air Protection Agency that has completed all review procedures required by OAR 340-218-0120 through 340-218-0240.

(57) "Form" means a paper or electronic form developed by the Department.

(58) "Fugitive Emissions":

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

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

(59) "General permit":

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

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

(60) "Generic PSEL" means the levels for the pollutants listed in Table 5.

NOTE: Sources are eligible for a generic PSEL if expected emissions are less than or equal to the levels listed in Table 5. Baseline emission rate and netting basis do not apply to pollutants at sources using generic PSELs.

(61)(a) "Greenhouse Gases" or "GHGs" means the aggregate group of six greenhouse gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur

hexafluoride. Each gas is also individually a greenhouse gas.

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

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

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

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

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

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

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

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

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

(67) "Late Payment" means a fee payment which is postmarked after the due date.

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

(69) "Maintenance Area" means a geographical area of the State that was designated as a nonattainment area, redesignated as an attainment area by EPA, and redesignated as a maintenance area by the Environmental Quality Commission in OAR 340, division 204.

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

(71) "Major Modification" means any physical change or change in the method of operation of a source that results in satisfying the requirements of both subsections (a) and (b) of this section, or

of subsection (c) of this section for any regulated air pollutant. Major modifications for ozone precursors or PM_{2.5} precursors also constitute major modifications for ozone and PM_{2.5}, respectively.

(a) Except as provided in subsection (d) of this section, a PSEL that exceeds the netting basis by an amount that is equal to or greater than the significant emission rate.

(b) The accumulation of emission increases due to physical changes and changes in the method of operation as determined in accordance with paragraphs (A) and (B) of this subsection is equal to or greater than the significant emission rate.

(A) Calculations of emission increases in subsection (b) of this section must account for all accumulated increases in actual emissions due to physical changes and changes in the method of operation occurring at the source since the applicable baseline period, or since the time of the last construction approval issued for the source pursuant to the New Source Review Regulations in OAR 340 division 224 for that pollutant, whichever time is more recent. These include fugitive emissions and emissions from insignificant activities.

(B) Emission increases due solely to increased use of equipment or facilities that existed or were permitted or approved to construct in accordance with OAR 340 division 210 during the applicable baseline period are not included, except if the increased use is to support a physical change or change in the method of operation.

(c) Any change at a source, including production increases, that would result in a Plant Site Emission Limit increase of 1 ton or more for any regulated pollutant for which the source is a major source in nonattainment or maintenance areas or a federal major source in attainment or unclassified areas, if the source obtained permits to construct and operate after the applicable baseline period but has not undergone New Source Review.

(A) Subsection (c) of this section does not apply to PM_{2.5} and greenhouse gases.

(B) Changes to the PSEL solely due to the availability of better emissions information are exempt from being considered an increase.

(d) If a portion of the netting basis or PSEL (or both) was set based on PTE because the source had not begun normal operations but was permitted or approved to construct and operate, that portion of the netting basis or PSEL (or both) must be excluded from the tests in subsections (a) and (b) of this section until the netting basis is reset as specified in the definitions of baseline emission rate and netting basis.

(e) The following are not considered major modifications:

(A) Except as provided in subsection (c) of this section, proposed increases in hours of operation or production rates that would cause emission increases above the levels allowed in a permit and would not involve a physical change or change in method of operation in the source;

(B) Routine maintenance, repair, and replacement of components;

(C) Temporary equipment installed for maintenance of the permanent equipment if the temporary equipment is in place for less than six months and operated within the permanent equipment's existing PSEL;

(D) Use of alternate fuel or raw materials, that were available and the source was capable of accommodating in the baseline period.

(72) "Major Source":

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

(b) As used in OAR 340 division 210, Stationary Source Notification Requirements, OAR 340 division 218, rules applicable to sources required to have Oregon Title V Operating Permits, OAR 340 division 220, Oregon Title V Operating Permit Fees, and 340-216-0066 Standard ACDPs, means any stationary source (or any group of stationary sources that are located on one or more contiguous or adjacent properties and are under common control of the same person (or persons under common control)) belonging to a single major industrial grouping or supporting the major industrial group and that is described in paragraphs (A), (B), (C) or (D) of this subsection. For the purposes of this subsection, a stationary source or group of stationary sources is considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual (U.S. Office of Management and Budget, 1987) or support the major industrial group.

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

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

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

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

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

(ii) Kraft pulp mills;

(iii) Portland cement plants;

- (iv) Primary zinc smelters;
- (v) Iron and steel mills;
- (vi) Primary aluminum ore reduction plants;
- (vii) Primary copper smelters;
- (viii) Municipal incinerators capable of charging more than 50 tons of refuse per day;
- (ix) Hydrofluoric, sulfuric, or nitric acid plants;
- (x) Petroleum refineries;
- (xi) Lime plants;
- (xii) Phosphate rock processing plants;
- (xiii) Coke oven batteries;
- (xiv) Sulfur recovery plants;
- (xv) Carbon black plants (furnace process);
- (xvi) Primary lead smelters;
- (xvii) Fuel conversion plants;
- (xviii) Sintering plants;
- (xix) Secondary metal production plants;
- (xx) Chemical process plants;
- (xxi) Fossil-fuel boilers, or combination thereof, totaling more than 250 million British thermal units per hour heat input;
- (xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (xxiii) Taconite ore processing plants;
- (xxiv) Glass fiber processing plants;
- (xxv) Charcoal production plants;
- (xxvi) Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or
- (xxvii) Any other stationary source category, that as of August 7, 1980 is being regulated under section 111 or 112 of the Act.

(C) Beginning July 1, 2011, a major stationary source of air pollutants, as defined by Section 302

of the Act, that directly emits or has the potential to emit 100 tpy or more of greenhouse gases and directly emits or has the potential to emit 100,000 tpy or more CO₂e, including fugitive emissions.

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

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

(ii) For ozone transport regions established pursuant to section 184 of the Act, sources with the potential to emit 50 tpy or more of VOCs;

(iii) For carbon monoxide nonattainment areas:

(I) That are classified as "serious"; and

(II) In which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator, sources with the potential to emit 50 tpy or more of carbon monoxide.

(iv) For particulate matter (PM₁₀) nonattainment areas classified as "serious," sources with the potential to emit 70tpy or more of PM₁₀.

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

(74) "Modification," except as used in the term "major modification," means any physical change to, or change in the method of operation of, a stationary source that results in an increase in the stationary source's potential to emit any regulated air pollutant on an hourly basis. Modifications do not include the following:

(a) Increases in hours of operation or production rates that do not involve a physical change or change in the method of operation;

(b) Changes in the method of operation due to using an alternative fuel or raw material that the stationary source was physically capable of accommodating during the baseline period; and

(c) Routine maintenance, repair and like-for-like replacement of components unless they increase the expected life of the stationary source by using component upgrades that would not otherwise be necessary for the stationary source to function.

(75) "Monitoring" means any form of collecting data on a routine basis to determine or otherwise assess compliance with emission limitations or standards. Monitoring may include record keeping if the records are used to determine or assess compliance with an emission limitation or standard (such as records of raw material content and usage, .or records documenting compliance with work practice requirements). Monitoring may include conducting compliance method tests, such as the procedures in appendix A to 40 CFR part 60, on a routine periodic basis. Requirements to conduct

such tests on a onetime basis, or at such times as a regulatory authority may require on a non-regular basis, are not considered monitoring requirements for purposes of this definition. Monitoring may include one or more than one of the following data collection techniques as appropriate for a particular circumstance:

- (a) Continuous emission or opacity monitoring systems.
- (b) Continuous process, capture system, control device or other relevant parameter monitoring systems or procedures, including a predictive emission monitoring system.
- (c) Emission estimation and calculation procedures (e.g., mass balance or stoichiometric calculations).
- (d) Maintaining and analyzing records of fuel or raw materials usage.
- (e) Recording results of a program or protocol to conduct specific operation and maintenance procedures.
- (f) Verifying emissions, process parameters, capture system parameters, or control device parameters using portable or in situ measurement devices.
- (g) Visible emission observations and recording.
- (h) Any other form of measuring, recording, or verifying on a routine basis emissions, process parameters, capture system parameters, control device parameters or other factors relevant to assessing compliance with emission limitations or standards.

(76) "Netting Basis" means the baseline emission rate MINUS any emission reductions required by rule, orders, or permit conditions required by the SIP or used to avoid SIP requirements, MINUS any unassigned emissions that are reduced from allowable under OAR 340-222-0045, MINUS any emission reduction credits transferred off site, PLUS any emission increases approved through the New Source Review regulations in OAR 340 division 224 MINUS any emissions reductions required by subsection(g) of this section.

(a) A netting basis will only be established for regulated pollutants subject to OAR 340 division 224 as specified in the definition of regulated pollutant.

(b) The initial PM_{2.5} netting basis and PSEL for a source that was permitted prior to May 1, 2011 will be established with the first permitting action issued after July 1, 2011, provided the permitting action involved a public notice period that began after July 1, 2011.

(A) The initial netting basis is the PM_{2.5} fraction of the PM₁₀ netting basis in effect on May 1, 2011. DEQ may increase the initial PM_{2.5} netting basis by up to 5 tons if necessary to avoid exceedance of the PM_{2.5} significant emission rate as of May 1, 2011.

(B) Notwithstanding OAR 340-222-0041(2), the initial source specific PSEL for a source with PTE greater than or equal to the SER will be set equal to the PM_{2.5} fraction of the PM₁₀ PSEL.

(c) The initial greenhouse gas netting basis and PSEL for a source will be established with the first permitting action issued after July 1, 2011, provided the permitting action involved a public notice period that began after July 1, 2011.

(d) Netting basis is zero for:

(A) Any regulated pollutant emitted from a source that first obtained permits to construct and operate after the applicable baseline period for that regulated pollutant, and has not undergone New Source Review for that pollutant;

(B) Any pollutant that has a generic PSEL in a permit;

(C) Any source permitted as portable; or

(D) Any source with a netting basis calculation resulting in a negative number.

(e) If a source relocates to an adjacent site, and the time between operation at the old and new sites is less than six months, the source may retain the netting basis from the old site.

(f) Emission reductions required by rule, order, or permit condition affect the netting basis if the source currently has devices or emissions units that are subject to the rules, order, or permit condition. The baseline emission rate is not affected. The netting basis reduction will be effective on the effective date of the rule, order, or permit condition requiring the reduction. The PSEL reduction will be effective on the compliance date of the rule, order, or permit condition.

(g) For permits issued after May 1, 2011 under New Source Review regulations in OAR 340 division 224, and where the netting basis initially equaled the potential to emit for a new or modified source, the netting basis will be reduced in accordance with the definition of actual emissions. Notwithstanding OAR 340-222-0041(2), this adjustment does not require a reduction in the PSEL.

(h) Emission reductions required by rule do not include emissions reductions achieved under OAR 340-226-0110 and 0120.

(i) Netting basis for a pollutant with a revised definition will be adjusted if the source is emitting the pollutant at the time of redefining and the pollutant is included in the permit's netting basis.

(j) Where EPA requires an attainment demonstration based on dispersion modeling, the netting basis will be established at no more than the level used in the dispersion modeling to demonstrate attainment with the ambient air quality standard (i.e., the attainment demonstration is an emission reduction required by rule).

(77) "Nitrogen Oxides" or "NO_x" means all oxides of nitrogen except nitrous oxide.

(78) "Nonattainment Area" means a geographical area of the State, as designated by the Environmental Quality Commission or the EPA, that exceeds any state or federal primary or secondary ambient air quality standard.

(79) "Nonattainment Pollutant" means a pollutant for which an area is designated a nonattainment area.

(80) "Normal Source Operation" means operations which do not include such conditions as forced fuel substitution, equipment malfunction, or highly abnormal market conditions.

(81) "Offset" means an equivalent or greater emission reduction that is required before allowing an emission increase from a proposed major source or major modification of an existing source.

(82) "Opacity" means the degree to which an emission reduces transmission of light and obscures the view of an object in the background as measured in accordance with OAR 340-212-0120 and 212-0140. Unless otherwise specified by rule, opacity shall be measured in accordance with EPA Method 9 or a continuous opacity monitoring system (COMS) installed and operated in accordance with the Department's Continuous Monitoring Manual. For all standards, the minimum observation period shall be six minutes, though longer periods may be required by a specific rule or permit condition. Aggregate times (e.g. 3 minutes in any one hour) consist of the total duration of all readings during the observation period that equal or exceed the opacity percentage in the standard, whether or not the readings are consecutive.

(83) "Oregon Title V Operating Permit" means any permit covering an Oregon Title V Operating Permit source that is issued, renewed, amended, or revised pursuant to division 218.

(84) "Oregon Title V Operating Permit program" means a program approved by the Administrator under 40 CFR Part 70.

(85) "Oregon Title V Operating Permit program source" means any source subject to the permitting requirements, OAR 340 division 218.

(86) "Ozone Precursor" means nitrogen oxides and volatile organic compounds as measured by an applicable reference method in accordance with the Department's Source Sampling Manual (January, 1992) or as measured by an EPA reference method in 40 CFR Part 60, appendix A or as measured by a material balance calculation for VOC as appropriate.

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

(88) "Particulate Matter" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air. When used in emission standards, particulate matter is defined by the method specified within the standard or by an applicable reference method in accordance with OAR 340-212-0120 and 340-212-0140. Unless otherwise specified, sources with exhaust gases at or near ambient conditions may be tested with DEQ Method 5 or DEQ Method 8, as approved by the Department. Direct heat transfer sources shall be tested with DEQ Method 7; indirect heat transfer combustion sources and all other non-fugitive emissions sources not listed above shall be tested with DEQ Method 5.

(89) "Permit" means an Air Contaminant Discharge Permit or an Oregon Title V Operating Permit.

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

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

(92) "Permitted Emissions" as used in OAR division 220 means each regulated pollutant portion of the PSEL, as identified in an ACDP, Oregon Title V Operating Permit, review report, or by the Department pursuant to OAR 340-220-0090.

(93) "Permittee" means the owner or operator of the facility, authorized by the ACDP or the Oregon Title V Operating Permit to operate the source.

(94) "Person" means individuals, corporations, associations, firms, partnerships, joint stock

companies, public and municipal corporations, political subdivisions, the State of Oregon and any agencies thereof, and the federal government and any agencies thereof.

(95) "Plant Site Emission Limit" or "PSEL" means the total mass emissions per unit time of an individual air pollutant specified in a permit for a source. The PSEL for a major source may consist of more than one permitted emission.

(96) "PM10":

(a) When used in the context of emissions, means finely divided solid or liquid material, including condensable particulate, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal 10 micrometers, emitted to the ambient air as measured by an applicable reference method in accordance with the Department's Source Sampling Manual(January, 1992);

(b) When used in the context of ambient concentration, means airborne finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured in accordance with 40 CFR Part 50, Appendix J.

(97) "PM2.5":

(a) When used in the context of direct PM2.5 emissions, means finely divided solid or liquid material, including condensable particulate, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers, emitted to the ambient air as measured-by EPA reference methods 201A and 202 in 40 CFR Part 51, appendix M.

(b) When used in the context of PM2.5 precursor emissions, means sulfur dioxide (SO₂) and nitrogen oxides (NO_x) emitted to the ambient air as measured by EPA reference methods in 40 CFR Part 60, appendix A.

(c) When used in the context of ambient concentration, means particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method based on 40 CFR Part 50, Appendix L, or an equivalent method designated in accordance with 40 CFR Part 53.

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

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

(100) "Potential to emit" or "PTE" means the lesser of:

(a) The capacity of a stationary source; or

(b) The maximum allowable emissions taking into consideration any physical or operational limitation, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, if the limitation is enforceable by the Administrator.

(c) This definition does not alter or affect the use of this term for any other purposes under the Act or the term "capacity factor" as used in Title IV of the Act and the regulations promulgated thereunder. Secondary emissions are not considered in determining the potential to emit.

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

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

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

(104) "Reference method" means any method of sampling and analyzing for an air pollutant as specified in 40 CFR Part 52, 60, 61 or 63.

(105) "Regional Agency" means Lane Regional Air Protection Agency.

(106) "Regulated air pollutant" or "Regulated Pollutant":

(a) Except as provided in subsections (b) and (c) of this section, means:

(A) Nitrogen oxides or any VOCs;

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

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

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

(E) Any pollutant listed under OAR 340-244-0040 or 340-244-0230; and

(F) Greenhouse Gases.

(b) As used in OAR 340 division 220, regulated pollutant means particulates, volatile organic compounds, oxides of nitrogen and sulfur dioxide. .

(c) As used in OAR 340 division 224, regulated pollutant does not include any pollutant listed in divisions 244 and 246, unless the pollutant is listed in OAR 340 division 200 Table 2 (significant emission rates).

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

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

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

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

(B) The delegation of authority to such representative is approved in advance by the Department or Lane Regional Air Protection Agency.

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

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

(d) For affected sources:

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

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

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

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

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

(110) "Section 111" means section 111 of the FCAA which includes Standards of Performance for New Stationary Sources (NSPS).

(111) "Section 111 (d)" means subsection 111 (d) of the FCAA which requires states to submit to the EPA plans that establish standards of performance for existing sources and provides for implementing and enforcing such standards.

(112) "Section 112" means section 112 of the FCAA which contains regulations for Hazardous Air Pollutants (HAP).

(113) "Section 112(b)" means subsection 112(b) of the FCAA which includes the list of hazardous air pollutants to be regulated.

(114) "Section 112(d)" means subsection 112(d) of the FCAA which directs the EPA to establish emission standards for sources of hazardous air pollutants. This section also defines the criteria to be used by the EPA when establishing the emission standards.

(115) "Section 112(e)" means subsection 112(e) of the FCAA which directs the EPA to establish and promulgate emissions standards for categories and subcategories of sources that emit hazardous air pollutants.

(116) "Section 112(r)(7)" means subsection 112(r)(7) of the FCAA which requires the EPA to promulgate regulations for the prevention of accidental releases and requires owners or operators to prepare risk management plans.

(117) "Section 114(a)(3)" means subsection 114(a)(3) of the FCAA which requires enhanced monitoring and submission of compliance certifications for major sources.

(118) "Section 129" means section 129 of the FCAA which requires the EPA to establish emission standards and other requirements for solid waste incineration units.

(119) "Section 129(e)" means subsection 129(e) of the FCAA which requires solid waste incineration units to obtain Oregon Title V Operating Permits.

(120) "Section 182(f)" means subsection 182(f) of the FCAA which requires states to include plan provisions in the State Implementation Plan for NO_x in ozone nonattainment areas.

(121) "Section 182(f)(1)" means subsection 182(f)(1) of the FCAA which requires states to apply those plan provisions developed for major VOC sources and major NO_x sources in ozone nonattainment areas.

(122) "Section 183(e)" means subsection 183(e) of the FCAA which requires the EPA to study and develop regulations for the control of certain VOC sources under federal ozone measures.

(123) "Section 183(f)" means subsection 182(f) of the FCAA which requires the EPA to develop regulations pertaining to tank vessels under federal ozone measures.

(124) "Section 184" means section 184 of the FCAA which contains regulations for the control of interstate ozone air pollution.

(125) "Section 302" means section 302 of the FCAA which contains definitions for general and administrative purposes in the Act.

(126) "Section 302(j)" means subsection 302(j) of the FCAA which contains definitions of "major stationary source" and "major emitting facility."

(127) "Section 328" means section 328 of the FCAA which contains regulations for air pollution from outer continental shelf activities.

(128) "Section 408(a)" means subsection 408(a) of the FCAA which contains regulations for the Title IV permit program.

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

(a) Would violate applicable requirements;

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

(c) Is a Title I modification.

(130) "Section 504(b)" means subsection 504(b) of the FCAA which states that the EPA can

prescribe
by rule procedures and methods for determining compliance and for monitoring.

(131) "Section 504(e)" means subsection 504(e) of the FCAA which contains regulations for permit requirements for temporary sources.

(132) "Significant Air Quality Impact" means an additional ambient air quality concentration equal to or greater than in the concentrations listed in Table 1. The threshold concentrations listed in Table 1 are used for comparison against the ambient air quality standard and do not apply for protecting PSD Class I increments or air quality related values (including visibility). For sources of VOC or NO_x, a major source or major modification has a significant impact if it is located within the Ozone Precursor Distance defined in OAR 340-225-0020.

(133) "Significant Emission Rate" or "SER," except as provided in subsections (a) through (c) of this section, means an emission rate equal to or greater than the rates specified in Table 2.

(a) For the Medford-Ashland Air Quality Maintenance Area, the Significant Emission Rate for PM₁₀ is defined in Table 3.

(b) For regulated air pollutants not listed in Table 2 or 3, the significant emission rate is zero unless the Department determines the rate that constitutes a significant emission rate.

(c) Any new source or modification with an emissions increase less than the rates specified in Table 2 or 3 associated with a new source or modification which would construct within 10 kilometers of a Class I area, and would have an impact on such area equal to or greater than 1 µg/m³ (24 hour average) is emitting at a significant emission rate. This provision does not apply to greenhouse gas emissions.

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

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

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

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

(c) A recycling project;

(d) An alternative fuel project;

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

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

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

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

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

(137) "Source category":

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

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

(138) "Source Test" means the average of at least three test runs conducted in accordance with the Department's Source Sampling Manual.

(139) "Startup" and "shutdown" means that time during which an air contaminant source or emission control equipment is brought into normal operation or normal operation is terminated, respectively.

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

(141) "Stationary source" means any building, structure, facility, or installation at a source that emits or may emit any regulated air pollutant.

(142) "Substantial Underpayment" means the lesser often percent (10%) of the total interim emission fee for the major source or five hundred dollars.

(143) "Synthetic minor source" means a source that would be classified as a major source under

OAR 340-200-0020, but for limits on its potential to emit air pollutants contained in a permit issued by the Department under OAR 340 division 216 or 218.

(144) "Title I modification" means one of the following modifications pursuant to Title I of the FCAA:

- (a) A major modification subject to OAR 340-224-0050, Requirements for Sources in Nonattainment Areas;
- (b) A major modification subject to OAR 340-224-0060, Requirements for Sources in Maintenance Areas;
- (c) A major modification subject to OAR 340-224-0070, Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas;
- (d) A modification that is subject to a New Source Performance Standard under Section 111 of the FCAA; or
- (e) A modification under Section 112 of the FCAA.

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

(146) "Typically Achievable Control Technology" or "TACT" means the emission limit established on a case-by-case basis for a criteria pollutant from a particular emissions unit in accordance with OAR 340- 226-0130. For existing sources, the emission limit established will be typical of the emission level achieved by emissions units similar in type and size. For new and modified sources, the emission limit established will be typical of the emission level achieved by well controlled new or modified emissions units similar in type and size that were recently installed. TACT determinations will be based on information known to the Department while considering pollution prevention, impacts on other environmental media, energy impacts, capital and operating costs, cost effectiveness, and the age and remaining economic life of existing emission control equipment. The Department may consider emission control technologies typically applied to other types of emissions units where such technologies could be readily applied to the emissions unit. If an emission limitation is not feasible, a design, equipment, work practice, operational standard, or combination thereof, may be required.

(147) "Unassigned Emissions" means the amount of emissions that are in excess of the PSEL but less than the Netting Basis.

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

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

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

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

(a) This includes any such organic compound except the following, which have been determined to have negligible photochemical reactivity in the formation of tropospheric ozone: methane; ethane; methylene chloride(dichloromethane); dimethyl carbonate, propylene carbonate, 1,1,1-trichloroethane(methyl chloroform); 1,1,2-trichloro-1,2,2-trifluoroethane(CFC-113); trichlorofluoromethane(CFC-11); dichlorodifluoromethane(CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane(HFC-23); 1,2-dichloro-1,1, 2,2-tetrafluoroethane(CFC-114); chloropentafluoroethane(CFC-115); 1,1,1-trifluoro 2,2-dichloroethane(HCFC-123); 1,1,1,2-tetrafluoroethane(HFC-134a); 1,1-dichloro 1-fluoroethane(HCFC-141b); 1-chloro 1,1-difluoroethane(HCFC-142b); 2-chloro-1,1,1,2-tetrafluoroethane(HCFC-124); pentafluoroethane(HFC-125); 1,1 ,2,2-tetrafluoroethane(HFC-134); 1,1,1-trifluoroethane(HFC-143a); 1,1-difluoroethane(HFC-152a); parachlorobenzotrifluoride(PCBTF); cyclic, branched, or linear completely methylated siloxanes; acetone; perchloroethylene(tetrachloroethylene); 3,3-dichloro-1,1,1,2,2-pentafluoropropane(HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane HFC 43-10mee); difluoromethane(HFC-32); ethylfluoride(HFC-161); 1,1,1,3,3,3-hexafluoropropane(HFC-236fa); 1,1,2,2,3-pentafluoropropane(HFC-245ca); 1,1,2,3,3-pentafluoropropane(HFC-245ea); 1,1,1,2,3-pentafluoropropane(HFC-245eb); 1,1,1,3,3-pentafluoropropane(HFC-245fa); 1,1,1,2,3,3-hexafluoropropane(HFC-23 6ea); 1,1,1,3,3-pentafluorobutane(HFC-365mfc); chlorofluoromethane (HCFC-31); 1 chloro-1-fluoroethane(HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane(HCFC-123a); 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxybutane(C4F9OCH3 or HFE-7100); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane((CF3)2CFCF2OCH3); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane(C4F9OC2H5 or HFE-7200); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2CFCF2OC2H5); methyl acetate; 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane(n-C3F7OCH3, HFE-7000); 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane(HFE-7500); 1,1,1,2,3,3,3-heptafluoropropane(HFC 227ea); methyl formate(HCOOCH3); (1) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane(HFE-7300); and perfluorocarbon compounds that fall into these classes:

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

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

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

(D) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

(b) For purposes of determining compliance with emissions limits, VOC will be measured by an applicable reference method in accordance with the Department's Source Sampling Manual, January, 1992. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and the Department approves the exclusion.

(c) The Department may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the Department's satisfaction, the amount of negligibly-reactive compounds in the source's emissions.

(d) The following compound(s) are VOC for purposes of all recordkeeping, emissions reporting,

photochemical dispersion modeling and inventory requirements which apply to VOC and must be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate.

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

State effective: 5/17/2012; EPA effective: 7/22/2013; 78 FR 37124

TABLE 1 OAR 340-200-0020 SIGNIFICANT IMPACT LEVELS				
Pollutant	Averaging Time	Air Quality Area Designation		
		Class I	Class II	Class III
SO ₂ (µg/m ³)*	Annual	0.10	1.0	1.0
	24-hour	0.20	5.0	5.0
	3-hour	1.0	25.0	25.0
PM ₁₀ (µg/m ³)	Annual	0.20	0.2	0.2
	24-hour	0.30	1.0	1.0
PM _{2.5} (µg/m ³)	Annual	0.06	0.3	0.3
	24-hour	0.07	1.2	1.2
NO ₂ (µg/m ³)	Annual	0.10	1.0	1.0
CO (mg/m ³)**	8 hour	---	0.5	0.5
	1-hour	---	2.0	2.0
* micrograms/cubic meter				
** milligrams/cubic meter				

State effective: 5/17/2012; EPA effective: 7/22/2013; 78 FR 37124

Table 2 OAR 340-200-0020 SIGNIFICANT EMISSION RATES	
<i>Pollutant</i>	<i>Emission Rate</i>
Greenhouse Gases (CO ₂ e)	75,000 tons/year
Carbon Monoxide	100 tons/year
Nitrogen Oxides (NO _x)	40 tons/year
Particulate Matter	25 tons/year
PM ₁₀	15 tons/year
Direct PM _{2.5}	10 tons/year
PM _{2.5} precursors (SO ₂ or NO _x)	40 tons/year

Sulfur Dioxide (SO ₂)	40 tons/year
Volatile Organic Compounds (VOC)	40 tons/year
Ozone precursors (VOC or NO _x)	40 tons/year
Lead	0.6 ton/year
Fluorides	3 tons/year
Sulfuric Acid Mist	7 tons/year
Hydrogen Sulfide	10 tons/year
Total Reduced Sulfur (including hydrogen sulfide)	10 tons/year
Reduced sulfur compounds (including hydrogen sulfide)	10 tons/year
Municipal waste combustor organics (measured as total tetra- through octa- chlorinated dibenzo-p-dioxins and dibenzofurans)	0.0000035 ton/year
Municipal waste combustor metals (measured as particulate matter)	15 tons/year
Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride)	40 tons/year
Municipal solid waste landfill emissions (measured as nonmethane organic compounds)	50 tons/year

State effective: 5/17/2012; EPA effective: 7/22/2013; 78 FR 37124

Table 3 OAR 340-200-0020 SIGNIFICANT EMISSION RATES FOR THE MEDFORD-ASHLAND AIR QUALITY MAINTENANCE AREA		
<i>Air Contaminant</i>	<i>Emission Rate</i>	
	<i>Annual</i>	<i>Day</i>
PM ₁₀	(5.0 tons)	(50.0 lbs.)

State effective: 5/17/2012; EPA effective: 7/22/2013; 78 FR 37124

TABLE 4 OAR 340-200-0020(31) De Minimis Emission Levels
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Pollutant	De minimis (tons/year, except as noted)
Greenhouse Gases (CO ₂ e)	2,756
CO	1
NO _x	1
SO ₂	1
VOC	1
PM	1
PM ₁₀ (except Medford AQMA)	1
PM ₁₀ /PM _{2.5} (Medford AQMA)	0.5 [5.0 lbs/day]
Direct PM _{2.5}	1
Lead	0.1
Fluorides	0.3
Sulfuric Acid Mist	0.7
Hydrogen Sulfide	1
Total Reduced Sulfur (including hydrogen sulfide)	1
Reduced Sulfur	1
Municipal waste combustor organics (Dioxin and furans)	0.0000005
Municipal waste combustor metals	1
Municipal waste combustor acid gases	1
Municipal solid waste landfill gases	1
Single HAP	1
Combined HAP (aggregate)	1

State effective: 5/17/2012; EPA effective: 7/22/2013; 78 FR 37124

<p>TABLE 5 OAR 340-200-0020(56) Generic PSELs</p>
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Pollutant	Generic PSEL (tons/year, except as noted)
Greenhouse Gases (CO ₂ e)	74,000
CO	99
NO _x	39
SO ₂	39
VOC	39
PM	24
PM ₁₀ (except Medford AQMA)	14
PM ₁₀ /PM _{2.5} (Medford AQMA)	4.5 [49 lbs/day]
PM _{2.5}	9
Lead	0.5
Fluorides	2
Sulfuric Acid Mist	6
Hydrogen Sulfide	9
Total Reduced Sulfur (including hydrogen sulfide)	9
Reduced Sulfur	9
Municipal waste combustor organics (Dioxin and furans)	0.0000030
Municipal waste combustor metals	14
Municipal waste combustor acid gases	39
Municipal solid waste landfill gases	49
Single HAP	9
Combined HAPs (aggregate)	24

State effective: 5/17/2012; EPA effective: 7/22/2013; 78 FR 37124

340-200-0025 Abbreviations and Acronyms

- (1) "ACDP" means Air Contaminant Discharge Permit.
- (2) "ACT" means Federal Clean Air Act.
- (3) "AE" means Actual Emissions.
- (4) "AICPA" means Association of Independent Certified Public Accountants.
- (5) "AQCR" means Air Quality Control Region.

- (6) "AQMA" means Air Quality Maintenance Area.
- (7) "ASME" means American Society of Mechanical Engineers.
- (8) "ASTM" means American Society for Testing & Materials.
- (9) "ATETP" means Automotive Technician Emission Training Program.
- (10) "AWD" means all wheel drive.
- (11) "BACT" means Best Available Control Technology.
- (12) "BLS" means black liquor solids.
- (13) "CAA" means Clean Air Act.
- (14) "CAR" means control area responsible party.
- (15) "CBD" means central business district.
- (16) "CCTMP" means Central City Transportation Management Plan.
- (17) "CEM" means continuous emissions monitoring.
- (18) "CEMS" means continuous emission monitoring system.
- (19) "CERCLA" means Comprehensive Environmental Response Compensation and Liability Act.
- (20) "CFRMS" means continuous flow rate monitoring system.
- (21) "CFR" means Code of Federal Regulations.
- (22) "CMS" means continuous monitoring system.
- (23) "CO" means carbon monoxide.
- (24) "CO_{2e}" means carbon dioxide equivalent.
- (25) "COMS" means continuous opacity monitoring system.
- (26) "CPMS" means continuous parameter monitoring system.
- (27) "DEQ" means Department of Environmental Quality.
- (28) "DOD" means Department of Defense.
- (29) "EA" means environmental assessment.
- (30) "ECO" means employee commute options.
- (31) "EEAF" means emissions estimate adjustment factor.
- (32) "EF" means emission factor.
- (33) "EGR" means exhaust gas re-circulation.
- (34) "EIS" means Environmental Impact Statement
- (35) "EPA" means Environmental Protection Agency.
- (36) "EQC" means Environmental Quality Commission.
- (37) "ESP" means electrostatic precipitator.
- (38) "FCAA" means Federal Clean Air Act.
- (39) "FHWA" means Federal Highway Administration.
- (40) "FONSI" means finding of no significant impact.
- (41) "FTA" means Federal Transit Administration.
- (42) "GFA" means gross floor area.
- (43) "GHG" means greenhouse gases.
- (44) "GLA" means gross leasable area.
- (45) "GPM" means grams per mile.
- (46) "GR/DSCF" means grains per dry standard cubic foot.
- (47) "GTBA" means grade tertiary butyl alcohol.
- (48) "GVWR" means gross vehicle weight rating.
- (49) "HAP" means hazardous air pollutant.
- (50) "HEPA" means high efficiency particulate air.
- (51) "HMIWI" means hospital medical infectious waste incinerator.
- (52) "I/M" means inspection and maintenance program.
- (53) "IG" means inspection grade.
- (54) "IRS" means Internal Revenue Service.
- (55) "ISECP" means indirect source emission control program.
- (56) "ISTEA" means Intermodal Surface Transportation Efficiency Act.
- (57) "LAER" means Lowest Achievable Emission Rate.
- (58) "LDT2" means light duty truck 2.
- (59) "LIDAR" means laser radar; light detection and ranging.
- (60) "LPG" means liquefied petroleum gas.

- (61) "LRAPA" means Lane Regional Air Pollution Authority.
- (62) "LUCS" means Land Use Compatibility Statement.
- (63) "MACT" means Maximum Achievable Control Technology.
- (64) "MPO" means Metropolitan Planning Organization.
- (65) "MTBE" means methyl tertiary butyl ether.
- (66) "MWC" means municipal waste combustor.
- (67) "NAAQS" means National Ambient Air Quality Standards.
- (68) "NEPA" means National Environmental Policy Act. -
- (69) "NESHAP" means National Emissions Standard for Hazardous Air Pollutants.
- (70) "NIOSH" means National Institute of Occupational Safety & Health.
- (71) "NOx" means nitrogen oxides.
- (72) "NSPS" means New Source Performance Standards.
- (73) "NSR" means New Source Review.
- (74) "NSSC" means neutral sulfite semi-chemical.
- (75) "O3" means ozone.
- (76) "OAR" means Oregon Administrative Rules.
- (77) "ODOT" means Oregon Department of Transportation.
- (78) "ORS" means Oregon Revised Statutes.
- (79) "OSAC" means orifice spark advance control.
- (80) "OSHA" means Occupational Safety & Health Administration.
- (81) "PCDE" means pollution control device collection efficiency.
- (82) "PEMS" means predictive emission monitoring system.
- (83) "PM" means particulate matter.
- (84) "PM10" means particulate matter less than 10 microns.
- (85) "PM2.5" means particulate matter less than 2.5 microns.
- (86) "POTW" means Publicly Owned Treatment Works.
- (87) "POV" means privately owned vehicle.
- (88) "PSD" means Prevention of Significant Deterioration.
- (89) "PSEL" means Plant Site Emission Limit.
- (90) "QIP" means quality improvement plan.
- (91) "RACT" means Reasonably Available Control Technology!
- (92) "RVCOG" means Rogue Valley Council of Governments.
- (93) "RWOC" means running weighted oxygen content.
- (94) "SKATS" means Salem-Keizer Area Transportation Study.
- (95) "SCF" means standard cubic feet.
- (96) "SCS" means speed control switch.
- (97) "SD" means standard deviation.
- (98) "SIP" means State Implementation Plan.
- (99) "SO2" means sulfur dioxide.
- (100) "SOCMI" means synthetic organic chemical manufacturing industry.
- (101) "SOS" means Secretary of State.
- (102) "TAC" means thermostatic air cleaner.
- (103) "TACT" means Typically Achievable Control Technology.
- (104) "TCM" means transportation control measures.
- (105) "TCS" means throttle control solenoid.
- (106) "TIP" means Transportation Improvement Program.
- (107) "TRS" means total reduced sulfur.
- (108) "TSP" means total suspended particulate matter.
- (109) "UGA" means urban growth area.
- (110) "UGB" means urban growth boundary.
- (111) "US DOT" means United States Department of Transportation.
- (112) "UST" means underground storage tanks.
- (113) "UTM" means universal transverse mercator.
- (114) "VIN" means vehicle identification number.
- (115) "VMT" means vehicle miles traveled.

(116) "VOC" means volatile organic compounds.

State effective: 5/1/11; EPA effective: 1/26/2012; 76 FR 80747

340-200-0030 Exceptions

(1) Except as provided in section (2) of this rule, OAR Chapter 340, divisions 200 through 268 do not apply to:

(a) Agricultural operations, including but not limited to:

(A) Growing or harvesting crops;

(B) Raising fowl or animals;

(C) Clearing or grading agricultural land;

(D) Propagating and raising nursery stock;

(E) Propane flaming of mint stubble; and

(F) Stack or pile burning of residue from Christmas trees, as defined in ORS 571.505, during the period beginning October 1 and ending May 31 of the following year

(b) Equipment used in agricultural operations, except boilers used in connection with propagating and raising nursery stock.

(c) Barbecue equipment used in connection with any residence.

(d) Heating equipment in or used in connection with residences used exclusively as dwellings for not more than four families, except woodstoves which shall be subject to regulation under this section, ORS 468A.460 to 468A.480, 468A.490 and 468A.515.

(e) Fires set or permitted by any public agency when such fire is set or permitted in the performance of its official duty for the purpose of weed abatement, prevention or elimination of a fire hazard, or instruction of employees in the methods of fire fighting, which in the opinion of the agency is necessary.

(f) Fires set pursuant to permit for the purpose of instruction of employees of private industrial concerns in methods of fire fighting, or for civil defense instruction.

(2) Section (1) of this rule does not apply to the extent:

(a) Otherwise provided in ORS 468A.555 to 468A.620, 468A.790, 468A.992, 476.380 and 478.960;

(b) Necessary to implement the federal Clean Air Act (P.L. 88-206 as amended) under ORS 468A.025, 468A.030, 468A.035, 468A.040, 468A.045 and 468A.300 to 468A.330; or

(c) Necessary for the Environmental Quality Commission, in the commission's discretion, to implement a recommendation of the Task Force on Dairy Air Quality created under section 3, chapter 799, Oregon Laws 2007, for the regulation of dairy air contaminant emissions.

State effective: 9/17/2008; EPA effective: 1/26/2012; 76 FR 80747

DIVISION 202

AMBIENT AIR QUALITY STANDARDS AND PSD INCREMENTS

340-202-0010 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.

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

(2) "Ambient Air Monitoring Site Criteria" means the general probe siting specifications as set forth in **Appendix E** of **40 CFR 58**.

(3) "Approved Method" means an analytical method for measuring air contaminant concentrations described or referenced in **40 CFR 50** and Appendices. These methods are approved by the Department of Environmental Quality.

(4) "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. 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 allows the use of a prior 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.

(e) The ambient concentration level for PM_{2.5} that existed in an area during the calendar year 2007.

(f) If no ambient air quality data is available in an area, the baseline concentration may be estimated using modeling based on actual emissions for the years specified in subsections (a) through (e) of this section.

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

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

(7) "Oregon Standard Method" means any method of sampling and analyzing for an air contaminant approved by the Department. Oregon standard methods are kept on file by the Department.

(8) "PPM" means parts per million by volume. It is a dimensionless unit of measurement for gases that expresses the ratio of the volume of one component gas to the volume of the entire sample mixture of gases.

State effective: 5/1/2011; EPA effective: 1/26/2012; 76 FR 80747

340-202-0020 Applicability

Subject to the requirements in this division and ORS 468A.100 through 468A.180, the Lane Regional Air Protection Agency is designated by the Environmental Quality Commission as the Agency to implement this division within its area of jurisdiction. The requirements and procedures contained in this division must be used by the Regional Agency to implement this division unless the Regional Agency has adopted or adopts rules that are at least as strict as this division.

State effective: 11/7/2013; EPA effective: 6/24/2014; 79 FR 35693

AMBIENT AIR QUALITY STANDARDS

340-202-0050 Purpose and Scope of Ambient Air Quality Standards

(1) An ambient air quality standard is an established concentration, exposure time, and frequency of occurrence of an air contaminant or multiple contaminants in the ambient air that must not be exceeded. The ambient air quality standards set forth in OAR 340-202-0050 through 340-202-0130 were established to protect both public health and public welfare.

(2) Ambient air quality standards are not generally used to determine the acceptability or unacceptability of emissions from a specific source of air contamination. More commonly, the measured ambient air quality is compared with the ambient air quality standards to determine the adequacy or effectiveness of emission standards for all sources in a general area. However, if a source or combination of sources are singularly responsible for a violation of ambient air quality standards in a particular area, it may be appropriate to impose emission standards that are more stringent than those otherwise applied to the class of sources involved. Similarly, proposed construction of new sources or expansions of existing sources, that may prevent or interfere with the attainment and maintenance of ambient air quality standards are grounds for issuing an order prohibiting such proposed construction as authorized by ORS 468A.055 and pursuant to OAR 340-210-0200 through 340-210-0220, and OAR 340-218-0190.

(3) In adopting the ambient air quality standards in this division, the Environmental Quality Commission recognizes that one or more of the standards are currently being exceeded in certain parts of the state. It is hereby declared to be the policy of the Environmental Quality Commission to achieve, by application of a timely but orderly program of pollution abatement, full compliance with ambient air quality standards throughout the state at the earliest possible date.

State effective: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

340-202-0060 Suspended Particulate Matter

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

(1) 150 micrograms of PM₁₀ per cubic meter of air as a 24-hour average concentration for any calendar day. This standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 micrograms per cubic meter as determined in accordance with Appendix K of 40 CFR 50 is equal to or less than one at any site.

Concentrations of the fraction of suspended particulate that is equal to or less than 2.5 microns in aerodynamic diameter in ambient air as measured by an approved method must not exceed:

(2) 35 micrograms of PM_{2.5} per cubic meter of air as a 3-year average of annual 98th percentile 24-hour average values recorded at each monitoring site. This standard is attained when the 3-year average of annual 98th percentile 24-hour average concentrations is equal to or less than 35 micrograms per cubic meter as determined in accordance with Appendix N of 40 CFR 50.

(3) 15 micrograms of PM_{2.5} per cubic meter of air as a 3-year average of the annual arithmetic mean. This standard is attained when the annual arithmetic mean concentration is equal to or less than 15 micrograms per cubic meter as determined in accordance with Appendix N of 40 CFR 50.

State effective: 5/1/2011; EPA effective: 1/26/2012; 76 FR 80747

340-202-0070 Sulfur Dioxide

Concentrations of sulfur dioxide in ambient air as measured by an approved method must not exceed:

(1) 0.02 ppm as an annual arithmetic mean for any calendar year at any site.

(2) 0.10 ppm as a 24-hour average concentration more than once per year at any site.

(3) 0.50 ppm as a three-hour average concentration more than once per year at any site.

State effective: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

340-202-0080 Carbon Monoxide

For comparison to the standard, averaged ambient concentrations of carbon monoxide must be rounded to the nearest integer in parts per million (ppm). Fractional parts of 0.5 or greater must be rounded up. Concentrations of carbon monoxide in ambient air as measured by an approved method, must not exceed:

(1) 9 ppm as an eight-hour average concentration more than once per year at any site.

(2) 35 ppm as a one-hour average concentration more than once per year at any site.

State effective: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

340-202-0090 Ozone

Concentrations of ozone in ambient air as measured by an approved method must not exceed 0.075 ppm as a daily maximum eight-hour average concentration. This standard is attained when, at any site the average of the annual fourth-highest daily maximum eight-hour average ozone concentration is equal to or less than 0.075 as determined by the method of **Appendix I, 40 CFR 50**.

State effective: 5/21/2010; EPA effective: 1/26/2012; 76 FR 80747

340-202-0100 Nitrogen Dioxide

Concentrations of nitrogen dioxide in ambient air as measured by an approved method must not exceed 0.053 ppm as an annual arithmetic mean at any site.

State effective: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

340-202-0130 Ambient Air Quality Standard for Lead

The concentration of lead and its compounds in ambient air must not exceed:

(1) 0.15 micrograms per cubic meter as a maximum arithmetic mean averaged over a calendar quarter, as measured by a reference method based on appendix G of 40 CFR Part 53 (effective upon EQC adoption October 16, 2013) or an equivalent method designated in accordance with 40 CFR Part 53 (effective upon EQC adoption October 16, 2013).

(2) The standard is met when the maximum arithmetic 3-month mean concentration for a 3-year period, as determined in accordance with appendix R of 40 CFR Part (effective upon EQC adoption October 16, 2013), is less than or equal to 0.15 micrograms per cubic meter.

State effective: 11/7/2013; EPA effective: 6/24/2014; 79 FR 35693

PREVENTION OF SIGNIFICANT DETERIORATION INCREMENTS

340-202-0200 General

(1) The purpose of OAR 340-202-0200 through 340-202-0220 is to implement a program to prevent significant deterioration of air quality in the State of Oregon as required by the federal Clean Air Act Amendments of 1977.

(2) The Department will review the adequacy of the State Implementation Plan on a periodic basis and within 60 days of such time as information becomes available that an applicable increment is being violated. Any Plan revision resulting from the reviews will be subject to the opportunity for public hearing in accordance with procedures established in the Plan.

State effective: 10/14/1999; EPA effective: 3/24/2003; 68 FR 2891

340-202-0210 Ambient Air Increments

(1) This rule defines significant deterioration. In areas designated as Class I, II or III, emissions from new or modified sources must be limited such that increases in pollutant concentration over the baseline concentration must be limited to those set out in **Table 1**.

TABLE 1 (OAR 340-202-0210) MAXIMUM ALLOWABLE INCREASE Micrograms per cubic meter CLASS I	
<i>Pollutant</i>	<i>Micrograms per cubic meter</i>
Particulate matter:	
¹ PM2.5, Annual arithmetic mean	1
¹ PM2.5, 24-hour maximum	2
PM10, Annual arithmetic mean	4
PM10, 24-hour maximum	8
Sulfur dioxide:	
Annual arithmetic mean	2
24-hour maximum	5
3-hour maximum	25
Nitrogen dioxide:	
Annual arithmetic mean	2.5
CLASS II	
<i>Pollutant</i>	<i>Micrograms per cubic meter</i>
Particulate matter:	
¹ PM2.5, Annual arithmetic mean	4
¹ PM2.5, 24-hour maximum	9
PM10, Annual arithmetic mean	17
PM10, 24-hour maximum	30

Sulfur dioxide: Annual arithmetic mean 24-hour maximum 3-hour maximum	20 91 512
Nitrogen dioxide: Annual arithmetic mean	25
CLASS III	
<i>Pollutant</i>	<i>Micrograms per cubic meter</i>
Particulate matter: ¹ PM2.5, Annual arithmetic mean ¹ PM2.5, 24-hour maximum PM10, Annual arithmetic mean PM10, 24-hour maximum	34 60
Sulfur dioxide: Annual arithmetic mean 24-hour maximum 3-hour maximum	40 182 700
Nitrogen dioxide: Annual arithmetic mean	50

¹ PM_{2.5} Increments will become effective on October 20, 2011.

(2) For any period other than an annual period, the applicable maximum allowable increase may be exceeded during one such period per year at any one location.

State effective: 5/1/2011; EPA effective: 1/26/2012; 76 FR 80747

340-202-0220 AMBIENT AIR CEILINGS

No concentration of a pollutant may exceed:

- (1) The concentration permitted under the national secondary ambient air quality standard; or
- (2) The concentration permitted under the national primary ambient air quality standard; or
- (3) The concentration permitted under the state ambient air quality standard, whichever concentration is lowest for the pollutant for a period of exposure.

State effective: 10/14/1999; EPA effective: 3/24/2003; 68 FR 2891

DIVISION 204

DESIGNATION OF AIR QUALITY AREAS

340-204-0010 Definitions

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

Definitions of boundaries in this rule also apply to OAR 340 division 200 through 268 and throughout the State of Oregon Clean Air Act Implementation Plan adopted under 340-200-

0040.

(1) “AQCR” means Air Quality Control Region.

(2) “AQMA” means Air Quality Maintenance Area.

(3) “CO” means Carbon Monoxide.

(4) “CBD” means Central Business District.

(5) “Criteria Pollutant” means any of the six pollutants set out by the Clean Air Act (sulfur oxides, particulate matter, ozone, carbon monoxide, nitrogen dioxide, and lead) for which the EPA has promulgated standards in 40 CFR 50.4 through 50.12 (July, 1993).

(6) “Eugene-Springfield UGB” means the area within the bounds beginning at the Willamette River at a point due east from the intersection of East Beacon Road and River Loop No.1; thence southerly along the Willamette River to the intersection with Belt Line Road; thence easterly along Belt Line Road approximately one-half mile to the intersection with Delta Highway; thence northwesterly and then northerly along Delta Highway and on a line north from the Delta Highway to the intersection with the McKenzie River; thence generally southerly and easterly along the McKenzie River approximately eleven miles to the intersection with Marcola Road; thence southwesterly along Marcola Road to the intersection with 42nd Street; thence southerly along 42nd Street to the intersection with the northern branch of US Highway 126; thence easterly along US Highway 126 to the intersection with 52nd Street; thence north along 52nd Street to the intersection with High Banks Road; thence easterly along High Banks Road to the intersection with 58th Street; thence south along 58th Street to the intersection with Thurston Road; thence easterly along Thurston Road to the intersection with the western boundary of Section 36, T17S, R2W; thence south to the southwest corner of Section 36, T17S, R2W; thence west to the Springfield City Limits; thence following the Springfield City Limits southwesterly to the intersection with the western boundary of Section 2, T18S, R2W; thence on a line southwest to the Private Logging Road approximately one-half mile away; thence southeasterly along the Private Logging Road to the intersection with Wallace Creek; thence southwesterly along Wallace Creek to the confluence with the Middle Fork of the Willamette River; thence generally northwesterly along the Middle Fork of the Willamette River approximately seven and one-half miles to the intersection with the northern boundary of Section 11, T18S, R3W; thence west to the northwest corner of Section 10, T18S, R3W; thence south to the intersection with 30th Avenue; thence westerly along 30th Avenue to the intersection with the Eugene City Limits; thence following the Eugene City Limits first southerly then westerly then northerly and finally westerly to the intersection with the northern boundary of Section 5, T18S, R4W; thence west to the intersection with Greenhill Road; thence north along Greenhill Road to the intersection with Barger Drive; thence east along Barger Drive to the intersection with the Eugene City Limits (Ohio Street); thence following the Eugene City Limits first north then east then north then east then south then east to the intersection with Jansen Drive; thence east along Jansen Drive to the intersection with Belt Line Road; thence northeasterly along Belt Line Road to the intersection with Highway 99; thence northwesterly along Highway 99 to the intersection with Clear Lake Road; thence west along Clear Lake Road to the intersection with the western boundary of Section 9, T17S, R4W; thence north to the intersection with Airport Road; thence east along Airport Road to the intersection with Highway 99; thence northwesterly along Highway 99 to the intersection East Enid Road; thence east along East Enid Road to the intersection with Prairie Road; thence southerly along Prairie Road to the intersection with Irvington Road; thence east along Irvington Road to the intersection with the Southern Pacific Railroad Line; thence southeasterly along the Southern Pacific Railroad Line to the intersection with Irving Road;

thence east along Irving Road to the intersection with Kalmia Road; thence northerly along Kalmia Road to the intersection with Hyacinth Road; thence northerly along Hyancinth Road to the intersection with Irvington Road; thence east along Irvington Road to the intersection with Spring Creek; thence northerly along Spring Creek to the intersection with River Road; thence northerly along River Road to the intersection with East Beacon Drive; thence following East Beacon Drive first east then south then east to the intersection with River Loop No.1; thence on a line due east to the Willamette River and the point of beginning.

(7) “Grants Pass CBD” means the area within the City of Grants Pass enclosed by “B” Street on the north, 8th Street to the east, “M” Street on the south, and 5th Street to the west.

(8) Grants Pass Control Area means the area of the state beginning at the northeast corner of Section 35, T35S, R5W; thence south to the southeast corner of Section 11, T37S, R5W; thence west to the southwest corner of Section 9, T37S, R6W; thence north to the northwest corner of Section 33, T35S, R6W; thence east to the point of beginning.

(9) “Grants Pass UGB” as shown on the Plan and Zoning maps for the City of Grants Pass as of Feb. 1, 1988 is the area within the bounds beginning at the NW corner of Sec. 7, T36S, R5W; thence south to the SW corner of Sec. 7; thence west along the southern boundary of Sec. 12, T36S, R5W approx. 2000 feet; thence south approx. 100 feet to the northern right of way of the Southern Pacific Railroad Line (SPRR Line); thence southeasterly along said right of way approx. 800 feet; thence south approx. 400 feet; thence west approx. 1100 feet; thence south approx. 700 feet to the intersection with the Hillside Canal; thence west approx. 100 feet; thence south approx. 550 feet to the intersection with Upper River Road; thence southeasterly along Upper River Road and continuing east along Old Upper River Road approx. 700 feet; thence south approx. 1550 feet; thence west approx. 350 feet; thence south approx. 250 feet; thence west approx. 1000 feet; thence south approx. 600 feet to the north end of Roguela Lane; thence east approx. 400 feet; thence south approx. 1400 feet to the intersection with Lower River Road; thence west along Lower River Road approx. 1400 feet; thence south approx. 1350 feet; thence west approx. 25 feet; thence south approx. 1200 feet to the south bank of the Rogue River; thence northwesterly along said bank approx. 2800 feet; thence on a line southwesterly and parallel to Parkhill Place approx. 600 feet; thence northwesterly at a 90 degree angle approximately 300 feet to the intersection with Parkhill Place; thence southwesterly along Parkhill Place approx. 250 feet; thence on a line southeasterly forming a 90 degree angle approximately 300 feet to a point even with Leonard Road; thence west approx. 1500 feet along Leonard Road; thence north approx. 200 feet; thence west to the west side of Schroeder Lane; thence north approx. 150 feet; thence west approx. 200 feet; thence south to the intersection with Leonard Road; thence west along Leonard Road approx. 450 feet; thence north approx. 300 feet; thence east approx. 150 feet; thence north approx. 400 feet; thence west approx. 500 feet; thence south approx. 300 feet; thence west to the intersection with Coutant Lane; thence south along Coutant Lane to the intersection with Leonard Road; thence west along Leonard Road to the intersection with Buena Vista Lane; thence north along the west side of Buena Vista Lane approx. 200 feet; thence west approx. 150 feet; thence north approx. 150 feet; thence west approx. 200 feet; thence north approx. 400 feet; thence west approx. 600 feet to the intersection with the western boundary of Sec. 23, T36S, R6W; thence south to the intersection with Leonard Road; thence west along Leonard Road approx. 300 feet; thence north approx. 600 feet to the intersection with Darneille Lane; thence northwesterly along Darneille Lane approx. 200 feet; thence west approx. 300 feet; thence south approx. 600 feet to the intersection with Leonard Road; thence west along Leonard Road approx. 700 feet; thence south approx. 1350 feet; thence east approx. 1400 feet to the intersection with Darneille Lane; thence south along Darneille Lane approx. 600 feet; thence west approx. 300 feet; thence south to the intersection with Redwood Avenue; thence east along Redwood Avenue to the intersection with Hubbard Lane and the western boundary of Sec. 23, T36S, R6W; thence south along Hubbard Lane approx. 1850 feet;

thence west approx. 1350 feet ; thence south to the south side of U.S. Highway 199; thence westerly along U.S. 199 approx. 1600 feet to the intersection with the north-south midpoint of Sec. 27, T36S, R6W; thence south approx. 2200 feet; thence east approx. 1400 feet; thence north approx. 1000 feet; thence east approx. 300 feet; thence north approx. 250 feet to the intersection with the Highline Canal; thence northerly along the Highline Canal approx. 900 feet; thence east to the intersection with Hubbard Lane; thence north along Hubbard Lane approximately 600 feet; thence east approx. 200 feet; thence north approx. 400 feet to a point even with Canal Avenue; thence east approx. 550 feet; thence north to the south side of U.S. 199; thence easterly along the southern edge of U.S. 199 to the intersection with Willow Lane; thence south along Willow Lane to the intersection with Demaray Drive; thence easterly along Demaray Drive and continuing along the southern edge of U.S. 199 to the intersection with Dowell Road; thence south along Dowell Road approx. 550 feet; thence easterly approx. 750 feet; thence north to the intersection with the South Canal; thence easterly along the South Canal to the intersection with Schutzwahl Lane; thence south approx. 1300 feet to a point even with West Harbeck Road; thence east approx. 2000 feet to the intersection with Allen Creek; thence southerly along Allen Creek approx. 1400 feet to a point even with Denton Trail to the west; thence west to the intersection with Highline Canal; thence southerly along Highline Canal to the intersection with the southern boundary of Sec. 25, T36S, R6W; thence east to the intersection with Allen Creek; thence southerly along Allen Creek to the intersection with the western boundary of Sec. 31, T36S, R5W; thence south to the SW corner of Sec. 31; thence east to the intersection with Williams Highway; thence southeasterly along Williams Highway approx. 1300 feet; thence east approx. 200 feet; thence north approx. 400 feet; thence east approx. 700 feet; thence north to the intersection with Espey Road; thence west along Espey Road approx. 150 feet; thence north approx. 600 feet; thence east approx. 300 feet; thence north approx. 2000 feet; thence west approx. 2100 feet; thence north approx. 1350 feet; thence east approx. 800 feet; thence north approx. 2800 feet to the east-west midline of Sec. 30, T36S, R5W; thence on a line due NE approx. 600 feet; thence north approx. 100 feet; thence east approx. 600 feet; thence north approx. 100 feet to the intersection with Highline Canal; thence easterly along Highline Canal approx. 1300 feet; thence south approx. 100 feet; thence east to the intersection with Harbeck Road; thence north along Harbeck Road to the intersection with Highline Canal; thence easterly along Highline Canal to a point approx. 250 feet beyond Skyway Road; thence south to the intersection with Skyway Road; thence east to the intersection with Highline Canal; thence southeasterly along Highline Canal approx. 1200 feet; thence on a line due SW to the intersection with Bluebell Lane; thence southerly along Bluebell Lane approx. 150 feet; thence east to the intersection with Sky Crest Drive; thence southerly along Sky Crest Drive to the intersection with Harper Loop; thence southeasterly along Harper Loop to the intersection with the east-west midline of Sec. 29, T36S, R5W; thence east approx. 400 feet; thence south approx. 1300 feet to a point even with Troll View Road to the east; thence east to the intersection with Hamilton Lane; thence north along Hamilton Lane to the intersection with the Highline Canal; thence northeasterly along the Highline Canal to the northern boundary of Sec. 28, T36S, R5W; thence east approx. 1350 feet to the transmission line; thence north to the intersection with Fruitdale Drive; thence southwesterly along Fruitdale Drive approx. 700 feet; thence north to the northern edge of U.S. 199; thence easterly along the northern edge of U.S. 199 approx. 50 feet; thence north to the north bank of the Rogue River; thence northeasterly along the north bank of the Rogue River approx. 2100 feet to a point even with Ament Road; thence north to Ament Road and following Ament Road to U.S. Interstate Highway 5 (U.S. I-5); thence continuing north to the 1200 foot contour line; thence following the 1200 foot contour line northwesterly approx. 7100 feet to the city limits and a point even with Savage Street to the west; thence north following the city limits approx. 400 feet; thence west to the intersection with Beacon Street; thence north along Beacon Street and the city limits approx. 250 feet; thence east along the city limits approx. 700 feet; thence north along the city limits approx. 2200 feet; thence southwesterly along the city limits approximately 800 feet to the intersection with the 1400 foot contour line;

thence northerly and northwesterly along the 1400 foot contour line approx. 900 feet to the intersection with the northern boundary of Sec. 9, T36S, R5W; thence west along said boundary approx. 100 feet to the NW corner of Sec. 9; thence south along the western boundary of Sec. 9 approx. 700 feet; thence west approx. 1400 feet; thence north approx. 2400 feet; thence west approx. 1350 feet; thence north approx. 1100 feet to the city limits; thence following the city limits first west approx. 1550 feet, then south approx. 800 feet, then west approx. 200 feet, then south approx. 200 feet, then east approx. 200 feet, then south approx. 300 feet, and finally westerly approx. 1200 feet to the intersection with the western boundary of Sec. 5, T36S, R5W; thence south along said boundary to the northern side of Vine Avenue; thence northwesterly along the northern side of Vine Avenue approx. 3150 feet to the intersection with the west fork of Gilbert Creek; thence north to the intersection with the southern right of way of U.S. I-5; thence northwesterly along said right of way approx. 1600 feet; thence south to the intersection with Old Highland Avenue; thence northwesterly along Highland Avenue approx. 650 feet; thence west approx. 350 feet; thence south approx. 1400 feet; thence east approx. 700 feet; thence south approx. 1000 feet; thence on a line SW approx. 800 feet; thence south approx. 1400 feet to the intersection with the northern boundary of Sec. 7, T36S, R5W; thence west to the NW corner of Sec. 7, the point of beginning.

(10) Klamath Falls Control Area means the area of the state beginning at the northeast corner of Section 8, T38S, R10E, thence south to the southeast corner of Section 5, T40S, R10E; thence west to the southwest corner of Section 3, T40S, R8E; thence north to the northwest corner of Section 10, T38S, R8E; thence east to the point of beginning.

(11) "Klamath Falls Nonattainment Area" means the area of the state beginning at the northwest corner of Section 31, T37S, R9E; thence east approximately two miles to the northeast corner of Section 32; thence south approximately four miles to the southeast corner of Section 17, T38S, R9E; thence east approximately one mile to the southwest corner of Section 15; thence north approximately one mile to the northwest corner of Section 15; thence east approximately 2 miles to the northeast corner of Section 14; thence south approximately one mile to the northwest corner of section 24; thence east approximately one mile to the northeast corner of Section 24; thence south approximately three miles to the southeast corner of Section 36; thence east approximately four miles to the northeast corner of Section 3, T39S, R10E; thence south approximately three miles to the southeast corner of Section 15; thence west approximately two miles to the southwest corner of Section 16; thence south approximately two miles to the southeast corner of Section 29; thence west approximately five miles to the southwest corner of Section 27, T39S, R9E; thence north approximately one mile to the northeast corner of Section 27; thence west approximately four miles to the southwest corner of Section 24, T39S R8E; thence north approximately two miles to the northeast corner of Section 13; thence west approximately one mile to the southwest corner of Section 11; thence north approximately four miles to the northwest corner of Section 26 T38S, R8E; thence west one mile to the southwest corner of Section 22; thence north approximately one mile to the northwest corner of Section 22; thence west approximately one mile to the southwest corner of Section 16; thence north approximately one mile to the northeast corner of Section 16; thence west approximately one mile to the southwest corner of Section 8; thence north approximately two miles to the northwest corner of Section 5; thence east to the northeast corner of Section 1; thence north approximately one mile to the point of beginning.

(12) "Klamath Falls UGB" means the area within the bounds beginning at the southeast corner of Section 36, Township 38 South, Range 9 East; thence northerly approximately 4500 feet; thence westerly approximately 1/4 mile; thence northerly approximately 3/4 mile into Section 25, T38S, R9E; thence westerly approximately 1/4 mile; thence northerly approximately 1/2 mile to the southern boundary of Section 24, T38S, R9E; thence westerly approximately 1/2 mile to the

southeast corner of Section 23, T38S, R9E; thence northerly approximately 1/2 mile; thence westerly approximately 1/4 mile; thence northerly approximately 1/2 mile to the southern boundary of Section 14, T38S, R9E; thence generally northwesterly along the 5000 foot elevation contour line approximately 3/4 mile; thence westerly 1 mile; thence north to the intersection with the northern boundary of Section 15, T38S, R9E; thence west 1/4 mile along the northern boundary of Section 15, T38S, R9E; thence generally southeasterly following the 4800 foot elevation contour line around the old Oregon Institute of Technology Campus to meet with the westerly line of Old Fort Road in Section 22, T38S, R9E; thence southwestwardly along the westerly line of Old Fort Road approximately 1 and 1/4 miles to Section 27, T38S, R9E; thence west approximately 1/4 mile; thence southwestwardly approximately 1/2 mile to the intersection with Section 27, T38S, R9E; thence westerly approximately 1/2 mile to intersect with the Klamath Falls City Limits at the northerly line of Loma Linda Drive in Section 28, T38S, R9E; thence northwesterly along Loma Linda Drive approximately 1/4 mile; thence southwestwardly approximately 1/8 mile to the Klamath Falls City Limits; thence northerly along the Klamath Falls City Limits approximately 1 mile into Section 21, T38S, R9E; thence westerly approximately 1/4 mile; thence northerly approximately 1 mile into Section 17, T38S, R9E; thence westerly approximately 3/4 mile into Section 17, T38S, R9E; thence northerly approximately 1/4 mile; thence westerly approximately 1 mile to the west boundary of Highway 97 in Section 18, T38S, R9E; thence southeasterly along the western boundary of Highway 97 approximately 1/2 mile; thence southwestwardly away from Highway 97; thence southeasterly to the intersection with Klamath Falls City Limits at Front Street; thence westerly approximately 1/4 mile to the western boundary of Section 19, T38S, R9E; thence southerly approximately 1 and 1/4 miles along the western boundary of Section 19, T38S, R9E and the Klamath Falls City Limits to the south shore line of Klamath Lake; thence northwesterly along the south shore line of Klamath Lake approximately 1 and 1/4 miles across Section 25, T38S, R9E and Section 26, T38S, R9E; thence westerly approximately 1/2 mile along Section 26, T38S, R9E; thence southerly approximately 1/2 mile to Section 27, T38S, R9E to the intersection with eastern boundary of Orindale Draw, thence southerly along the eastern boundary of Orindale Draw approximately 1 and 1/4 miles into Section 35, T38S, R9E; thence southerly approximately 1/2 mile into Section 2, T39S, R8E; thence easterly approximately 1/4 mile; thence northerly approximately 1/4 mile to the southeast corner of Section 35, T38S, R8E and the Klamath Falls City Limits; thence easterly approximately 1/2 mile to the northern boundary of Section 1, T38S, R8E; thence southeasterly approximately 1/2 mile to Orindale Road; thence north 500 feet along the west side of an easement; thence easterly approximately 1 and 1/4 miles through Section 1, T38S, R8E to the western boundary of Section 6, T39S, R9E; thence southerly approximately 3/4 mile to the southwest corner of Section 6, T39S, R9E; thence easterly approximately 1/8 mile to the western boundary of Highway 97; thence southwestwardly along the Highway 97 right-of-way approximately 1/4 mile; thence westerly approximately 1/2 mile to Agate Street in Section 7, T39S, R8E; thence northerly approximately 1/4 mile; thence westerly approximately 3/4 mile to Orindale Road in Section 12, T39S, R8E; thence northerly approximately 1/4 mile into Section 1, T39S, R8E; thence westerly approximately 3/4 mile to the Section 2, T39S, R8E boundary line; thence southerly approximately 3/4 mile along the Section 2, T39S, R8E boundary line to the northwest corner of Section 12, T39S, R8E; thence westerly approximately 1/8 mile into Section 11, T39S, R8E; thence southerly approximately 1/8 mile; thence northeasterly approximately 3/4 mile to the southern boundary of Section 12, T39S, R8E at Balsam Drive; thence southerly approximately 1/4 mile into Section 12, T39S, R8E; thence easterly approximately 1/4 mile to Orindale Road; thence southeasterly approximately 500 feet to Highway 66; thence southwestwardly approximately 1/2 mile along the boundary of Highway 66 to Holiday Road; thence southerly approximately 1/2 mile into Section 13, T39S, R8E; thence northeasterly approximately 1/4 mile to the eastern boundary of Section 13, T39S, R8E; thence northerly approximately 1/4 mile along the eastern boundary of Section 13, T39S, R8E; thence westerly approximately 1/4 mile to Weyerhaeuser Road; thence northerly approximately 1/8

mile; thence easterly approximately 1/8 mile; thence northerly approximately 1/8 mile; thence westerly approximately 1/8 mile to Farrier Avenue; thence northerly approximately 1/4 mile; thence easterly approximately 1/4 mile to the eastern boundary of Section 13, T39S, R8E; thence northerly approximately 1/8 mile along the eastern boundary of Section 13, T39S, R8E; thence easterly approximately 1/4 mile along the northern section line of Section 18, T39S, R8E; thence southerly approximately 1/4 mile; thence easterly approximately 1/2 mile to the boundary of Highway 97; thence southerly approximately 1/3 mile to the Burlington Northern Right-of-Way; thence northeasterly approximately 1 and 1/3 miles along the high water line of the Klamath River to the Southside Bypass in Section 8, T39S, R9E; thence southeasterly along the Southside Bypass to the Southern Pacific Right-of-Way in Section 9, T39S, R9E; thence southerly approximately 1/2 mile along the Southern Pacific Right-of-Way; thence southwesterly approximately 1/4 mile along the Midland Highway; thence southeasterly approximately 1/4 mile to the old railroad spur; thence easterly 1/4 mile along the old railroad spur; thence southerly approximately 1/4 mile in Section 16, T39S, R9E; thence westerly approximately 1/3 mile; thence southerly approximately 1/4 mile; thence easterly approximately 1/16 mile in Section 21, T39S, R9E; thence southerly approximately 1/8 mile to the Lost River Diversion Channel; thence southeasterly approximately 1/4 mile along the northern boundary of the Lost River Diversion Channel; thence easterly approximately 3/4 mile along Joe Wright Road into Section 22, T39S, R9E; thence southeasterly approximately 1/8 mile on the eastern boundary of the Southern Pacific Right-of-Way; thence southeasterly approximately 1 mile along the western boundary of the Southern Pacific Right-of-Way across Section 22, T39S, R9E and Section 27, T39S, R9E to a point 440 yards south of the northern boundary of Section 27, T39S, R9E; thence easterly to Kingsley Field; thence southeasterly approximately 3/4 mile to the southern boundary of Section 26, T39S, R9E; thence east approximately 1/2 mile along the southern boundary of Section 26, T39S, R9E to a pond; thence north-northwesterly for 1/2 mile following the Klamath Falls City Limits; thence north 840 feet; thence east 1155 feet to Homedale Road; thence north along Homedale Road to a point 1/4 mile north of the southern boundary of Section 23, T39S, R9E; thence west 1/4 mile; thence north 1 mile to the Southside Bypass in Section 14, T39S, R9E; thence east 1/2 mile along the Southside Bypass to the eastern boundary of Section 14, T39S, R9E; thence north 1/2 mile; thence east 900 feet into Section 13, T39S, R9E; thence north 1320 feet along the USBR 1-C 1-A to the southern boundary of Section 12, T39S, R9E; thence north 500 feet to the USBR A Canal; thence southeasterly 700 feet along the southern border of the USBR A Canal back into Section 13, T39S, R9E; thence southeast 1600 feet to the northwest parcel corner of an easement for the Enterprise Irrigation District; thence east-northeast 2200 feet to the eastern boundary of Section 13, T39S, R9E; thence north to the southeast corner of Section 12, T39S, R9E; thence along the Enterprise Irrigation Canal approximately 1/2 mile to Booth Road; thence east 1/2 mile to Vale Road; thence north 1 mile to a point in Section 6, T39S, R10E that is approximately 1700 feet north of the southern boundary of Section 6, T39S, R10E; thence west approximately 500 feet; thence south approximately 850 feet; thence west approximately 200 feet; thence north approximately 900 feet; thence west approximately 1600 feet to the western boundary of Section 6, T39S, R10E; thence north approximately 1/2 mile to the southeast corner of Section 36, T38S, R9E, the point of beginning.

(13) "LaGrande UGB" means the area within the bounds beginning at the point where U.S. Interstate 84 (I-84) intersects Section 31, Township 2 South, Range 38 East; thence east along I-84 to the Union County Fairgrounds; thence north and then east on a line encompassing the Union County Fairgrounds to the intersection with Cedar Street; thence further east approximately 500 feet, encompassing two (2) residential properties; thence on a line south to the intersection with the northern bank of the Grande Ronde River; thence westerly along the northern bank of the Grande Ronde River to the intersection with the western edge of Mount Glenn Road and Riverside Park; thence north along the western edge of Mount Glenn Road and Riverside Park to the intersection with Fruitdale Road; thence east along Fruitdale Road and the

northern boundary of Riverside Park to the eastern boundary of Riverside Park; thence south along the eastern boundary of Riverside Park to the north bank of the Grande Ronde River; thence on a line southeast to the intersection with the northern edge of I-84; thence easterly along the northern edge of I-84 to May Street; thence easterly along May Street to the intersection with State Highway 82; thence northeasterly along State Highway 82 to the a point approximately 1/4 mile from the eastern edge of Section 4, T3S, R38E; thence south to the intersection with Section 9, T3S, R38E, and the southern edge of Buchanan Avenue; thence west along the southern edge of Buchanan Avenue to the intersection with the northern edge of I-84; thence on a line south to the southern edge of I-84; thence southeasterly along the southern edge of I-84 approximately 2500 feet; thence on a line due west approximately 1400 feet; thence on a line due south to the intersection with the Union Pacific Railroad Line; thence southeasterly along the Union Pacific Railroad Line to the intersection with Gekeler Lane; thence west along Gekeler Lane to the intersection with U.S. Highway 30; thence southeast along U.S. Highway 30 to the intersection with the western boundary of Section 15, T3S, R38E; thence on a line west following existing property boundaries approximately 2900 feet; thence on a line north following existing property boundaries approximately 250 feet; thence on a line east following existing property boundaries approximately 650 feet; thence north on a line to the intersection with Gekeler Lane; thence west along Gekeler Lane to the intersection with 20th Avenue; thence south along 20th Avenue to the intersection with Foothill Road; thence southeasterly along Foothill Road approximately 2900 feet; thence on a line west following existing property boundaries approximately 1250 feet; thence on a line south following existing property boundaries approximately 1250 feet; thence on a line west following existing property boundaries approximately 1250 feet; thence on a line north following existing property boundaries approximately 450 feet to the intersection with the southernmost part of the La Grande City Limits; thence westerly and northwesterly along the southernmost part of the La Grande City Limits approximately 1100 feet to the intersection with the 3000 foot elevation contour line; thence westerly following the 3000 foot elevation contour line and existing property boundaries approximately 2200 feet; thence on a line north following existing property boundaries approximately 1900 feet; thence on a line west following existing property boundaries approximately 500 feet; thence on a line north to the La Grande City Limits; thence west along the La Grande City Limits and following existing property boundaries approximately 650 feet; thence on a line south following existing property boundaries approximately 900 feet; thence on a line west following existing property boundaries approximately 1250 feet; thence on a line north to the intersection with the La Grande City Limits; thence west along the southern boundary of the La Grande City Limits to the intersection with the western boundary of the La Grande City Limits; thence north along the western boundary of the La Grande City Limits and following existing property lines approximately 500 feet; thence on a line west following existing property boundaries approximately 200 feet; thence on a line north following existing property boundaries approximately 700 feet; thence east to the first 3000 foot elevation contour line west of the La Grande City Limits; thence northerly following that 3000 foot elevation contour line to the intersection with Deal Canyon Road; thence easterly along Deal Canyon Road to the intersection with the western boundary of the La Grande City Limits; thence northerly along the western boundary of the La Grande City Limits to the intersection with U.S. Highway 30; thence northwesterly along U.S. Highway 30 and following existing property boundaries approximately 1400 feet; thence on a line west to the intersection with the western boundary of Section 6, T3S, R38E; thence north along the western boundaries of Section 6, T3S, R38E and Section 31, T2S, R38E to the point of beginning.

(14) "Lakeview UGB" means the area beginning at the corner common to sections 21, 22, 27, and 28, T39S, R20E; thence north on the section line between section 21 and 22 to the section corner common to section 15, 16, 21, and 22; thence west along the section line between section 21 and 16 to the section corner common to sections 16, 17, 20, and 21; thence north

along the section line between section 16 and 17 approximately 3550 feet to the east branch of Thomas Creek; thence northwesterly along the east branch of Thomas Creek to the center line of Highway 140; thence east along the center line of Highway 140 to the section corner common to sections 8, 9, 16, and 17, T39S, R20E; thence north along the section line between sections 8 and 9 to the section corner common to sections 4, 5, 8, and 9, T39S, R20E; thence north along the section line between section 4 and 5 to the section corner common to section 4 and 5, T39S, R20E and sections 32 and 33, T38S, R20E; thence east along the section line between sections 4 and 33 to the section corner common to sections 3 and 4, T39S, R20E and sections 33 and 34, T38S, R20E; thence south along the eastern boundary of section 4 approximately 4,1318.6 feet; thence S 89 degrees, 11 minutes W 288.28 feet to the east right of way line of the old Paisley/Lakeview Highway; thence S 21 degrees, 53 minutes E along the eastern right of way of the old Paisley/Lakeview Highway 288.4 feet; thence S 78 degrees, 45 minutes W 1375 feet; thence S 3 degrees, 6 minutes, and 30 seconds W 200 feet; thence S 77 degrees, 45 minutes W 136 feet to the east right of way line of U.S. Highway 395; thence southeasterly along the east right of way line of U.S. Highway 395 53.5 feet; thence N 77 degrees, 45 minutes E 195.6 feet; thence S 38 degrees, 45 minutes E 56.8 feet; thence S 51 degrees, 15 minutes W 186.1 feet to the east right of way of U.S. Highway 395; thence southeast along the eastern right of way line of U.S. Highway 395 2310 feet; thence N 76 degrees, 19 minutes 544.7 feet; thence S 13 degrees, 23 minutes, 21 seconds E 400 feet; thence N 63 degrees, 13 minutes E 243.6 feet to the western line of the old American Forest Products Logging Road; thence southeast along the old American Forest Products Logging Road to the western line of the northeast quadrant of the northwest quadrant of section 10, T39S, R20E; thence southeast to a point on the south line of the northeast quadrant of the northwest quadrant of Section 10, T39S, R20E (this point also bears N 89 degrees, 33 minutes E 230 feet from the center line of U.S. Highway 395); thence south on a line parallel to the east right of way line of U.S. Highway 395 to the south line of the northwest quadrant of section 10, T39S, R20E; thence south 491 feet to the east right of way of U.S. Highway 395; thence southeasterly following the east right of way of U.S. Highway 395 255 feet to the south line of the northeast quadrant of the northeast quadrant of the southwest quadrant of section 10, T39S, R20E; thence east along that south line to the center line of section 10, T39S, R20E; thence continuing east along the same south line to the eastern boundary of section 10, T39S, R20E; thence south along the eastern boundary of section 10 to the section corner common to sections 10, 11, 14, and 15, T39S, R20E; thence south along the section line between section 14 and 15 to the section corner common to sections 14, 15, 22, and 23, T39S, R20E; thence west along the section line between sections 15 and 22 to the northwest corner of the northeast quadrant of the northeast quadrant of section 22, T39S, R20E; thence south along the eastern line of the western half of the eastern half of section 22 to the southern boundary of section 22, T39S, R20E; thence west along the southern boundary of section 22 to the point of beginning.

(15) "Maintenance Area" means any area that was formerly nonattainment for a criteria pollutant but has since met EPA promulgated standards and has had a maintenance plan to stay within the standards approved by the EPA pursuant to 40 CFR 51.110 (July, 1993).

(16) "Medford-Ashland Air Quality Maintenance Area" (AQMA) means the area defined as beginning at a point approximately two and quarter miles northeast of the town of Eagle Point, Jackson County, Oregon at the northeast corner of Section 36, Township 35 South, Range 1 West (T35S, R1W); thence South along the Willamette Meridian to the southeast corner of Section 25, T37S, R1W; thence southeast along a line to the southeast corner of Section 9, T39S, R2E; thence south-southeast along line to the southeast corner of Section 22, T39S, R2E; thence South to the southeast corner of Section 27, T39S, R2E; thence southwest along a line to the southeast corner of Section 33, T39S, R2E; thence West to the southwest corner of Section 31, T39S, R2E; thence northwest along a line to the northwest corner of Section 36, T39S, R1E;

thence West to the southwest corner of Section 26, T39S, R1E; thence northwest along a line to the southeast corner of Section 7, T39S, R1E; thence West to the southwest corner of Section 12, T39S, R1W, T39S, R1W; thence northwest along a line to southwest corner of Section 20, T38S, R1W; thence West to the southwest corner of Section 24, T38S, R2W; thence northwest along a line to the southwest corner of Section 4, T38S, R2W; thence West to the southwest corner of Section 6, T38S, R2W; thence northwest along a line to the southwest corner of Section 31, T37S, R2W; thence North and East along the Rogue River to the north boundary of Section 32, T35S, R1W; thence East along a line to the point of beginning.

(17) "Medford-Ashland CBD" means the area beginning at the intersection of Crater Lake Highway (Highway 62) south on Biddle Road to the intersection of Fourth Street, west on Fourth Street to the intersection with Riverside Avenue (Highway 99), south on Riverside Avenue to the intersection with Tenth Street, west on Tenth Street to the intersection with Oakdale Avenue, north on Oakdale Avenue to the intersection with Fourth Street, east on Fourth Street to the intersection with Central Avenue, north on Central Avenue to the intersection with Court Street, north on Court Street to the intersection with Crater Lake Highway (Highway 62) and east on Crater Lake Highway to the point of beginning, with extensions along McAndrews Road east from Biddle Road to Crater Lake Avenue, and along Jackson Street east from Biddle Road to Crater Lake Avenue.

NOTE: This definition also marks the area where indirect sources are required to have indirect source construction permits in the Medford area. See OAR 340-254-0040.

(18) "Medford UGB" means the area beginning at the line separating Range 1 West and Range 2 West at a point approximately 1/4 mile south of the northwest corner of Section 31, T36S, R1W; thence west approximately 1/2 mile; thence south to the north bank of Bear Creek; thence west to the south bank of Bear Creek; thence south to the intersection with the Medford Corporate Boundary; thence following the Medford Corporate Boundary west and southwesterly to the intersection with Merriman Road; thence northwesterly along Merriman Road to the intersection with the eastern boundary of Section 10, T36S, R2W; thence south along said boundary line approximately 3/4 mile; thence west approximately 1/3 mile; thence south to the intersection with the Hopkins Canal; thence east along the Hopkins Canal approximately 200 feet; thence south to Rossanley Drive; thence east along Rossanley Drive approximately 200 feet; thence south approximately 1200 feet; thence west approximately 700 feet; thence south approximately 1400 feet; thence east approximately 1400 feet; thence north approximately 100 feet; thence east approximately 700 feet; thence south to Finley Lane; thence west to the end of Finley Lane; thence approximately 1200 feet; thence west approximately 1300 feet; thence north approximately 150 feet; thence west approximately 500 feet; thence south to Highway 238; thence west along Highway 238 approximately 250 feet; thence south approximately 1250 feet to a point even with the end of Renault Avenue to the east; thence east approximately 2200 feet; thence south approximately 1100 feet to a point even with Sunset Court to the east; thence east to and along Sunset Court to the first (nameless) road to the south; thence approximately 850 feet; thence west approximately 600 feet; thence south to Stewart Avenue; thence west along Stewart Avenue approximately 750 feet; thence south approximately 1100 feet; thence west approximately 100 feet; thence south approximately 800 feet; thence east approximately 800 feet; thence south approximately 1000 feet; thence west approximately 350 feet to a point even with the north-south connector street between Sunset Drive and South Stage Road; thence south to and along said connecting road and continuing along South Stage Road to Fairlane Road; thence south to the end of Fairlane Road and extending beyond it approximately 250 feet; thence east approximately 250 feet; thence south approximately 250 feet to the intersection with Judy Way; thence east on Judy Way to Griffin Creek Road; thence north on Griffin Creek Road to South Stage Road; thence east on South Stage Road to Orchard Home Drive; thence north on

Orchard Home Drive approximately 800 feet; thence east to Columbus Avenue; thence south along Columbus Avenue to South Stage Road; thence east along South Stage Road to the first road to the north after Sunnyview Lane; thence north approximately 300 feet; thence east approximately 300 feet; thence north approximately 700 feet; thence east to King's Highway; thence north along King's Highway to Experiment Station Road; thence east along Experiment Station Road to Marsh Lane; thence east along Marsh Lane to the northern boundary of Section 6, T38S, R1W; thence east along said boundary approximately 1100 feet; thence north approximately 1200 feet; thence east approximately 1/3 mile; thence north approximately 400 feet; thence east approximately 1000 feet to a drainage ditch; thence following the drainage ditch southeasterly approximately 500 feet; thence east to the eastern boundary of Section 31, T37S, R1W; thence south along said boundary approximately 1900 feet; thence east to and along the loop off of Rogue Valley Boulevard, following that loop to the Southern Pacific Railroad Line (SPRR); thence following SPRR approximately 500 feet; thence south to South Stage Road; thence east along South Stage Road to SPRR; thence southeasterly along SPRR to the intersection with the west fork of Bear Creek; thence northeasterly along the west fork of Bear Creek to the intersection with U.S. Highway 99; thence southeasterly along U.S. Highway 99 approximately 250 feet; thence east approximately 1600 feet; thence south to East Glenwood Road; thence east along East Glenwood Road approximately 1250 feet; thence north approximately 1/2 mile; thence west approximately 250 feet; thence north approximately 1/2 mile to the Medford City Limits; thence east along the city limits to Phoenix Road; thence south along Phoenix Road to Coal Mine Road; thence east along Coal Mine Road approximately 9/10 mile to the western boundary of Section 35, T37S, R1W; thence north to the midpoint of the western boundary of Section 35, T37S, R1W; thence west approximately 800 feet; thence north approximately 1700 feet to the intersection with Barnett Road; thence easterly along Barnett Road to the southeast corner of Section 27, T37S, R1W; thence north along the eastern boundary line of said section approximately 1/2 mile to the intersection with the 1800 foot contour line; thence east to the intersection with Cherry Lane; thence following Cherry Lane southeasterly and then northerly to the intersection with Hillcrest Road; thence east along Hillcrest Road to the southeast corner of Section 23, T37S, R1W; thence north to the northeast corner of Section 23, T37S, R1W; thence west to the midpoint of the northern boundary of Section 22, T37S, R1W; thence north to the midpoint of Section 15, T37S, R1W; thence west to the midpoint of the western boundary of Section 15, T37S, R1W; thence south along said boundary approximately 600 feet; thence west approximately 1200 feet; thence north approximately 600 feet; thence west to Foothill Road; thence north along Foothill Road to a point approximately 500 feet north of Butte Road; thence west approximately 300 feet; thence south approximately 250 feet; thence west on a line parallel to and approximately 250 feet north of Butte Road to the eastern boundary of Section 8, T37S, R1W; thence north approximately 2200 feet; thence west approximately 1800 feet; thence north approximately 2000 feet; thence west approximately 500 feet; thence north to Coker Butte Road; thence east along Coker Butte Road approximately 550 feet; thence north approximately 1250 feet; thence west to U.S. Highway 62; thence north approximately 3000 feet; thence east approximately 400 feet to the 1340 foot contour line; thence north approximately 800 feet; thence west approximately 200 feet; thence north approximately 250 feet to East Vilas Road; thence east along East Vilas Road approximately 450 feet; thence north approximately 2000 feet to a point approximately 150 feet north of Swanson Creek; thence east approximately 600 feet; thence north approximately 850 feet; thence west approximately 750 feet; thence north approximately 650 feet; thence west approximately 2100 feet; thence on a line southeast approximately 600 feet; thence east approximately 450 feet; thence south approximately 1600 feet; thence west approximately 2000 feet to the continuance of the private logging road north of East Vilas Road; thence south along said logging road approximately 850 feet; thence west approximately 750 feet; thence south approximately 150 feet; thence west approximately 550 feet to Peace Lane; thence north along Peace Lane approximately 100 feet; thence west approximately 350 feet; thence north approximately 950 feet; thence west

approximately 1000 feet to the western boundary of Section 31, T36S, R1W; thence north approximately 1300 feet along said boundary to the point of beginning.

(19) “Nonattainment Area” means any area that has been designated as not meeting the standards established by the U.S. Environmental Protection Agency (EPA) pursuant to 40 CFR 51.52 (July, 1993) for any criteria pollutant.

(20) “O3” means Ozone.

(21) “Oakridge UGB” means the area enclosed by the following: Beginning at the northwest corner of Section 17, T21S, R3E and the city limits; thence south along the western boundary of Section 17, T21S, R3E along the city limits approximately 800 feet; thence southwesterly following the city limits approximately 750 feet; thence west along the city limits approximately 450 feet; thence northwesterly along the city limits approximately 450 feet; thence on a line south along the city limits approximately 250 feet; thence on a line east along the city limits approximately 100 feet; thence southwesterly along the city limits approximately 200 feet; thence on a line east along the city limits approximately 400 feet; thence on a line south along the city limits to the channel of the Willamette River Middle Fork; thence south-easterly up the Willamette River Middle Fork along the city limits approximately 7200 feet; thence exiting the Willamette River Middle Fork with the city limits in a northerly manner and forming a rough semicircle with a diameter of approximately one-half mile before rejoining the Willamette River Middle Fork; thence diverging from the city limits upon rejoining the Willamette River Middle Fork and moving southeasterly approximately 5600 feet up the Willamette River Middle Fork to a point on the river even with the point where Salmon Creek Road intersects with U.S. Highway 58; thence on a line east from the channel of the Willamette River Middle Fork across the intersection of Salmon Creek Road and U.S. Highway 58 to the intersection with the Southern Pacific Railroad Line; thence northerly along the Southern Pacific Railroad Line to the intersection with the northern boundary of Section 22, T21S, R3E; thence west along the northern boundary of Section 22, T21S, R3E to the intersection with Salmon Creek Road; thence on a line north to the intersection with the Southern Pacific Railroad Line; thence east along the Southern Pacific Railroad Line approximately 600 feet; thence on a line north to the intersection with High Prairie Road; thence on a line west approximately 400 feet; thence on a line north to the intersection with the northern boundary of Section 15, T21S, R3E; thence west along the northern boundary of Section 15, T21S, R3E to the intersection with the southeastern corner of Section 9, T21S, R3E; thence north along the eastern boundary of Section 9, T21S, R3E approximately 1300 feet; thence on a line west approximately 1100 feet; thence on a line south to the intersection with West Oak Road; thence northwesterly along West Oak Road approximately 2000 feet; thence on a line south to the intersection with the northern boundary line of the city limits; thence westerly and northwesterly approximately 8000 feet along the city limits to the point of beginning.

(22) “Particulate Matter” has the meaning given that term in OAR 340-200-0020(82).

(23) PM10: has the meaning given that term in OAR 340-200-0020(90).

(24) “PM2.5” has the meaning given that term in OAR 340-200-0020(91).

(25) “Portland AQMA” means the area within the bounds beginning at the point starting on the Oregon-Washington state line in the Columbia River at the confluence with the Willamette River, thence east up the Columbia River to the confluence with the Sandy River, thence southerly and easterly up the Sandy River to the point where the Sandy River intersects the Clackamas County-Multnomah County line, thence west along the Clackamas County-Multnomah County line to the point where the Clackamas County-Multnomah County line is

intersected by H. Johnson Road (242nd), thence south along H. Johnson Road to the intersection with Kelso Road (Boring Highway), thence west along Kelso Road to the intersection with Deep Creek Road (232nd), thence south along Deep Creek Road to the point of intersection with Deep Creek, thence southeasterly along Deep Creek to the confluence with Clackamas River, thence easterly along the Clackamas River to the confluence with Clear Creek, thence southerly along Clear Creek to the point where Clear Creek intersects Springwater Road then to Forsythe Road, thence easterly along Forsythe Road to the intersection with Bradley Road, thence south along Bradley Road to the intersection with Redland Road, thence west along Redland Road to the intersection with Ferguson Road, thence south along Ferguson Road to the intersection with Thayler Road, thence west along Thayler Road to the intersection with Beaver Creek Road, thence southeast along Beaver Creek Road to the intersection with Henrici Road, thence west along Henrici Road to the intersection with State Highway 213 (Mollala Avenue), thence southeast along State Highway 213 to the point of intersection with Beaver Creek, thence westerly down Beaver Creek to the confluence with the Willamette River, thence southerly and westerly up the Willamette River to the point where the Willamette River intersects the Clackamas County-Yamhill County line, thence north along the Clackamas County-Yamhill County line to the point where it intersects the Washington County-Yamhill County line, thence west and north along the Washington County-Yamhill County line to the point where it is intersected by Mount Richmond Road, thence northeast along Mount Richmond Road to the intersection with Patton Valley Road, thence easterly and northerly along Patton Valley Road to the intersection with Tualatin Valley State Highway, thence northerly along Tualatin Valley State Highway to the intersection with State Highway 47, thence northerly along State Highway 47 to the intersection with Dilley Road, thence northwesterly and northerly along Dilley Road to the intersection with Stringtown Road, thence westerly and northwesterly along Stringtown Road to the intersection with Gales Creek Road, thence northwesterly along Gales Creek Road to the intersection with Timmerman Road, thence northerly along Timmerman Road to the intersection with Wilson River Highway, thence west and southwest along Wilson River Highway to the intersection with Narup Road, thence north along Narup Road to the intersection with Cedar Canyon Road, thence westerly and northerly along Cedar Canyon Road to the intersection with Banks Road, thence west along Banks Road to the intersection with Hahn Road, thence northerly and westerly along Hahn Road to the intersection with Mountindale Road, thence southeasterly along Mountindale Road to the intersection with Glencoe Road, thence east-southeasterly along Glencoe Road to the intersection with Jackson Quarry Road, thence north-northeasterly along Jackson Quarry Road to the intersection with Helvetia Road, thence easterly and southerly along Helvetia Road to the intersection with Bishop Road, thence southerly along Bishop Road to the intersection with Phillips Road, thence easterly along Phillips Road to the intersection with the Burlington Northern Railroad Track, thence northeasterly along the Burlington Northern Railroad Line to the intersection with Rock Creek Road, thence east-southeasterly along Rock Creek Road to the intersection with Old Cornelius Pass Road, thence northeasterly along Old Cornelius Pass Road to the intersection with Skyline Boulevard, thence easterly and southerly along Skyline Boulevard to the intersection with Newberry Road, thence northeasterly along Newberry Road to the intersection with State Highway 30 (St. Helens Road), thence northeast on a line over land across State Highway 30 to the Multnomah Channel, thence east-southeasterly up the Multnomah Channel to the diffluence with the Willamette River, thence north-northeasterly down the Willamette River to the confluence with the Columbia River and the Oregon-Washington state line (the point of beginning).

(26) “Portland Metropolitan Service District Boundary” or “Portland Metro” means the boundary surrounding the urban growth boundaries of the cities within the Greater Portland Metropolitan Area. It is defined in the Oregon Revised Statutes (ORS) 268.125 (1989).

(27) “Portland Vehicle Inspection Area” means the area of the state included within the following census tracts, block groups, and blocks as used in the 1990 Federal Census. In Multnomah

County, the following tracts, block groups, and blocks are included: Tracts 1, 2, 3.01, 3.02, 4.01, 4.02, 5.01, 5.02, 6.01, 6.02, 7.01, 7.02, 8.01, 8.02, 9.01, 9.02, 10, 11.01, 11.02, 12.01, 12.02, 13.01, 13.02, 14, 15, 16.01, 16.02, 17.01, 17.02, 18.01, 18.02, 19, 20, 21, 22.01, 22.02, 23.01, 23.02, 24.01, 24.02, 25.01, 25.02, 26, 27.01, 27.02, 28.01, 28.02, 29.01, 29.02, 29.03, 30, 31, 32, 33.01, 33.02, 34.01, 34.02, 35.01, 35.02, 36.01, 36.02, 36.03, 37.01, 37.02, 38.01, 38.02, 38.03, 39.01, 39.02, 40.01, 40.02, 41.01, 41.02, 42, 43, 44, 45, 46.01, 46.02, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60.01, 60.02, 61, 62, 63, 64.01, 64.02, 65.01, 65.02, 66.01, 66.02, 67.01, 67.02, 68.01, 68.02, 69, 70, 71, 72.01, 72.02, 73, 74, 75, 76, 77, 78, 79, 80.01, 80.02, 81, 82.01, 82.02, 83.01, 83.02, 84, 85, 86, 87, 88, 89, 90, 91, 92.01, 92.02, 93, 94, 95, 96.01, 96.02, 97.01, 97.02, 98.01, 98.02, 99.01, 99.02, 99.03, 100, 101, 102, 103.01, 103.02, 104.02, 104.04, 104.05, 104.06, 104.07; Block Groups 1, 2 of Tract 105; Blocks 360, 361, 362 of Tract 105; that portion of Blocks 357, 399 of Tract 105 beginning at the intersection of the Oregon-Washington State Line (“State Line”) and the northeast corner of Block Group 1 of Tract 105, thence east along the State Line to the intersection of the State Line and the eastern edge of Section 26, Township 1 North, Range 4 East, thence south along the section line to the centerline of State Highway 100 to the intersection of State Highway 100 and the western edge of Block Group 2 of Tract 105. In Clackamas County, the following tracts, block groups, and blocks are included: Tracts 201, 202, 203.01, 203.02, 204.01, 204.02, 205.01, 205.02, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216.01, 216.02, 217, 218, 219, 220, 221.01, 221.02, 222.02, 223, 224, 225, 226, 227.01, 227.02, 228, 229, 230, 231, 232, 233, 234.01, 234.02, 235, 236, 237; Block Groups 1, 2 of Tract 241; Block Groups 1, 2, 3, 4 of Tract 242; Block Groups 1, 2 of Tract 243.02. In Yamhill County, the following tract is included: Tract 301, except those areas in Tract 301 that lie within the Newberg City Limits defined as of July 12, 1996, and the following blocks within Tract 301: 102B, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121D, 122B, 122C, 123, 126, and 127B. In Washington County the following tracts, block groups, and blocks are included: Tracts 301, 302, 303, 304.01, 304.02, 305.01, 305.02, 306, 307, 308.01, 308.02, 309, 310.03, 310.04, 310.05, 310.06, 311, 312, 313, 314.01, 314.02, 315.01, 315.04, 315.05, 315.06, 315.07, 315.08, 316.03, 316.04, 316.05, 316.06, 316.07, 317.02, 317.03, 317.04, 318.01, 318.02, 318.03, 319.01, 319.03, 319.04, 320, 321.01, 321.02, 322, 323, 324.02, 324.03, 324.04, 325, 326.01, 326.02, 328, 329, 330, 331, 332, 333; Block Groups 1, 2 of Tract 327; Block Group 1 of Tract 334; Block Group 2 of Tract 335; Block Group 1 of Tract 336. In Columbia County the following tracts, block groups, and blocks are included: Tract 9710.98; Block Groups 2, 3 of Tract 9709.98; Blocks 146B, 148, 152 of Tract 9709.98.

(28) “Rogue Basin” means the area bounded by the following line: Beginning at the NE corner of T32S, R2E, W.M., thence south along range line 2E to the SE corner of T39S; thence west along township line 39S to the NE corner of T40S, R7W; thence south to the SE corner of T40S, R7W; thence west to the SE corner of T40S, R9W; thence north on range line 9W to the NE corner of T39S, R9W; thence east to the NE corner of T39S, R8W; thence north on range line 8W to the SE corner of Section 1, T33S, R8W on the Josephine-Douglas County line; thence east on the Josephine-Douglas and Jackson-Douglas County lines to the NE corner of T32S, R1W; thence east along township line 32S to the NE corner of T32S, R2E to the point of beginning.

(29) “Salem-Keizer Area Transportation Study” or “SKATS” means the area within the bounds beginning at the intersection of U.S. Interstate Highway 5 (I-5) with Battle Creek Road SE and Wiltsey Road, south along I-5 to the intersection with the western boundary of Section 24, T8S, R3W; thence due south on a line to the intersection with Delaney Road; thence easterly along Delaney Road to the intersection with Sunnyside Road; thence north along Sunnyside Road to the intersection with Hylo Road SE; thence west along Hylo Road SE to the intersection with Liberty Road; thence north along Liberty Road to the intersection with Cole Road; thence west along Cole Road to the intersection with Bates Road; thence northerly and easterly along Bates Road to the intersection with Jory Hill Road; thence west along Jory Hill Road to the intersection with Stone Hill Avenue; thence north along Stone Hill Avenue to the intersection with Vita Springs Road; thence westerly along Vita Springs Road to the Willamette River; thence northeasterly downstream the Willamette River to a point adjacent to where the western boundary of Section 30, T7S, R3W intersects the Southern Pacific Railroad Line; thence westerly along the Southern Pacific Railroad Line to the intersection with State Highway 51; thence northeasterly along State Highway 51 to the intersection with Oak Grove Road; thence northerly along Oak Grove Road to the intersection with State Highway 22; thence west on State Highway 22 to the intersection with Oak Grove Road; thence north along Oak Grove Road to the intersection with Orchard Heights Road; thence east and north along Orchard Heights Road to

the intersection with Eagle Crest Drive; thence northerly along Eagle Crest Drive to the intersection with Hunt Road; thence north along Hunt Road to the intersection with Fourth Road; thence east along Fourth Road to the intersection with Spring Valley Road; thence north along Spring Valley to the intersection with Oak Knoll Road; thence east along Oak Knoll Road to the intersection with Wallace Road; thence south along Wallace Road to the intersection with Lincoln Road; thence east along Lincoln Road on a line to the intersection with the Willamette River; thence northeasterly downstream the Willamette River to a point adjacent to where Simon Street starts on the East Bank; thence east and south along Simon Street to the intersection with Salmon; thence east along Salmon to the intersection with Ravena Drive; thence southerly and easterly along Ravena Drive to the intersection with Wheatland Road; thence northerly along Wheatland Road to the intersection with Brooklake Road; thence southeast along Brooklake Road to the intersection with 65th Avenue; thence south along 65th Avenue to the intersection with Labish Road; thence east along Labish Road to the intersection with the West Branch of the Little Pudding River; thence southerly along the West Branch of the Little Pudding River to the intersection with Sunnyview Road; thence east along Sunnyview Road to the intersection with 63rd Avenue; thence south along 63rd Avenue to the intersection with State Street; thence east along State Street to the intersection with 62nd Avenue; thence south along 62nd Avenue to the intersection with Deer Park Drive; thence southwest along Deer Park Drive to the intersection with Santiam Highway 22; thence southeast along Santiam Highway 22 to the point where it intersects the Salem Urban Growth Boundary (SUGB); thence following the southeast boundary of the SUGB generally southerly and westerly to the intersection with Wiltsey Road; thence west along Wiltsey Road to the intersection with I-5 (the point of beginning).

(30) “UGB” means Urban Growth Boundary.

(31) “Umpqua Basin” means the area bounded by the following line: Beginning at the SW corner of Section 2, T19S, R9W, on the Douglas-Lane County lines and extending due south to the SW corner of Section 14, T32S, R9W, on the Douglas-Curry County lines, thence easterly on the Douglas-Curry and Douglas-Josephine County lines to the intersection of the Douglas, Josephine, and Jackson County lines; thence easterly on the Douglas-Jackson County line to the intersection of the Umpqua National Forest boundary on the NW corner of Section 32, T32S, R3W; thence northerly on the Umpqua National Forest boundary to the NE corner of Section 36, T25S, R2W; thence west to the NW corner of Section 36, T25S, R4W; thence north to the Douglas-Lane County line; thence westerly on the Douglas-Lane County line to the starting point.

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

State effective: 12/11/2012; EPA Effective: 8/25/2015; 80 FR 51470

340-204-0020 Designation of Air Quality Control Regions

Oregon's thirty-six counties are divided into five AQCRs. The AQCR boundaries follow county lines, and there are no counties that belong to more than one AQCR. The five AQCRs are as follows:

(1) **Portland Interstate AQCR**, containing ten counties:

(a) Benton County;

(b) Clackamas County;

(c) Columbia County;

- (d) Lane County;
 - (e) Linn County;
 - (f) Marion County;
 - (g) Multnomah County;
 - (h) Polk County;
 - (i) Washington County;
 - (j) Yamhill County.
- (2) **Northwest Oregon AQCR**, containing three counties:
- (a) Clatsop County;
 - (b) Lincoln County;
 - (c) Tillamook County.
- (3) **Southwest Oregon AQCR**, containing five counties:
- (a) Coos County;
 - (b) Curry County;
 - (c) Douglas County;
 - (d) Jackson County;
 - (e) Josephine County.
- (4) **Central Oregon AQCR**, containing eight counties:
- (a) Crook County;
 - (b) Deschutes County;
 - (c) Hood River County;
 - (d) Jefferson County;
 - (e) Klamath County;
 - (f) Lake County;
 - (g) Sherman County;
 - (h) Wasco County.
- (5) **Eastern Oregon AQCR**, containing ten counties:

- (a) Baker County;
- (b) Gilliam County;
- (c) Grant County;
- (d) Harney County;
- (e) Malheur County;
- (f) Morrow County;
- (g) Umatilla County;
- (h) Union County;
- (i) Wallowa County;
- (j) Wheel County.

NOTE: The AQCRs should not be confused with the recent DEQ reorganization that split the state into three DEQ regions: Northwest, West and East.

State effective: 10/14/1999; EPA effective: 3/24/2003; 68 FR 2891

340-204-0030 Designation of Nonattainment Areas

The following areas are designated as Particulate Matter Nonattainment Areas:

(1) The Oakridge Nonattainment Area for PM10 is the Oakridge UGB as defined in OAR 340-204-0010.

(2) The Klamath Falls Nonattainment Area for PM2.5 is as follows: Townships and ranges defined by T3 7S R9E Sections 31-32. T38S R8E Sections 1-5, 8-16, 22-26, 3 5-36. T3 8S R9E Sections 5-8, 14-15, 17-36. T39S R8E Sections 1-2, 11-13, 24. T39S R9E Sections 1-27. T39S R10E Sections 3-10, 15-20, 29-30.

(3) The Oakridge Non attainment Area for PM2.5 is defined as a line from Township 21 South, Range 2 East, Section 11 (northwest corner), east to Township 21 South, Range 3 East, Section 11 (northeast corner), south to Township 21 South, Range 3 East, Section 23 (southeast corner), west to Township 21 South, Range 2 East, Section 23 (southwest corner) connecting back to Township 21 South, Range 2 East, Section 11 (northwest corner).

State effective: 12/21/2011; EPA Effective: 6/10/2013; 78 FR 21547

340-204-0040 Designation of Maintenance Areas

The following areas are designated as Maintenance Areas:

(1) Carbon Monoxide Maintenance Areas:

(a) The Eugene Maintenance Area for Carbon Monoxide is the Eugene-Springfield AQMA as defined in OAR 340-204-0010;

(b) The Portland Maintenance Area for Carbon Monoxide is the Portland Metropolitan Service

District as referenced in OAR 340-204-0010; .

(c) The Medford Carbon Monoxide Maintenance Area is the Medford UGB as defined in OAR 340-204-0010;

NOTE: EPA maintenance plan approval and redesignation pending.

(d) The Grants Pass Carbon Monoxide Maintenance Area is the Grants Pass CBD as defined in OAR 340-204-0010;

(e) The Klamath Falls Carbon Monoxide Maintenance Area is the Klamath Falls UGB as defined in OAR 340-204-001 0;

(f)The Salem Carbon Monoxide Maintenance Area is the Salem-Keizer Area Transportation Study as defined in OAR 340-204-0010.

(2) Ozone Maintenance Areas;

(a) The Medford Maintenance Area for Ozone is the Medford-Ashland AQMA as defined in OAR 340-204-0010;

(b) The Oregon portion of the Portland Vancouver Interstate Maintenance Area for Ozone is the Portland AQMA, as defined in OAR 340-204-0010; .

(c) The Salem Maintenance Area for Ozone is the Salem-Keizer Area Transportation Study as defined in OAR 340-204-0010.

(3) PM10 Maintenance Areas:

(a) The Grants Pass PM10 Maintenance Area is the Grants Pass UGB as defined in OAR 340-204-0010.

(b) The Klamath Falls PM10 Maintenance Area is the Klamath Falls UGB as defined in OAR 340-204-0010;

(c) The Medford-Ashland PM10 Maintenance Area is the Medford-Ashland AQMA as defined in OAR 340-204-0010;

NOTE: EPA maintenance plan approval and redesignation pending.

(d) The La Grande PM10 Maintenance Area is the Le Grande UGB as defined in OAR 340-204-0010;

NOTE: EPA maintenance plan approval and redesignation pending.

(e) The Lakeview PM10 Maintenance Area is the Lakeview UGB as defined in OAR 340-204-0010.

NOTE: EPA maintenance plan approval and redesignation pending.

(f) The Eugene-Springfield PM10 Maintenance Area is the Eugene-Springfield UGB as defined in OAR 340-204-0010.

NOTE: EPA maintenance plan approval and redesignation pending.

State effective: 12/21/2011; EPA Effective: 6/10/2013; 78 FR 21547

340-204-0050 Designation of Prevention of Significant Deterioration Areas

(1) All of the following areas which were in existence on August 7, 1977, shall be Class I Areas and may not be redesignated:

- (a) Mt. Hood Wilderness, as established by Public Law 88-577;
- (b) Eagle Cap Wilderness, as established by Public Law 88-577;
- (c) Hells Canyon Wilderness, as established by Public Law 94-199;
- (d) Mt. Jefferson Wilderness, as established by Public Law 90-548;
- (e) Mt. Washington Wilderness, as established by Public Law 88-577;
- (f) Three Sisters Wilderness, as established by Public Law 88-577;
- (g) Strawberry Mountain Wilderness, as established by Public Law 88-577;
- (h) Diamond Peak Wilderness, as established by Public Law 88-577;
- (i) Crater Lake National Park, as established by Public Law 88-577 and expanded in the 1990 Clean Air Act Amendments;
- (j) Kalmiopsis Wilderness, as established by Public Law 88-577;
- (k) Mountain Lake Wilderness, as established by Public Law 88-577;
- (l) Gearhart Mountain Wilderness, as established by Public Law 88-577.

(2) All other areas, in Oregon are initially designated Class II, but may be redesignated as provided in OAR 340-204-0060.

(3) The following areas may be redesignated only as Class I or II:

- (a) An area which as of August 7, 1977, exceeded 10,000 acres in size and was a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, a national lakeshore or seashore; and
- (b) A national park or national wilderness area established after August 7, 1977, which exceeds 10,000 acres in size.

(4) The extent of the areas referred to in section (1) and (3) of this rule shall conform to any changes in the boundaries of such areas which occurred between August 7, 1977, and November 15, 1990.

State effective: 10/14/1999; EPA effective: 03/24/2003; 68 FR 2891

340-204-0060 Redesignation of Prevention of Significant Deterioration Areas

(1) (a) All areas in Oregon, except as otherwise provided under OAR 340-204-0050, are designated

Class II as of December 5, 1974;

(b) Redesignation, except as otherwise precluded by OAR 340-204-0050, may be proposed by the Department or Indian Governing Bodies, as provided below, subject to approval by the EPA Administrator as a revision to the State Implementation Plan.

(2) The Department may submit to the EPA Administrator a proposal to redesignate areas of the state Class I or II provided that:

(a) At least one public hearing has been held in accordance with procedures established in the Plan;

(b) Other States, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation were notified at least 30 days prior to the public hearing;

(c) A discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic, social and energy effects of the proposed redesignation, was prepared and made available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contained appropriate notification of the availability of such discussion;

(d) Prior to the issuance of notice respecting the redesignation of an area that includes any Federal lands, the Department has provided written notice to the appropriate Federal Land Manager and afforded adequate opportunity, not in excess of 60 days to confer with the Department respecting the redesignation and to submit written comments and recommendations. In redesignating any area with respect to which any Federal Land Manager had submitted written comments and recommendations, the Department shall have published a list of any inconsistency between such redesignation and such comments and recommendations together with the reasons for making such redesignation against the recommendation of the Federal Land Manager; and

(e) The Department has proposed the redesignation after consultation with the elected leadership of local general purpose governments in the area covered by the proposed redesignation.

(3) Any area other than an area to which OAR 340-204-0050 refers may be redesignated as Class III if:

(a) The redesignation would meet the requirements of section (2) of this rule;

(b) The redesignation, except any established by an Indian Governing Body, has been specifically approved by the Governor, after consultation with the appropriate committees of the legislature, if it is in session, or with the leadership of the legislature, if it is not in session, unless state law provides that the redesignation must be specifically approved by state legislation, and if general purpose units of local government representing a majority of the residents of the area to be redesignated enact legislation or pass resolutions concurring in the redesignation;

(c) The redesignation would not cause, or contribute to, a concentration of any air pollutant which would exceed any maximum allowable increase permitted under the classification of any other area or any national ambient air quality standard; and

(d) Any permit application for any major stationary source or major modification, subject to review under section (1) of this rule, which could receive a permit under this section only if the area in question were redesignated as Class III, and any material submitted as part of that application, were available insofar as was practicable for public inspection prior to any public hearing on redesignation of the area as Class III.

(4) Lands within the exterior boundaries of Indian Reservations may be redesignated only by the appropriate Indian Governing Body. The appropriate Indian Governing Body may submit to the EPA Administrator a proposal to redesignate areas Class I, II, or III; provided that:

(a) The Indian Governing Body has followed procedures equivalent to those required of the Department under section (2) and subsections (3)(c) and (d) of this rule; and

(b) Such redesignation is proposed after consultation with the state(s) in which the Indian Reservation is located and which border the Indian Reservation.

(5) The EPA Administrator shall disapprove, within 90 days of submission, a proposed redesignation of any area only if he finds, after notice and opportunity for public hearing, that such redesignation does not meet the procedural requirements of this paragraph or is inconsistent with OAR 340-204-0050. If any such disapproval occurs, the classification of the area shall be that which was in effect prior to the redesignation which was disapproved.

(6) If the EPA Administrator disapproves any proposed redesignation, the Department or Indian Governing Body, as appropriate, may resubmit the proposal after correcting the deficiencies noted by the EPA Administrator.

State effective: 10/14/1999; EPA effective: 3/24/2003; 68 FR 2891

340-204-0070 Special Control Areas

The following areas are designated as Special Control Areas:

(1) The counties within the Willamette Valley, including Benton, Clackamas, Columbia, Lane, Linn, Marion, Multnomah, Polk, Washington and Yamhill Counties;

(2) Umpqua Basin;

(3) Rogue Basin;

(4) Within incorporated cities having a population of 4,000 or more, and within three miles of the corporate limits of any such city.

State effective: 10/14/1999; EPA effective: 03/24/2003; 68 FR 2891

340-204-0080 Motor Vehicle Inspection Boundary Designations

In addition to the area specified in ORS 815.300, pursuant to ORS 468A.390, the following geographical areas are designated as areas within which motor vehicles are subject to the requirement under ORS 815.300 to have a Certificate of Compliance issued pursuant to ORS 468A.380 to be registered or have the registration of the vehicle renewed.

(1) Portland Vehicle Inspection Area;

(2) Medford-Ashland AQMA.

State effective: 10/14/1999; EPA effective: 03/24/2003; 68 FR 2891

340-204-0090 Oxygenated Gasoline Control Areas

The following are oxygenated gasoline control areas until October 31, 2007: Clackamas, Multnomah, Washington and Yamhill Counties.

State effective: 12/15/2004; EPA effective: 2/23/2006; 71 FR 3768

DIVISION 206

AIR POLLUTION EMERGENCIES

340-206-0010 Introduction

OAR 340-206-0030, 340-206-0050 and 340-206-0060 are effective within priority I and II air quality control regions (AQCR) as defined in **40 CFR Part 51, subpart H (1995)**, when the AQCR contains a nonattainment area listed in **40 CFR Part 81**. All other rules in this Division are equally applicable to all areas of the state. Notwithstanding any other regulation or standard, this Division is designed to prevent the excessive accumulation of air contaminants during periods of atmospheric stagnation or at any other time, which if allowed to continue to accumulate unchecked could result in concentrations of these contaminants reaching levels which could cause significant harm to the health of persons. This Division establishes criteria for identifying and declaring air pollution episodes at levels below the level of significant harm and are adopted pursuant to the requirements of the **Federal Clean Air Act** as amended and **40 CFR Part 51.151**. Levels of significant harm for various pollutants listed in **40 CFR Part 51.151** are:

- (1) For sulfur dioxide (SO₂) - 1.0 ppm, 24-hour average.
- (2) For particulate matter
 - (a) PM₁₀ - 600 micrograms per cubic meter, 24-hour average.
 - (b) PM_{2.5} – 350.5 micrograms per cubic meter, 24-hour average.
- (3) For carbon monoxide (CO):
 - (a) 50 ppm, 8-hour average.
 - (b) 75 ppm, 4-hour average.
 - (c) 125 ppm, 1-hour average.
- (4) For ozone (O₃) - 0.6 ppm, 2-hour average.
- (5) For nitrogen dioxide (NO₂):
 - (a) 2.0 ppm, 1-hour average.
 - (b) 0.5 ppm, 24-hour average.

State effective: 5/21/2010; EPA effective: 1/26/2012; 76 FR 80747

340-206-0020 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: 10/14/1999; EPA effective: 3/24/2003; 68 FR 2891

340-206-0030 Episode Stage Criteria For Air Pollution Emergencies

Three stages of air pollution episode conditions and a pre-episode standby condition are established to inform the public of the general air pollution status and provide a management structure to require preplanned actions designed to prevent continued accumulation of air pollutants to the level of significant harm. The three episode stages are: Alert, Warning, and Emergency. The Department shall be responsible to enforce the provisions of this Division which requires actions to reduce and control emissions during air pollution episode conditions. An air pollution alert or air pollution warning shall be declared by the Director or appointed representative when the appropriate air pollution conditions are deemed to exist. When conditions exist which are appropriate to an air pollution emergency, the Department shall notify the Governor and declare an air pollution emergency pursuant to ORS 468.115. The statement declaring an air pollution Alert, Warning or Emergency shall define the area affected by the air pollution episode where corrective actions are required. Conditions justifying the proclamation of an air pollution alert, air pollution warning, or air pollution emergency shall be deemed to exist whenever the Department determines that the accumulation of air contaminants in any place is increasing or has increased to levels which could, if such increases are sustained or exceeded, lead to a threat to the health of the public. In making this determination, the Department will be guided by the following criteria for each pollutant and episode stage:

(1) “Pre-Episode Standby” condition, indicates that ambient levels of air pollutants are within standards or only moderately exceed standards. In this condition, there is no imminent danger of any ambient pollutant concentrations reaching levels of significant harm. The Department shall maintain at least a normal monitoring schedule but may conduct additional monitoring. An air stagnation advisory issued by the National Weather Service, an equivalent local forecast of air stagnation or observed ambient air levels in excess of ambient air standards may be used to indicate the need for increased sampling frequency. The pre-episode standby condition is the lowest possible air pollution episode condition and may not be terminated.

(2) “Air Pollution Alert” condition indicates that air pollution levels are significantly above standards but there is no immediate danger of reaching the level of significant harm. Monitoring should be intensified and readiness to implement abatement actions should be reviewed. At the Air Pollution Alert level the public is to be kept informed of the air pollution conditions and of potential activities to be curtailed should it be necessary to declare a warning or higher condition. An Air Pollution Alert condition is a state of readiness. When the conditions in both subsections (a) and (b) of this section are met, an Air Pollution Alert will be declared and all appropriate actions described in **Tables 1 and 4** shall be implemented:

(a) Meteorological dispersion conditions are not expected to improve during the next 24 or more hours;

(b) Monitored pollutant levels at any monitoring site exceed any of the following:

(A) Sulfur dioxide — 0.3 ppm — 24-hour average;

(B) Particulate matter

(i) PM₁₀ - 350 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) — 24-hour average;

(ii) PM_{2.5} – 140.5 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) — 24-hour average;

(C) Carbon monoxide — 15 ppm — 8-hour average;

(D) Ozone — 0.2 ppm — 1-hour average;

(E) Nitrogen dioxide:

(i) 0.6 ppm — 1-hour average; or

(ii) 0.15 ppm — 24-hour average.

(3) “Air Pollution Warning” condition indicates that pollution levels are very high and that abatement actions are necessary to prevent these levels from approaching the level of significant harm. At the Air Pollution Warning level substantial restrictions may be required limiting motor vehicle use and industrial and commercial activities. When the conditions in both subsections (a) and (b) of this section are met, an Air Pollution Warning will be declared by the Department and all appropriate actions described in **Tables 2** and **4** shall be implemented:

(a) Meteorological dispersion conditions are not expected to improve during the next 24 or more hours;

(b) Monitored pollutant levels at any monitoring site exceed any of the following:

(A) Sulfur dioxide — 0.6 ppm — 24-hour average;

(B) Particulate matter

(i) PM_{10} -- 420 $\mu\text{g}/\text{m}^3$ -- 24- hour average;

(ii) $PM_{2.5}$ -- 210.5 $\mu\text{g}/\text{m}^3$ -- 24- hour average;

(C) Carbon monoxide — 30 ppm — 8-hour average;

(D) Ozone – 0.4 ppm — 1-hour average;

(E) Nitrogen dioxide:

(i) 1.2 ppm — 1-hour average; or

(ii) 0.3 ppm — 24-hour average.

(4) “Air Pollution Emergency” condition indicates that air pollutants have reached an alarming level requiring the most stringent actions to prevent these levels from reaching the level of significant harm to the health of persons. At the Air Pollution Emergency level extreme measures may be necessary involving the closure of all manufacturing, business operations and vehicle traffic not directly related to emergency services. Pursuant to ORS 468.115, when the conditions in both subsections (a) and (b) of this section are met, an air pollution emergency will be declared by the Department and all appropriate actions described in **Tables 3** and **4** shall be implemented:

(a) Meteorological dispersion conditions are not expected to improve during the next 24 or more hours;

(b) Monitored pollutant levels at any monitoring site exceed any of the following:

(A) Sulfur dioxide 0.8 ppm — 24-hour average;

(B) Particulate matter

(i) PM_{10} -- $500 \mu\text{g}/\text{m}^3$ — 2-hour average;

(ii) $PM_{2.5}$ – $280.5 \mu\text{g}/\text{m}^3$ — 2-hour average;

(C) Carbon monoxide 40 ppm — 8-hour average;

(D) Ozone 0.5 ppm — 1-hour average;

(E) Nitrogen dioxide:

(i) 1.6 ppm — 1-hour average; or

(ii) 0.4 ppm — 24-hour average.

(5) “Termination”: Any air pollution episode condition (Alert, Warning or Emergency) established by these criteria may be reduced to a lower condition when the elements required for establishing the higher conditions are no longer observed.

State effective: 5/21/2011; EPA effective: 1/26/2012; 76 FR 80747

340-206-0040 Special Conditions

(1) The Department shall issue an “Ozone Advisory” to the public when monitored ozone values at any site exceed the ambient air quality standard of 0.12 ppm but are less than 0.2 ppm for a one hour average. The ozone advisory shall clearly identify the area where the ozone values have exceeded the ambient air standard and shall state that significant health effects are not expected at these levels, however, sensitive individuals may be affected by some symptoms.

(2) Where particulate is primarily soil from windblown dust or fallout from volcanic activity, episodes dealing with such conditions must be treated differently than particulate episodes caused by other controllable sources. In making a declaration of air pollution alert, warning, or emergency for such particulate, the Department shall be guided by the following criteria:

(a) “Air Pollution Alert for Particulate from Volcanic Fallout or Windblown Dust” means total suspended particulate values are significantly above standard but the source is volcanic eruption or dust storm. In this condition there is no significant danger to public health but there may be a public nuisance created from the dusty conditions. It may be advisable under these circumstances to voluntarily restrict traffic volume and/or speed limits on major thoroughfares and institute cleanup procedures. The Department will declare an air pollution alert for particulate from volcanic fallout or wind-blown dust when total suspended particulate values at any monitoring site exceed or are projected to exceed $800 \mu\text{g}/\text{m}^3$ — 24-hour average and the suspended particulate is primarily from volcanic activity or dust storms, meteorological conditions notwithstanding;

(b) “Air Pollution Warning for Particulate from Volcanic Fallout or Windblown Dust” means total suspended particulate values are very high but the source is volcanic eruption or dust storm. Prolonged exposure over several days at or above these levels may produce respiratory distress in sensitive individuals. Under these conditions staggered work hours in metropolitan areas, mandated traffic reduction, speed limits and cleanup procedures may be required. The Department will declare an air pollution warning for particulate from volcanic fallout or wind-blown dust when total suspended particulate values at any monitoring site exceed or are expected to exceed $2,000 \mu\text{g}/\text{m}^3$ — 24-hour average and the suspended particulate is primarily from volcanic activity or dust storms,

meteorological conditions notwithstanding;

(c) “Air Pollution Emergency for Particulate from Volcanic Fallout or Windblown Dust” means total suspended particulate values are extremely high but the source is volcanic eruption or dust storm. Prolonged exposure over several days at or above these levels may produce respiratory distress in a significant number of people. Under these conditions cleaning procedures must be accomplished before normal traffic can be permitted. An air pollution emergency for particulate from volcanic fallout or wind-blown dust will be declared by the Director, who shall keep the Governor advised of the situation, when total suspended particulate values at any monitoring site exceed or are expected to exceed 5,000 ug/m³ — 24-hour average and the suspended particulate is primarily from volcanic activity or dust storms, meteorological conditions notwithstanding.

(3) Termination: Any air pollution condition for particulate established by these criteria may be reduced to a lower condition when the criteria for establishing the higher condition are no longer observed.

(4) Action: Municipal and county governments or other governmental agency having jurisdiction in areas affected by an air pollution Alert, Warning or Emergency for particulate from volcanic fallout or windblown dust shall place into effect the actions pertaining to such episodes which are described in **Table 4**.

State effective: 10/14/1999; EPA effective: 3/24/2003; 68 FR 2891

340-206-0050 Source Emission Reduction Plans

(1) **Tables 1, 2, and 3** of this Division set forth specific emission reduction measures which shall be taken upon the declaration of an air pollution alert, air pollution warning, or air pollution emergency. Any person responsible for a source of air contamination within a Priority I AQCR shall, upon declaration of any air pollution episode condition affecting the locality of the air contamination source, take all appropriate actions specified in the applicable table and shall take appropriate actions specified in an approved source emission reduction plan which has been submitted and is on file with the Department.

(2) Any person responsible for the operation of any point source of air pollution which is located in a Priority I AQCR, located within an Air Quality Maintenance Area (AQMA) or located within a nonattainment area listed in **40 CFR, Part 81**, and Emits 100 tons or more of any air pollutant specified by subsection (a) or (b) of this section shall file a Source Emission Reduction Plan (SERP) with the Department in accordance with the schedule described in section (4) of this rule. Persons responsible for other point sources of air pollution located in a Priority I AQCR may optionally file a SERP with the Department for approval. Such plans shall specify procedures to implement the actions required by **Tables 1, 2, and 3** of this Division and shall be consistent with good engineering practice and safe operating procedures. Source emission reduction plans specified by this section are mandatory only for those sources which:

(a) Emit 100 tons per year or more of any pollutant for which the nonattainment area, AQMA, or any portion of the AQMA is designated nonattainment; or

(b) Emit 100 tons per year or more of volatile organic compounds when the nonattainment area, AQMA or any portion of the AQMA is designated nonattainment for ozone.

(3) Municipal and county governments or other governmental body having jurisdiction in nonattainment areas where ambient levels of carbon monoxide, ozone or nitrogen dioxide qualify for Priority I AQCR classification, shall cooperate with the Department in developing a traffic control plan to be implemented during air pollution episodes of motor vehicle related emissions. Such plans

shall implement the actions required by **Tables 1, 2 and 3** of this Division and shall be consistent with good traffic management practice and public safety.

(4) The Department shall periodically review the source emission reduction plans to assure that they meet the requirements of this Division. If deficiencies are found, the Department shall notify the persons responsible for the source. Within 60 days of such notice the person responsible for the source shall prepare a corrected plan for approval by the Department. Source emission reduction plans shall not be effective until approved by the Department.

(5) During an air pollution alert, warning or emergency episode, source emission reduction plans required by this rule shall be available on the source premises for inspection by any person authorized to enforce the provisions of this Division.

State effective: 10/14/1999; EPA effective: 3/24/2003; 68 FR 2891

340-206-0060 Regional Air Pollution Authorities

(1) The Department of Environmental Quality and the regional air pollution authorities shall cooperate to the fullest extent possible to insure uniformity of enforcement and administrative action necessary to implement this Division. With the exception of sources of air contamination where jurisdiction has been retained by the Department of Environmental Quality, all persons within the territorial jurisdiction of a regional air pollution authority shall submit the source emission reduction plans prescribed in OAR 340-206-0050 to the regional air pollution authority. The regional air pollution authority shall submit copies of approved source emission reduction plans to the Department of Environmental Quality.

(2) Declarations of air pollution alert, air pollution warning, and air pollution emergency shall be made by the appropriate regional authority. In the event such a declaration is not made by the regional authority, the Department of Environmental Quality shall issue the declaration and the regional authority shall take appropriate remedial actions as set forth in this Division.

(3) Additional responsibilities of the regional authorities shall include, but are not limited to:

(a) Securing acceptable source emission reduction plans;

(b) Measurement and reporting of air quality data to the Department of Environmental Quality;

(c) Informing the public, news media, and persons responsible for air contaminant sources of the various levels set forth in this Division and required actions to be taken to maintain air quality and the public health;

(d) Surveillance and enforcement of source emission reduction plans.

State effective: 10/14/1999; EPA effective: 3/24/2003; 68 FR 2891

340-206-0070 Operations Manual

The Department shall maintain an operations manual to administer the provisions of this Division. This manual shall be available to the Department Emergency Action office at all times. At a minimum the **Operations Manual** shall contain the following elements:

(1) A copy of this Division.

(2) A chapter on communications which shall include:

(a) Telephone lists naming public officials, public health and safety agencies, local government agencies, emission sources, news media agencies and individuals who need to be informed about the episode status and information updates. These telephone lists shall be specific to episode conditions and will be used when declaring and cancelling episode conditions;

(b) Example and sample messages to be released to the news media for declaring or modifying an episode status.

(3) A chapter on data gathering and evaluation which shall include:

(a) A description of ambient air monitoring activities to be conducted at each episode stage including “Standby”;

(b) Assignment of responsibilities and duties for ascertaining ambient air levels of specified pollutants and notification when levels reach the predetermined episode levels;

(c) Assignment of responsibilities and duties for monitoring meteorological developments from teletype reports and National Weather Service contacts. Part of this responsibility shall be to evaluate the meteorological conditions for their potential to affect ambient air pollutant levels.

(4) A chapter defining responsibilities and duties for conducting appropriate source compliance inspections during episode stages requiring curtailment of pollutant emissions.

(5) A chapter establishing the duties and responsibilities of the emergency action center personnel to assure coordinated operation during an air pollution episode established in accordance with this Division.

(6) An appendix containing individual source emission reduction plans required by this Division plus any approved voluntary plans.

State effective: 10/14/1999; EPA effective: 3/24/2003; 68 FR 2891

Table 1 (340-206-0030)
Air Pollution Episode
ALERT Conditions
Source Emission Reduction Plan

Emission Control Actions to be Taken
as Appropriate in Alert Episode Area

Part A - Pollution Episode Conditions for Particulate Matter
(Except Particulate from Volcanic Activity or Windblown Dust.

a. There shall be no open burning of any material in the designated area.

b. Where appropriate and if air quality maintenance strategies have not already prohibited the use of woodstoves and fireplaces, the public is requested to refrain from using coal or wood in uncertified woodstoves and fireplaces for domestic space heating where other heating methods are available.

c. Sources having Emission Reduction Plans, review plans and assure readiness to put them into effect if conditions worsen.

Part B - Pollution Episode Conditions for Carbon Monoxide, Ozone

- a. All persons operating motor vehicles voluntarily reduce or eliminate unnecessary operations within the designated alert area.
- b. Where appropriate, the public is requested to refrain from using coal or wood in uncertified woodstoves and fireplaces for domestic space heating where other heating methods are available.
- c. Governmental and other agencies, review actions to be taken in the event of an air pollution warning.

State effective: 10/14/1999; EPA effective: 3/24/2003; 68 FR 2891

Table 2 (340-206-0030, 340-206-0050)

Air Pollution Episode WARNING Conditions Emission Reduction Plan

Part A - Pollution Episode Conditions for Particulate Matter (Except Particulate from Volcanic Activity or Windblown Dust.)	
Source	Emission control action to be taken as appropriate in warning area
a. General (all sources and general public)	<ul style="list-style-type: none"> a. Continue alert procedures. b. Where legal authority exists, governmental agencies shall prohibit all use of woodstoves and fireplaces for domestic space heating except where such woodstoves and fireplaces provide the sole source of heat. c. The use of incinerators for disposal of solid or liquid waste is prohibited. d. Reduce emissions as much as possible consistent with safety to people and prevention of irreparable damage to equipment. e. Prepare for procedures to be followed if an emergency episode develops.
b. Specific additional general requirements for coal, oil or wood-fired electric power or steam generating facilities.	<ul style="list-style-type: none"> a. Effect a maximum reduction in emissions by switching to fuels having the lowest available ash and sulfur content. b. Switch to electric power sources located outside the Air Pollution Warning area or to noncombustion sources (hydro, thermonuclear). c. Cease operation of facilities not related to safety or protection of equipment or delivery of priority power.

<p>c. Specific additional general requirements for manufacturing industries including: Petroleum, Refining, Chemical, Primary Metals, Glass, Paper and Allied Products, Mineral Processing Grain and Wood Processing</p>	<p>a. Reduce process heat load demand to the minimum possible consistent with safety and protection of equipment.</p> <p>b. Reduce emission of air contaminants from manufacturing by closing, postponing or deferring production to the maximum extent possible without causing injury to persons or damage to equipment. In so doing, assume reasonable economic hardships. Do not commence new cooks, batches or furnace changes in batch operation. Reduce continuous operations to minimum operating level where practicable.</p> <p>c. Defer trade waste disposal operations which emit solid particles, gases, vapors or malodorous substances.</p>
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Air Pollution Episode WARNING Conditions Emission Reduction Plan

Part B - Pollution Episode Conditions for Carbon Monoxide, Ozone: control actions to be taken as appropriate in warning area.

- a. All operators of motor vehicles continue alert procedures.
- b. Operation of motor vehicles carrying fewer than three persons shall be requested to avoid designated areas from 6 a.m. to 11 a.m., and 2 p.m. to 7 p.m. or other hours as-may be specified by the Department. Exempted from this request are:
 - 1. Emergency vehicles
 - 2. Public transportation
 - 3. Commercial vehicles
 - 4. Through traffic remaining on Interstate or primary highways
 - 5. Traffic controlled by a preplanned strategy
- c. In accordance with a traffic control plan prepared pursuant to OAR 340-206-0050, public transportation operators shall provide the additional service necessary to minimize the public inconvenience resulting from actions taken in accordance with paragraph b. above.
- d. For ozone episodes there shall be:
 - 1.No bulk transfer of gasoline without vapor recovery from 2 a.m. to 2 p.m.
 - 2.No service station pumping sales of gasoline from 2 a.m. to 2 p.m.
 - 3.No operation of paper coating plants from 2 a.m. to 2 p.m.
 - 4.No architectural painting or auto refinishing.
 - 5.No venting of dry cleaning solvents from 2 a.m. to 2 p.m. (except perchloroethylene).
- e. When appropriate for carbon monoxide episodes during the heating season and where legal authority exists, governmental agencies shall prohibit all use of woodstoves and fireplaces for domestic space heating except where such woodstoves and fireplaces provide the sole source of heat.

State effective: 5/21/2011; EPA effective: 1/26/2012; 76 FR 80747

Table 3: (340-206-0030, 340-206-0050)

Air Pollution Episode EMERGENCY Conditions
Emission Reduction Plan

Pollution Episode Conditions for all Pollutants
(Except Particulate from Volcanic Activity or Windblown Dust.)

Source	Emission control actions to be taken as appropriate in emergency area
<p>a. Requirements for all measures sources and general public.</p>	<p>a. Continue emission reduction taken under warning conditions.</p> <p>b. All places of employment, commerce, trade, public gatherings, government, industry, business, or manufacture shall immediately cease operations.</p> <p>c. Paragraph b. above does not apply to:</p> <ol style="list-style-type: none"> 1. Police, fire, medical and other emergency services. 2. Utility and communication services. 3. Governmental functioning necessary for civil control and safety. 4. Operations necessary to prevent injury to persons or serious damage to equipment or property. 5. Food stores, drug stores and operations necessary for their supply. 6. Operations necessary for evacuation of persons leaving the area. 7. Operations conducted in accordance with an approved Source Emission Reduction Plan on file with the Department. <p>d. The operation of motor vehicles is prohibited except for the conduct of the functions exempted in paragraph c. above.</p> <p>e. Reduce heat and power loads to a minimum by maintaining heated occupied spaces no higher than 65° F and turning off heat to all other spaces.</p> <p>f. Where legal authority exists, governmental agencies shall prohibit all use of woodstoves and fireplaces for domestic space heating.</p>

<p>b. Specific additional requirements for coal oil wood-fired electric power generating facilities operating under an approved source emission reduction plan.</p>	<p>a. Maintain operation at the lowest level possible consistent with prevention of damage to equipment and power production no higher than is required to supply power which is obtained elsewhere for essential services.</p>
<p>c. Specific additional requirements for coal, oil or wood-fired steam generating facilities operating under an approved source emission reduction plan.</p>	<p>a. Reduce operation to lowest level possible consistent with preventing damage to equipment</p>
<p>d. Specific additional requirements for industries operating under an approved source emission reduction plan including: Petroleum Refining; Chemical; Primary Metals; Glass; Paper and Allied Products; Mineral Processing; Grain; Wood Processing.</p>	<p>a. Cease all trade waste disposal operations. b. If meteorological conditions are expected to persist for 24 hours or more, cease all operations not required for safety and protection of equipment.</p>

State effective: 10/14/1999; EPA effective: 3/24/2003; 68 FR 2891

Table 4
(340-206-0040)

**Air Pollution Episode Conditions Due to Particulate Which is Primarily
Fallout from Volcanic Activity or Windblown Dust**

**Ambient Particulate Control Measures to be Taken
as Appropriate in Episode Area**

Part A - ALERT Condition Actions

1. Traffic reduction by voluntary route control in contaminated areas.
 2. Voluntary motor vehicle speed limits in dusty or fallout areas.
 3. Voluntary street sweeping.
 4. Voluntary wash down of traffic areas.
-

Part B - WARNING Condition Actions

1. Continue and intensify alert procedures.
 2. Mandated speed limits and route control in contaminated areas.
 3. Mandate wash down of exposed horizontal surfaces where feasible.
 4. Request businesses to stagger work hours where possible as a means of avoiding heavy traffic.
-

Part C - EMERGENCY Condition Actions

1. Continue warning level procedures, expanding applicable area if necessary.
2. Prohibit all except emergency traffic on major roads and thoroughfares until the area has been cleaned.
3. Other measures may be required at the discretion of the Governor.

State effective: 10/14/1999; EPA effective: 3/24/2003; 68 FR 2891

DIVISION 208

Visible Emissions and Nuisance Requirements

340-208-0010 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.

- (1) "Abate" means to eliminate the nuisance or suspected nuisance by reducing or managing the emissions using reasonably available practices. The degree of abatement will depend on an evaluation of all of the circumstances of each case and does not necessarily mean completely eliminating the emissions.
- (2) "Air Contaminant" means a dust, fume, gas, mist, odor, smoke, pollen, vapor, soot, carbon, acid or particulate matter, or any combination thereof.
- (3) "Emission" means a release into the outdoor atmosphere of air contaminants.
- (4) "Fuel Burning Equipment" means a boiler or process heater that burns a solid, liquid, or gaseous fuel, the principal purpose of which is to produce heat or power by indirect heat transfer.
- (5) "Fugitive Emissions" means emissions of any air contaminant that escape to the atmosphere from any point or area not identifiable as a stack, vent, duct, or equivalent opening.
- (6) "New source" means, for purposes of OAR 340-208-0110, any air contaminant source installed, constructed, or modified after June 1, 1970.
- (7) "Nuisance" means a substantial and unreasonable interference with another's use and enjoyment of real property, or the substantial and unreasonable invasion of a right common to members of the general public.
- (8) "Odor" means that property of an air contaminant that affects the sense of smell.
- (9) "Special Control Area" means an *area* designated in OAR 340-204-0070.

(12) "Standard conditions" means a temperature of 68 Fahrenheit and a pressure of 14.7 pounds per square inch absolute.

(13) "Standard cubic foot" means the amount of gas that would occupy a volume of one cubic foot, if the gas were free of uncombined water at standard conditions. When applied to combustion flue gases from fuel, "standard cubic foot" also implies adjustment of gas volume to that which would result at a concentration of 12% carbon dioxide or 50% excess air.

State effective: 11/8/2007; EPA effective: 1/26/2012; 76 FR 80747

VISIBLE EMISSIONS

340-208-0100 Applicability

OAR 340-208-0100 through 340-208-0110 apply in all areas of the state.

State effective: 2/5/2001; EPA effective: 1/26/2012; 76 FR 80747

340-208-0110 Visible Air Contaminant Limitations

(1) Existing sources outside special control areas. No person may emit or allow to be emitted any air contaminant into the atmosphere from any existing air contaminant source located outside a special control area for a period or periods aggregating more than three minutes in any one hour which is equal to or greater than 40% opacity.

(2) New sources in all areas and existing sources within special control areas: No person may emit or allow to be emitted any air contaminant into the atmosphere from any new air contaminant source, or from any existing source within a special control area, for a period or periods aggregating more than three minutes in any one hour which is equal to or greater than 20% opacity.

(3) Exceptions to sections (1) and (2) of this rule:

(a) Where the presence of uncombined water is the only reason for failure of any source to meet the requirement of sections (1) and (2) of this rule, such sections shall not apply;

(b) Existing fuel burning equipment installed on or before June 1, 1970 that has not been modified since June 1, 1970 utilizing wood wastes and located within special control areas shall comply with the emission limitations of section (1) of this rule in lieu of section (2) of this rule.

(4) Opacity is determined in accordance with the procedures specified in the definition of "opacity".

State effective: 11/8/2007; EPA effective: 1/26/2012; 76 FR 80747

FUGITIVE EMISSION REQUIREMENTS

340-208-0200 Applicability

OAR 340-208-0200 through 340-208-0210 apply:

(1) Within Special Control Areas, designated in OAR 340-204-0070 and

(2) In other areas when the department determines a nuisance exists and should be controlled, and the control measures are practicable.

State effective: 2/5/2001; EPA effective: 1/26/2012; 76 FR 80747

340-208-0210 Requirements

(1) When fugitive emissions escape from a building or equipment in such a manner and amount as to create a nuisance or to violate any regulation, the department may order the owner or operator to abate the nuisance or to bring the facility into compliance. In addition to other means of obtaining compliance the department may order that the building or equipment in which processing, handling and storage are done be tightly closed and ventilated in such a way that air contaminants are controlled or removed before being emitted to the open air.

(2) No person may cause or permit any materials to be handled, transported, or stored; or a building, its appurtenances, or a road to be used, constructed, altered, repaired or demolished; or any equipment to be operated, without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but not be limited to the following:

(a) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;

(b) Application of asphalt, oil, water, or other suitable chemicals on unpaved roads, materials stockpiles, and other surfaces which can create airborne dusts;

(c) Full or partial enclosure of materials stockpiles in cases where application of oil, water, or chemicals are not sufficient to prevent particulate matter from becoming airborne;

(d) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials;

(e) Adequate containment during sandblasting or other similar operations;

(f) Covering, at all times when in motion, open bodied trucks transporting materials likely to become airborne;

(g) The prompt removal from paved streets of earth or other material that does or may become airborne.

State effective: 2/5/2001; EPA effective: 1/26/2012; 76 FR 80747

DIVISION 209

PUBLIC PARTICIPATION

340-209-0010 Purpose

The purpose of this Division is to specify the requirements for notifying the public of certain permit actions and providing an opportunity for the public to participate in those permit actions.

State effective: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

340-209-0020 Applicability

This Division applies to permit actions requiring public notice as specified in OAR 340 divisions 216 and 218.

State effective: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

340-209-0030 Public Notice Categories and Timing

(1) The Department categorizes permit actions according to potential environmental and public health significance and the degree to which the Department has discretion for implementing the applicable regulations. Category I is for permit actions with low environmental and public health significance so

they have less public notice and opportunity for public participation. Category IV is for permit actions with potentially high environmental and public health significance so they have the greatest level of public notice and opportunity for participation.

(2) Permit actions are assigned to specific categories in OAR 340 divisions 216 and 218. If a permit action is uncategorized, the permit action will be processed under Category III.

(3) The following describes the public notice or participation requirements for each category:

(a) Category I -- No prior public notice or opportunity for participation. However, the Department will maintain a list of all permit actions processed under Category I and make the list available for public review.

(b) Category II -- The Department will provide public notice of the proposed permit action and a minimum of 30 days to submit written comments.

(c) Category III -- The Department will provide notice of the proposed permit action and a minimum of 35 days to submit written comments. The Department will provide a minimum of 30 days notice for a hearing, if one is scheduled. The Department will schedule a hearing to allow interested persons to submit oral or written comments if:

(A) The Department determines that a hearing is necessary; or

(B) Within 35 days of the mailing of the public notice, the Department receives written requests from ten persons, or from an organization representing at least ten persons, for a hearing.

(d) Category IV -- Once an application is considered complete under OAR 340-216-0040, the Department will:

(A) Provide notice of the completed application and requested permit action;

(B) Schedule an informational meeting within the community where the facility will be or is located and provide public notice of the meeting;

(C) Once a draft permit is completed, provide public notice of the proposed permit and a minimum of 40 days to submit written comments; and

(D) Schedule a public hearing to allow interested persons to submit oral or written comments and provide a minimum of 30 days public notice for the hearing.

(4) Except for title V permit actions, the Department may move a permit action to a higher category under section (3) of this rule based on, but not limited to the following factors:

(a) Anticipated public interest in the facility;

(b) Compliance and enforcement history of the facility or owner; or

(c) Potential for significant environmental or public harm due to location or type of facility.

State effective: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

340-209-0040 Public Notice Information

(1) The following information is required in public notices for all proposed ACDP and draft Oregon

Title V Operating Permit actions, except for General Permit actions:

- (a) Name of applicant and location of the facility;
- (b) Type of facility, including a description of the facility's processes subject to the permit;
- (c) Description of the air contaminant emissions including, the type of pollutants, quantity of emissions, and any decreases or increases since the last permit action for the facility;
- (d) Location and description of documents relied upon in preparing the draft permit;
- (e) Other permits required by the Department;
- (f) Date of previous permit actions;
- (g) Opportunity for public comment and a brief description of the comment procedures, whether in writing or in person, including the procedures for requesting a hearing (unless a hearing has already been scheduled or is not an option for the public notice category);
- (h) Compliance, enforcement, and complaint history along with resolution of the same;
- (i) A summary of the discretionary decisions made by the Department in drafting the permit;
- (j) Type and duration of the proposed or draft permit action;
- (k) Basis of need for the proposed or draft permit action;
- (l) Any special conditions imposed in the proposed or draft permit action;
- (m) Whether each proposed permitted emission is a criteria pollutant and whether the area in which the source is located is designated as attainment or nonattainment for that pollutant;
- (n) If the proposed permit action is for a federal major source, whether the proposed permitted emission would have a significant impact on a Class I airshed;
- (o) If the proposed permit action is for a major source for which dispersion modeling has been performed, an indication of what impact each proposed permitted emission would have on the ambient air quality standard and PSD increment consumption within an attainment area;
- (p) Other available information relevant to the permitting action;
- (q) The name and address of the Department office processing the permit;
- (r) The name, address, and telephone number and e-mail address of a person from whom interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, including any compliance plan, permit, and monitoring and compliance certification report, except for information that is exempt from disclosure, and all other materials available to the Department that are relevant to the permit decision; and
- (s) If applicable, a statement that an enhanced New Source Review process under OAR 340 division 224, including the external review procedures required under OAR 340-218-0210 and 340-218-0230, is being used to allow for subsequent incorporation of the operating approval into an Oregon Title V

Operating Permit as an administrative amendment.

(2) General Permit Actions. The following information is required for General ACDP and General Oregon Title V Operating Permit actions:

- (a) The name and address of potential or actual facilities assigned to the General Permit;
- (b) Type of facility, including a description of the facility's process subject to the permit;
- (c) Description of the air contaminant emissions including, the type of pollutants, quantity of emissions, and any decreases or increases since the last permit action for the potential or actual facilities assigned to the permit;
- (d) Location and description of documents relied upon in preparing the draft permit;
- (e) Other permits required by the Department;
- (f) Date of previous permit actions;
- (g) Opportunity for public comment and a brief description of the comment procedures, whether in writing or in person, including the procedures for requesting a hearing (unless a hearing has already been scheduled or is not an option for the Public Notice category);
- (h) Compliance, enforcement, and complaint history along with resolution of the same;
- (i) A summary of the discretionary decisions made by the Department in drafting the permit;
- (j) Type and duration of the proposed or draft permit action;
- (k) Basis of need for the proposed or draft permit action;
- (l) Any special conditions imposed in the proposed or draft permit action;
- (m) Whether each proposed permitted emission is a criteria pollutant and whether the area in which the sources are located are designated as attainment or nonattainment for that pollutant;
- (n) If the proposed permit action is for a federal major source, whether the proposed permitted emission would have a significant impact on a Class I airshed;
- (o) Other available information relevant to the permitting action; and
- (p) The name and address of the Department office processing the permit;
- (q) The name, address, and telephone number and e-mail address of a person from whom interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, including any compliance plan, permit, and monitoring and compliance certification report, except for information that is exempt from disclosure, and all other materials available to the Department that are relevant to the permit decision.

State effective: 11/8/2007; EPA effective: 1/26/2012; 76 FR 80747

340-209-0050 Public Notice Procedures

- (1) All notices. The Department will mail a notice of proposed permit actions to the persons identified

in OAR 340-209-0060.

(2) New Source Review, Oregon Title V Operating Permit and General ACDP actions. In addition to section (1) of this rule, the Department will provide notice of New Source Review, Oregon Title V Operating Permit and General ACDP actions as follows:

(a) Advertisement in a newspaper of general circulation in the area where the source or sources are or will be located or a Department publication designed to give general public notice; and

(b) Other means, if necessary, to assure adequate notice to the affected public.

State effective: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

340-209-0060 Persons Required to Be Notified

(1) All notices. For all types of public notice, the Department will provide notice to the following persons:

(a) The applicant;

(b) Persons on a mailing list maintained by the Department, including those who request in writing to be notified of air quality permit actions;

(c) Local news media; and

(d) Interested state and federal agencies.

(2) General ACDP or General Oregon Title V Operating Permit actions. In addition to section (1) of this rule, the Department will notify the following:

(a) Potential applicants; and

(b) All existing permit holders in the source category in the case where a General Permit is being issued to a category of sources already permitted.

(3) Oregon Title V Operating Permit actions. The Department will provide notice to affected states and the EPA in addition to the persons identified in sections (1) and (2) of this rule.

(4) New Source Review actions. For New Source Review actions (OAR 340 division 224), the Department will provide notice to the following officials and agencies having jurisdiction over the location where the proposed construction would occur in addition to the persons identified in section (1) of this rule:

(a) The chief executives of the city and county where the source or modification would be located;

(b) Any comprehensive regional land use planning agency;

(c) Any state, federal land manager, or Indian governing body whose land may be affected by emissions from the source or modification; and

(d) The EPA.

State effective: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

340-209-0070 Hearing and Meeting Procedures

(1) Informational Meeting. For category IV permit actions, the Department will provide an informational meeting at a reasonable place and time.

(a) The meeting will be held after a complete application is received and before the Department makes a preliminary decision on the application.

(b) Notice of the meeting will be provided at least 14 days before the meeting;

(c) During the meeting, the Department will:

(A) Describe the requested permit action; and

(B) Accept comments from the public.

(d) The Department will consider any information gathered during the meeting, but will not maintain an official record of the meeting and will not provide a written response to the comments.

(2) Public Hearing. When a public hearing is required or requested, the Department will provide the hearing at a reasonable place and time before taking the final permit action.

(a) Notice of the hearing may be given either in the notice accompanying the proposed or draft permit action or in such other manner as is reasonably calculated to inform interested persons. The Department will provide notice of the hearing at least 30 days before the hearing

(b) Presiding Officer. A Presiding Officer will preside over the public hearing and ensure that proper procedures are followed to allow for the public to comment on the proposed permit action.

(A) Before accepting oral or written comments by members of the public, the Presiding Officer or Department representative will present a summary of the proposed permit action and the Department's preliminary decision. During this period, there will be an opportunity to ask questions about the proposed or draft permit action.

(B) The Presiding Officer will then provide an opportunity for interested persons to submit oral or written comments regarding the proposed permit action. Interested persons are encouraged to submit written comments because time constraints may be imposed, depending on the level of participation. While public comment is being accepted, discussion of the proposed or draft permit action will not be allowed.

(C) After the public hearing, the Presiding Officer will prepare a report of the hearing that includes the date and time of the hearing, the permit action, names of persons attending the hearing, written comments, and a summary of the oral comments. The Presiding Officer's report will be entered into the permit action record.

State effective: 11/8/2007; EPA effective: 1/26/2012; 76 FR 80747

340-209-0080 Issuance or Denial of a Permit

(1) Following the public comment period and public hearing, if one is held, the Department will take action upon the matter as expeditiously as possible. Before taking such action, the Department will prepare a written response to address each relevant, distinct issue raised during the comment period and during the hearing record.

(2) The Department will make a record of the public comments, including the names and affiliation of persons who commented, and the issues raised during the public participation process. The public comment records may be in summary form rather than a verbatim transcript. The public comment records are available to the public in the location(s) listed in OAR 340-209-0040.

(3) The applicant may submit a written response to any comments submitted by the public within 10 working days after the close of the public comment period. The Department will consider the applicant's response in making a final decision.

(4) After considering the comments, the Department may adopt or modify the provisions requested in the permit application.

(4) Issuance of permit: The Department will promptly notify the applicant in writing of the final action as provided in OAR 340-011-0525 and will include a copy of the permit. If the permit conditions are different from those contained in the proposed permit, the notification will identify the affected conditions and include the reasons for the changes.

(6) Denial of a permit: The Department will promptly notify the applicant in writing of the final action as provided in OAR 340-011-0525. If the Department denies a permit application, the notification will include the reasons for the denial.

(7) The Department's decision under (5) and (6) is effective 20 days from the date of service of the notice unless, within that time, the Department receives a request for a hearing from the applicant. The request for a hearing must be in writing and 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 340 division 11.

State effective: 11/8/2007; EPA effective: 1/26/2012; 76 FR 80747

DIVISION 210

STATIONARY SOURCE NOTIFICATION REQUIREMENTS

340-210-0010 Applicability

This division applies to all stationary sources in the state.

State effective: 10/14/1999; EPA effective: 3/24/2003; 68 FR 2891

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: 10/14/1999; EPA effective: 3/24/2003; 68 FR 2891

REGISTRATION

340-210-0100 Registration in General

(1) 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.

(2) The owner or operator of an air contaminant source listed in subsection (2)(a) of this rule that is certified through a Department approved environmental certification program and subject to an Area Source NESHAP may register the source with the Department pursuant to OAR 340-210-0110 through 340-210-0120 in lieu of obtaining a permit in accordance with OAR 340-216-0020, unless the Department determines that the source has not complied with the requirements of the environmental certification program.

(a) The following air contaminant sources may be registered under this section:

(A) Motor vehicle surface coating operations.

(B) Dry cleaners using perchloroethylene.

(b) Approved environmental certification program. To be approved, the environmental certification program must, at a minimum, require certified air contaminant sources to comply with all applicable state and federal rules and regulations and require additional measures to increase environmental protection.

(c) Fees. In order to obtain and maintain registration, owners and operators of air contaminant sources registered pursuant to this section must pay the following annual fees by March 1 of each year:

(A) Motor vehicle surface coating operations -- \$240.00.

(B) Dry cleaners using perchloroethylene -- \$180.00.

(C) Late fees.

(i) 30 days late: 5% of annual fee.

(ii) 31-60 days late: 10% of annual fee.

(iii) 61 or more days late: 20% of annual fee.

(D) Failure to pay fees. Registration is automatically terminated upon 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.

(d) Recordkeeping. In order to maintain registration, owners and operators of air contaminant sources registered pursuant to this section must maintain records required by the approved environmental performance program under subsection (2)(b) of this rule. The records must be kept on site and in a form suitable and readily available for expeditious inspection and review.

(3) The owner or operator of an air contaminant source that is subject to a federal NSPS or NESHAP in 40 CFR Part 60 or 40 CFR Part 63 and that is not located at a source that is required to obtain a permit under OAR chapter 340, division 216 (Air Contaminant Discharge Permits) or OAR chapter 340, division 218 (Oregon Title V Operating Permits), must register and maintain registration with the Department pursuant to OAR 340-210-0110 through 340-210-0120 if requested in writing by the Department (or by EPA at the Department's request).

(4) Revocation. The Department may revoke a registration if a source fails to meet any requirement in OAR 340-210-0110.

State effective: 5/17/2012; EPA effective: 7/22/2013, 78 FR 37124

340-210-0110 Registration Requirements

(1) Registration pursuant to OAR 340-210-0100(1) or (3) must be completed within 30 days following the mailing date of the request by the Department.

(2) Registration must be completed by the owner, lessee of the source, or agent on forms made available by the Department. If a form is not available from the Department, the registrant may provide the information using a format approved by the Department.

(3) In order to obtain registration pursuant to OAR 340-210-0100(1), 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.

(4) In order to obtain registration pursuant to OAR 340-210-0100(2), a registrant must submit the information in section (3)(a), (b), (c), and (i) of this rule and the following:

(a) Information demonstrating that the air contaminant source is operating in compliance with all applicable state and federal rules and regulations, as requested by the Department.

(b) Information demonstrating that the source is certified through an approved environmental certification program.

(c) A signed statement that the submitted information is true, accurate, and complete. This signed statement shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

(5) In order to obtain registration pursuant to OAR 340-210-01 00(3), the following must be submitted by a registrant:

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

(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 air contaminant source subject to regulation;
- (e) Identification of the applicable regulation(s);
- (f) Confirmation that approval to construct and operate the air contaminant source was obtained in accordance with OAR 340-210-0205 through 340-021 0-0250;
- (g) Confirmation that the air contaminant source is operating in compliance with all applicable state rules and regulations, including but not limited to OAR 340-208-0110 (visible air contaminant limitations) and 340-226-0210 or 340-228-0210 (grain loading standards);
- (h) Confirmation that the air contaminant source is operating in compliance with all applicable federal rules and regulations, including but not limited to 40 CFR Part 60 and Part 63 standards and work practice requirements, such as routine tune-up for boilers; and
- (i) Any other information requested by the Department.
State effective: 5/17/2012; EPA effective: 7/22/2013, 78 FR 37124

340-210-0120 Re-Registration and Maintaining Registration

- (1) In order to re-register or maintain registration pursuant to OAR 340-210-0100, a person responsible for an air contaminant source must reaffirm in writing, by March 1 of each year, the correctness and current status of the information furnished to the Department.
- (2) In order to re-register or maintain registration pursuant to OAR 340-210-0100(3):
 - (a) The registrant must report any change in any of the factual information reported under OAR 340-210-0110 to the Department on a form made available by the Department; and
 - (b) The registrant must confirm the compliance status of the air contaminant source, including but not limited to compliance with any work practice requirements such as routine tune-ups. Confirmation must be made in writing on a form furnished by the Department.
- (3) In order to re-register, or maintain registration, a person must not have had their registration terminated or revoked within the last 3 years, unless the air contaminant source has changed ownership since termination or revocation.
- (4) If a registered air contaminant source is sold or transferred, the sale or transfer must be reported to the Department by either the former owner or the new owner within 30 days of the date of sale or transfer. The new owner of the registered air contaminant source must register the air contaminant source within 30 days of the date of sale or transfer in accordance with OAR 340-210-0110(2) and (5).

State effective: 5/17/2012; EPA effective: 7/22/2013, 78 FR 37124

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) Agricultural operations or equipment that is exempted by OAR 340-200-030

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

(c) 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

(d) 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: 9/17/2008; EPA effective: 1/26/2012; 76 FR 80747

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

340-210-0225 Types of Construction / Modifications 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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

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 section (2) of this rule or 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 subject to the conditions of the Department's approval to construct provided in accordance with OAR 340-210-0240.

(A) Approval to operate does not relieve the owner of the obligation of complying with applicable requirements that may include but are not limited to the general opacity standards in OAR 340-

208-0110 and general particulate matter standards in OAR 340-226-0210 and OAR 340-228-0210.

(B) If required by the Department as a condition of the approval to construct or at any other time in accordance with OAR 340-212-0120, the owner or operator must conduct testing or monitoring to verify compliance with applicable requirements. Testing of boilers must be performed in accordance with OAR 340-212-0140.

(C) The owner or operator must register the air contaminant source with the Department if required as a condition of the approval to construct or at any other time in accordance with OAR 340-210-0100.

(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: 5/17/2012; EPA effective: 7/22/2013, 78 FR 37124

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: 10/14/1999; EPA effective: 3/24/2003; 68 FR 2891

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: 10/14/1999; EPA effective: 3/24/2003; 68 FR 2891

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

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 stationary source required to maintain a Title V Operating Permit, or 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 other stationary source with a general, simple or standard ACDP.

State effective: 11/8/2007; EPA effective: 1/26/2012; 76 FR 80747

REPORTING

340-214-0100 Applicability

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

State effective: 10/14/1999; EPA effective: 3/24/2003; 68 FR 2891

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

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: 10/14/1999; EPA effective: 3/24/2003; 68 FR 2891

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

EXCESS EMISSIONS AND EMERGENCY PROVISION

340-214-0300 Purpose and Applicability

Emissions of air contaminants in excess of applicable standards or permit conditions are unauthorized and subject to enforcement action. OAR 340-214-0300 through 340-214-0360 apply to any source that emits air contaminants in excess of any applicable air quality rule or permit condition, including but not limited to excess emissions resulting from the breakdown of air pollution control equipment or operating equipment, process upset, startup, shutdown, or scheduled maintenance. Sources that do not emit air contaminants in excess of any applicable air quality rule or permit condition are not subject to the recordkeeping and reporting requirements in OAR 340-214-0300 through 340-214-0360. The purpose of these rules is to:

- (1) Require that, where applicable, the owner or operator immediately report all excess emissions to the Department;
- (2) Require the owner or operator to submit information and data regarding conditions that resulted or could result in excess emissions;
- (3) Identify criteria for the Department to use in determining whether it will take enforcement action against an owner or operator for an excess emission; and
- (4) Provide owners and operators an affirmative defense to a penalty action when noncompliance with technology-based emission limits is due to an emergency, as provided in OAR 340-214-0360.

State effective: 11/8/2007; EPA effective: 1/26/2012; 76 FR 80747

340-214-0310 Planned Startup and Shutdown

- (1) This rule applies to any source where startup or shutdown of a production process or system may result in excess emissions, and
 - (a) That is a major source; or
 - (b) That is in a non-attainment or maintenance area for the pollutant which may constitute excess emissions; or
 - (c) From which the Department requires the application in section (2) of this rule.
- (2) The owner or operator must obtain prior Department authorization of startup and shutdown procedures. The owner or operator must submit to the Department a written application for approval of new procedures or modifications to existing procedures. The application must be submitted in time for the Department to receive it at least 72 hours before the first occurrence of a startup or shutdown event to which the procedures apply. The application must:
 - (a) Explain why the excess emissions during startup and shutdown cannot be avoided;
 - (b) Identify the specific production process or system that will cause the excess emissions;

(c) Identify the nature of the air contaminants likely to be emitted and estimate the amount and duration of the excess emissions; and

(d) Identify specific procedures to be followed that will minimize excess emissions at all times during startup and shutdown.

(3) The Department will approve the procedures if it determines that they are consistent with good pollution control practices, will minimize emissions during such period to the extent practicable, and that no adverse health impact on the public will occur. The owner or operator must record all excess emissions in the excess emissions log, as required in OAR 340-214-0340(3). Approval of the procedures does not shield the owner or operator from an enforcement action, but the Department will consider whether the procedures were followed in determining whether an enforcement action is appropriate.

(4) Once the Department approves startup and shutdown procedures, the owner or operator does not have to notify the Department of a planned startup or shutdown event unless it results in excess emissions.

(5) When notice is required by section (4) of this rule, it must be made in accordance with OAR 340-214-0330(1)(a).

(6) The Department may revoke or require modifications to previously approved procedures at any time by written notification to the owner or operator.

(7) No startups or shutdowns that may result in excess emissions associated with the approved procedures in section (3) of this rule are allowed during any period in which an Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency has been declared, or during an announced yellow or red woodstove curtailment period in areas designated by the Department as PM₁₀ Non-attainment Areas.

(8) The owner or operator is subject to the requirements under All Other Excess Emissions in OAR 340-214-0330 if the owner or operator fails to obtain Department approval of start-up and shutdown procedures in accordance with section (2) of this rule.

State effective: 11/8/2007; EPA effective: 1/26/2012; 76 FR 80747

340-214-0320 Scheduled Maintenance

(1) If the owner or operator anticipates that shutdown, by-pass, or operation at reduced efficiency of air pollution control equipment for necessary scheduled maintenance may result in excess emissions, the owner or operator must obtain prior Department authorization of procedures that will be used. The owner or operator must submit a written application for approval of new procedures or modifications to existing procedures. The application must be submitted in time for the Department to receive it at least 72 hours before the first occurrence of a maintenance event to which the procedures apply. The application must:

(a) Explain the need for maintenance, including why it would be impractical to shut down the source operation during the period, and why the by-pass or reduced efficiency could not be avoided through better scheduling for maintenance or through better operation and maintenance practices; .

(b) Identify the specific production or emission control equipment or system to be maintained;

(c) Identify the nature of the air contaminants likely to be emitted during the maintenance period and the estimated amount and duration of the excess emissions, including measures such as the use

of overtime labor and contract services and equipment, that will be taken to minimize the length of the maintenance period;

(d) Identify specific procedures to be followed that will minimize excess emissions at all times during the scheduled maintenance.

(2) The Department will approve the procedures if it determines that they are consistent with good pollution control practices, will minimize emissions during such period to the extent practicable, and that no adverse health impact on the public will occur. The owner or operator must record all excess emissions in the excess emissions log, as required in OAR 340-214-0340(3). Approval-of-the above procedures does not shield the owner or operator from an enforcement action, but the Department will consider whether the procedures were followed in determining whether an enforcement action is appropriate.

(3) Once the Department approves the maintenance procedures the owner or operator does not have to notify the Department of a scheduled maintenance event unless it results in excess emissions.

(4) When required by section (3) of this rule, notification must be made in accordance with OAR 340-214-0330(1)(a).

(5) The Department may revoke or require modifications to previously approved procedures at any time by written notification to the owner or operator.

(6) No scheduled maintenance associated with the approved procedures in section (2).of this rule, that is likely to result in excess emissions, may occur during any period in which an, Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency has been declared, or during an announced yellow or red woodstove curtailment period in areas designated by the Department as PM₁₀ Nonattainment Areas.

(7) The owner or operator is subject to the requirements under All Other Excess Emissions in OAR 340-214-0330 if the owner or operator fails to obtain Department approval of maintenance procedures in accordance with section (1) of this rule.

State effective: 11/8/2007; EPA effective: 1/26/2012; 76 FR 80747

340-214-0330 All Other Excess Emissions

(1)For all other excess emissions not addressed in OAR 340-214-310, 340-214-320, or 340-214-360, the following requirements apply:

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

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

(c) Additional reporting and recordkeeping requirements are specified in OAR 340-214-0340(2). During any period of excess emissions, the Department may require that an owner or operator immediately reduce or cease operation of the equipment or facility until the condition causing the excess emissions has been corrected or brought under control. The Department will consider the following factors:

- (a) The potential risk to the public or environment;
- (b) Whether shutdown could result in physical damage to the equipment or facility, or cause injury to employees;
- (c) Whether any Air Pollution Alert, Warning, Emergency, or yellow or red woodstove curtailment period exists; and
- (d) Whether continued excess emissions were avoidable.

(3) If there is an on-going period of excess emissions, the owner or operator must cease operation of the equipment or facility no later than 48 hours after the beginning of the excess emission period, if the condition causing the emissions is not corrected within that time. The owner or operator does not have to cease operation if the Department approves procedures to minimize excess emissions until the condition causing the excess emissions is corrected or brought under control. The Department will consider the following before approving the procedures:

- (a) Why the condition(s) causing the excess emissions cannot be corrected or brought under control, including equipment availability and difficulty of repair or installation; and
- (b) Information as required in OAR 340-214-0310(2)(b),(c), and(d) or OAR 340-214-0320(1)(b),(c), and(d), as appropriate

(4) The Department will approve the procedures if it determines that they are consistent with good pollution control practices, will minimize emissions during such period to the extent practicable, and that no adverse health impact on the public will occur. The owner or operator must record all excess emissions in the excess emissions log as required in OAR 340-214-0340(3) of this rule. At any time during the period of excess emissions the Department may require the owner or operator to cease operation of the equipment or facility, in accordance with section (2) of this rule. Approval of these procedures does not shield the owner or operator from an enforcement action, but the Department will consider whether the procedures were followed in determining whether an enforcement action is appropriate.

State effective: 11/8/2007; EPA effective: 1/26/2012; 76 FR 80747

340-214-0340 Reporting Requirements

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

- (a) The date and time of the beginning of the excess emissions event and the duration or best estimate of the time until return to normal operation;
- (b) The date and time the owner or operator notified the Department of the event;
- (c) The equipment involved;
- (d) Whether the event occurred during planned startup, planned shutdown, scheduled maintenance, or as a result of a breakdown, malfunction, or emergency;

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

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

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

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

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

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

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

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

(b) Where applicable, current procedures to minimize emissions during startup, shutdown, or maintenance as outlined in OAR 340-214-0310 and 340-214-0320. The owner or operator must specify in writing whether these procedures are new, modified, or have already been approved by the Department.

State effective: 11/8/2007; EPA effective: 1/26/2012; 76 FR 80747

340-214-0350 Enforcement Action Criteria

In determining whether to take enforcement action for excess emissions, the Department considers, based upon information submitted by the owner or operator, the following:

(1) Whether the owner or operator met the notification, recordkeeping and reporting requirements of OAR 340-214-0330 and OAR 340-214-0340;

(2) Whether during the period of the excess emissions event the owner or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other permit requirements.

(3) Whether the owner or operator took the appropriate remedial action.

(4) Whether the event was due to the owner's or operator's negligent or intentional operation. For the Department to find that an incident of excess emissions was not due to the owner's or operator's negligent or intentional operation, the Department may ask the owner or operator to demonstrate that all of the following conditions were met:

(a) The process or handling equipment and the air pollution control equipment were at all times maintained and operated in a manner consistent with good practice for minimizing emissions;

(b) Repairs or corrections were made in an expeditious manner when the owner or operator knew or should have known that emission limits were being or were likely to be exceeded. "Expeditious manner" may include activities such as use of overtime labor or contract labor and equipment that would reduce the amount and duration of excess emissions;

(c) The event was not one in a recurring pattern of incidents that indicate inadequate design, operation, or maintenance.

(5) Whether the owner or operator was following procedures approved in OAR 340-214-0310 or OAR 340-214-0320 at the time of the excess emissions.

State effective: 11/8/2007; EPA effective: 1/26/2012; 76 FR 80747

340-214-0360 Emergency as an Affirmative Defense

(1) An emergency constitutes an affirmative defense to penalty actions due to noncompliance with technology-based emission limits if the owner or operator notifies the Department immediately of the emergency condition and demonstrates through properly signed, contemporaneous operating logs, excess emission logs, or other relevant evidence:

(a) that an emergency occurred and caused the excess emissions;

(b) the cause(s) of the emergency;

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

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

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

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

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

State effective: 11/8/2007; EPA effective: 1/26/2012; 76 FR 80747

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

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 340-224-0010. Sources referred to in Table 1 are subject to fees as set forth in Table 2.

(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, unless otherwise deferred from the requirement to obtain an ACDP in subsection (1)(c) or (d) of this rule. No person may continue to operate an air contaminant source if the ACDP expires, or is terminated or revoked; except as provided in OAR 340-216-0082.

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

(c) An air contaminant source required to obtain an ACDP or ACDP Attachment pursuant to a NESHAP or NSPS adopted by the Commission by rule is not required to submit an application for an ACDP or ACDP Attachment until four months after the effective date of the Commission's adoption of the NESHAP or NSPS, and is not required to obtain an ACDP or ACDP Attachment until six months after the Commission's adoption of the NESHAP or NSPS. In addition, the Department may defer the requirement to submit an application for, or to obtain an ACDP or ACDP Attachment, or both, for up to an additional twelve months.

(d) Gasoline dispensing facilities are not required to submit an application for an ACDP or ACDP Attachment until May 1, 2010 or obtain an ACDP or ACDP attachment until June 1, 2010. The Department may defer the requirement to submit an application for, or to obtain an ACDP or ACDP Attachment, or both, for up to an additional six months.

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

(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 340-210-0205 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 340-210-0205 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.

(6) Subject to the requirements in this Division, the Lane Regional Air Protection Agency is designated by the Commission as the permitting agency to implement the Air Contaminant Discharge Permit program within its area of jurisdiction. The Regional Agency's program is subject

to Department oversight. The requirements and procedures contained in this Division pertaining to the Air Contaminant Discharge Permit program shall be used by the Regional Agency to implement its permitting program until the Regional Agency adopts superseding rules which are at least as restrictive as state rules.

State effective: 5/1/2011; EPA effective: 1/26/2012; 76 FR 80747

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: (Production and emission parameters are based on the latest consecutive 12 month period, or future projected operation, whichever is higher. Emission cutoffs are based on actual emissions.)	
1.	** Autobody Repair or Painting Shops painting more than 25 automobiles in a year.
2.	Concrete Manufacturing including Redimix and CTB more than 5,000 but less than 25,000 cubic yards per year output.
3.	Crematory and Pathological Waste Incinerators with less than 20 tons/yr. material input.
4.	Natural Gas and Propane Fired Boilers (with or without #2 diesel oil back-up****) of 10 or more MMBTU but less than 30 MMBTU/hr heat input constructed after June 9, 1989.
5.	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.
6.	Rock, Concrete or Asphalt Crushing both portable and stationary more than 5,000 tons/yr. but less than 25,000 tons/yr. crushed.
7.	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 and non-HAP containing coatings (e.g. powder coating operations).
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, Copper, and Other Nonferrous Foundries subject to an Area Source NESHAP
3.	Aluminum Production - Primary
4.	Ammonia Manufacturing

5.	Animal Rendering and Animal Reduction Facilities
6.	Asphalt Blowing Plants
7.	Asphalt Felts or Coating
8.	Asphaltic Concrete Paving Plants both stationary and portable
9.	Bakeries, Commercial over 10 tons of VOC emissions per year
10.	Battery Separator Manufacturing
11.	Battery Manufacturing and Re-manufacturing
12.	Beet Sugar Manufacturing
13.	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
14.	Building paper and Buildingboard Mills
15.	Calcium Carbide Manufacturing
16.	*** Can or Drum Coating
17.	Cement Manufacturing
18.	* Cereal Preparations and Associated Grain Elevators 10,000 or more tons/yr. throughput
19.	Charcoal Manufacturing
20.	Chlorine and Alkalies Manufacturing
21.	Chrome Plating
22.	Clay Ceramics Manufacturing subject to an Area Source NESHAP
23.	Coffee Roasting (roasting more than 30 tons per year)
24.	Concrete Manufacturing including Redimix and CTB 25,000 or more cubic yards per year output
25.	Crematory and Pathological Waste Incinerators 20 or more tons/yr. material input
26.	Degreasers (halogenated solvents subject to a NESHAP)
27.	Electrical Power Generation from combustion, excluding units used exclusively as emergency generators and units less than 500 kW
28.	Commercial Ethylene Oxide Sterilization, excluding facilities using less than 1 ton of ethylene oxide within all consecutive 12-month periods after December 6, 1996
29.	Ferroalloy Production Facilities subject to an Area Source NESHAP
30.	*** Flatwood Coating regulated by Division 232
31.	*** Flexographic or Rotogravure Printing subject to RACT
32.	* Flour, Blended and/or Prepared and Associated Grain Elevators 10,000 or more tons/yr. throughput
33.	Galvanizing and Pipe Coating (except galvanizing operations that use less than 100 tons of zinc/yr.)

34.	Gasoline Bulk Plants, Bulk Terminals, and Pipeline Facilities
35.	Gasoline dispensing facilities, excluding gasoline dispensing facilities with monthly throughput of less than 10,000 gallons of gasoline per month
36.	Glass and Glass Container Manufacturing
37.	* Grain Elevators used for intermediate storage 10,000 or more tons/yr. throughput
38.	Grain terminal elevators
39.	Gray iron and steel foundries, malleable iron foundries, steel investment foundries, steel foundries (not elsewhere identified)
40.	Gypsum Products Manufacturing
41.	Hardboard Manufacturing (including fiberboard)
42.	Hospital sterilization operations subject to an Area Source NESHAP.
43.	Incinerators with two or more ton per day capacity
44.	Lime Manufacturing
45.	*** Liquid Storage Tanks subject to OAR Division 232
46.	Magnetic Tape Manufacturing
47.	Manufactured and Mobile Home Manufacturing
48.	Marine Vessel Petroleum Loading and Unloading
49.	Metal Fabrication and Finishing Operations subject to an Area Source NESHAP, excluding facilities that meet all the following:
a.	Do not perform any of the operations listed in OAR 340-216-0060(2)(b)(Y)(i) and (iii);
b.	Do not perform shielded metal arc welding (SMAW) using metal fabrication and finishing hazardous air pollutant (MFHAP) containing wire or rod ; and
c.	Use less than 100 pounds of MFHAP containing welding wire and rod per year
50.	Millwork (including kitchen cabinets and structural wood members) 25,000 or more bd. ft./maximum 8 hr. input
51.	Molded Container
52.	Motor Coach Manufacturing
53.	Motor Vehicle and Mobile Equipment Surface Coating Operations subject to an Area Source NESHAP, excluding motor vehicle surface coating operations painting less than 10 vehicles per year or using less than 20 gallons of coating per year and motor vehicle surface coating operations registered pursuant to OAR 340-210-0100(2)
54.	Natural Gas and Oil Production and Processing and associated fuel burning equipment
55.	Nitric Acid Manufacturing
56.	Non-Ferrous Metal Foundries 100 or more tons/yr. of metal charged
57.	Organic or Inorganic Chemical Manufacturing and Distribution with ½ or more tons per year emissions of any one criteria pollutant (sources in this category with less than ½ ton/yr. of each criteria pollutant are not required to have an ACDP)

58.	Paint and Allied Products Manufacturing subject to an Area Source NESHAP
59.	Paint Stripping and Miscellaneous Surface Coating Operations subject to an Area Source NESHAP
60.	*** Paper or other Substrate Coating
61.	Particleboard Manufacturing (including strandboard, flakeboard, and waferboard)
62.	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
63.	Pesticide Manufacturing greater than 5,000 or more tons/yr. annual production
64.	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
65.	Plating and Polishing Operations subject to an Area Source NESHAP
66.	Plywood Manufacturing and/or Veneer Drying
67.	Prepared feeds for animals and fowl and associated grain elevators 10,000 or more tons per year throughput
68.	Primary Smelting and/or Refining of Ferrous and Non-Ferrous Metals
69.	Pulp, Paper and Paperboard Mills
70.	Rock, Concrete or Asphalt Crushing both portable and stationary 25,000 or more tons/yr. crushed
71.	Sawmills and/or Planing Mills 25,000 or more bd. ft./maximum 8 hr. finished product
72.	Secondary Nonferrous Metals Processing subject to an Area Source NESHAP
73.	Secondary Smelting and/or Refining of Ferrous and Non-Ferrous Metals
74.	* Seed Cleaning and Associated Grain Elevators 5,000 or more tons/yr. throughput
75.	Sewage Treatment Facilities employing internal combustion for digester gasses
76.	Soil Remediation Facilities stationary or portable
77.	Steel Works, Rolling and Finishing Mills
78.	*** Surface Coating in Manufacturing subject to RACT
79.	Surface Coating Operations with actual emissions of VOCs before add on controls of 10 or more tons/yr.
80.	Synthetic Resin Manufacturing
81.	Tire Manufacturing
82.	Wood Furniture and Fixtures 25,000 or more bd. ft./maximum 8 hr. input
83.	Wood Preserving (excluding waterborne)
84.	All Other Sources not listed herein that the Department determines an air quality concern exists or one which would emit significant malodorous emissions

85.	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.
b.	Sources with less than 10 tons/yr. actual emissions that are subject to RACT, NSPS or a NESHAP adopted in OAR 340-244-0220 which qualify for a Simple ACDP
c.	Sources registered pursuant to OAR 340-210-0100(2).
d.	Electrical power generation units used exclusively as emergency generators and units less than 500 kW.
e.	Gasoline dispensing facilities, provided the gasoline dispensing facility has monthly throughput of less than 10,000 gallons of gasoline per month
f.	Motor vehicle surface coating operations painting less than 10 vehicles per year or using less than 20 gallons of coating per year.
g.	Commercial ethylene oxide sterilization operations using less than 1 ton of ethylene oxide within all consecutive 12-month periods after December 6, 1996.
h.	Metal fabrication and finishing operations that meet all the following:
A.	Do not perform any of the operations listed in OAR 340-216-0060(2)(b)(Y)(i) and (iii);
B.	Do not perform shielded metal arc welding (SMAW) using metal fabrication and finishing hazardous air pollutant (MFHAP) containing wire or rod; and
C.	Use less than 100 pounds of MFHAP containing welding wire and rod per year
5.	All sources having the potential to emit more than 100,000 tons CO _{2e} of GHG emissions in a year.
6.	All Sources having the Potential to Emit more than 100 tons of any regulated air contaminant in a year
7.	All Sources having the Potential to Emit more than 10 tons of a single hazardous air pollutant in a year
8.	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
	**** “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	\$3,000.00
b.	Basic ACDP	\$120.00
c.	Assignment to General ACDP	\$1,200.00*
d.	Simple ACDP	\$6,000.00
e.	Construction ACDP	\$9,600.00
f.	Standard ACDP	\$12,000.00
g.	Standard ACDP (PSD/NSR)	\$42,000.00
*DEQ may waive the assignment fee for an existing source requesting to be assigned to a General ACDP because the source is subject to a newly adopted area source NESHAP as long as the existing source requests assignment within 90 days of notification by DEQ.		
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	\$360.00
c.	General ACDP	
	(A) Fee Class One	\$720.00
	(B) Fee Class Two	\$1,296.00
	(C) Fee Class Three	\$1,872.00
	(D) Fee Class Four	\$360.00
	(E) Fee Class Five	\$120.00
	(F) Fee Class Six	\$240.00
d.	Simple ACDP	
	(A) Low Fee	\$1,920.00
	(B) High Fee	\$3,840.00
e.	Standard ACDP	\$7,680.00
*The payment due date for dry cleaners or gasoline dispensing facilities may be extended by the Department until March 1st.		
Part 3.	Specific Activity Fees:	
a.	Non-Technical Permit Modification (1)	\$360.00
b.	Non-PSD/NSR Basic Technical Permit Modification (2)	\$360.00

c.	Non-PSD/NSR Simple Technical Permit Modification(3)	\$1,200.00
d.	Non-PSD/NSR Moderate Technical Permit Modification (4)	\$6,000.00
e.	Non-PSD/NSR Complex Technical Permit Modification (5)	\$12,000.00
f.	PSD/NSR Modification	\$ 42,000.00
g.	Modeling Review (outside PSD/NSR)	\$6,000.00
h.	Public Hearing at Source's Request	\$2,400.00
i.	State MACT Determination	\$6,000.00
j.	Compliance Order Monitoring (6)	\$120.00/mo.
k.	Greenhouse Gas Reporting as required by OAR 340-215	15% of the applicable annual fee in Part2
Part 4.	Late Fees:	
a.	8-30 days late 5%	
b.	31-60 days late 10%	
c.	61 or more days late 20%	
(1)	Non-Technical modifications include, but are not limited to name changes, change of ownership and similar administrative changes. For gasoline dispensing facilities, a portion of these fees will be used to cover the fees required for changes of ownership in OAR 340-150-0052(4).	
(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 judgment, 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 devise 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 judgment 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.
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State effective: 5/1/2011; EPA effective: 1/26/2012; 76 FR 80747

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

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

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

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

(7) 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.

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

(9) 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.

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

(11) 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.

(12) 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.

(13) 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.

(14) 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: 5/1/2011; EPA effective: 1/26/2012; 76 FR 80747

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

340-216-0060 General Air Contaminant Discharge Permits

(1) Applicability.

(a) The Department 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 covered operations can be contained in a General ACDP;

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

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

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

(A) All relevant requirements for the operations covered by the General ACDP;

(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 expiration date not to exceed 10 years from the date of issuance.

(c) Permit issuance procedures: A General ACDP requires public notice and opportunity for comment in accordance with OAR 340 division 209 for Category III permit actions. A reissued General ACDP or a modification to a General ACDP requires public notice and opportunity for comment in accordance with OAR 340 division 209 for Category II permit actions. All General ACDPs are on file and available for review at the Department's headquarters.

(2) Source assignment:

(a) Application requirements. Any person requesting that a source be assigned to a General ACDP must submit a written application 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. The fee class for each General ACDP is as follows:

- (A) Hard chrome platers – Fee Class Three;
- (B) Decorative chrome platers – Fee Class Two;
- (C) Halogenated solvent degreasers -- batch cold -- Fee Class Two;
- (D) Halogenated solvent degreasers -- batch vapor and in-line -- Fee Class Two;
- (E) Halogenated solvent degreasers -- batch cold, batch vapor, and in-line -- Fee Class Two;
- (F) Perchloroethylene dry cleaners -- Fee Class Six;
- (G) Asphalt plants -- Fee Class Three;
- (H) Rock crushers -- Fee Class Two;
- (I) Ready-mix concrete -- Fee Class One;
- (J) Sawmills, planing mills, millwork, plywood manufacturing and veneer drying -- Fee Class Three;
- (K) Boilers -- Fee Class Two;
- (L) Crematories -- Fee Class Two;
- (M) Grain elevators -- Fee Class One;
- (N) Prepared feeds, flour, and cereal -- Fee Class One;
- (O) Seed cleaning -- Fee Class One;
- (P) Coffee roasters -- Fee Class One;
- (Q) Bulk gasoline plants -- Fee Class One;
- (R) Electric power generators -- Fee Class Two;
- (S) Clay ceramics -- Fee Class One;
- (T) Hospital sterilizers -- Fee Class Four;
- (U) Secondary nonferrous metals -- Fee Class One;
- (V) Gasoline dispensing facilities -- stage I-- Fee Class Five;
- (W) Gasoline dispensing facilities -- stage II -- Fee Class Four;
- (X) Wood preserving -- Fee Class Four;
- (Y) Metal fabrication and finishing -- with two or more of the following operations -- Fee Class Two;
 - (i) Dry abrasive blasting performed in a vented enclosure or of objects greater than 8 feet (2.4meters) in any one dimension that uses materials that contain MFHAP or has the potential to emit MFHAP;
 - (ii) Spray-applied painting operation using MFHAP containing paints;
 - (iii) Welding operation that uses materials that contain MFHAP or has the potential to emit MFHAP and uses 2,000 pounds or more per year of MFHAP containing welding wire and rod (calculated on a rolling 12-month basis);
- (Z) Metal fabrication and finishing -- with only one of the operations listed in subparagraphs (2)(b)(Y)(i) through (iii) of this rule-- Fee Class One;
- (AA) Metal fabrication and finishing -- with none of the operations listed in subparagraphs (2)(b)(Y)(i) through (iii) of this rule -- Fee Class Four;
- (BB) Plating and polishing -- Fee Class One ;
- (CC) Surface coating operations -- Fee Class One;
- (DD) Paint stripping -- Fee Class One;
- (BE) Aluminum, copper, and nonferrous foundries -- Fee Class Two;
- (FF) Paints and allied products manufacturing -- Fee Class Two;
- (GG) Any General ACDP not listed above -- Fee Class One.

(c) Source assignment procedures:

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

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

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

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

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

(3) Department Initiated Modification. If the Department determines that the conditions have changed such that a General ACDP for a category needs to be modified, the Department may issue a new General ACDP for that category and 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: 5/1/2011; EPA effective: 1/26/2012; 76 FR 80747

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 complexity of the emission controls and potential threat to human health and the environment if the emission controls fail;

(D) The location of the source; and

(E) The compliance history of the source.

(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. Annual fees for Simple ACDPs will be assessed based on the following:

(a) Low Fee -- A Source may qualify for the Low Fee if:

(A) the source is, or will be, permitted under only one of the following categories from OAR 340-216-0020 Table 1, Part B (category 25. Electric Power Generation, may be included with any category listed below):

(i) Category 7. Asphalt felt and coatings;

(ii) Category 13. Boilers and other fuel burning equipment;

(iii) Category 33. Galvanizing & Pipe coating;

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

(v) Category 40. Gypsum products;

(vi) Category 45. Liquid Storage Tanks subject to OAR division 232;

(vii) Category 56. Non-Ferrous Metal Foundries 100 or more tons/yr. of metal charged;

(viii) Category 57. Organic or Inorganic Industrial Chemical Manufacturing;

(ix) Category 62. Perchloroethylene Dry Cleaning;

(x) Category 73. Secondary Smelting and/or Refining of Ferrous and Non-Ferrous Metals; or

(xi) Category 85. All Other Sources not listed in Table 1 which would have actual emissions, if the source were to operate uncontrolled, of 5 or more tons a year of direct PM_{2.5} or PM₁₀ if located in a PM_{2.5} or PM₁₀ non-attainment or maintenance area, or 10 or more tons of any single criteria pollutant in any part of the state; and

(B) The actual emissions from the 12 months immediately preceding the invoice date, and future projected emissions are less than 5 tons/yr. PM₁₀ in a PM₁₀ nonattainment or maintenance area, and less than 10 tons/yr. for each criteria pollutant; and

(C) The source is not considered an air quality problem or nuisance source by the Department.

(b) High Fee -- Any source required to have a Simple ACDP (OAR 340-216-0020 Table 1 Part B) that does not qualify for the Low Fee will be assessed the High Fee.

(c) If the Department determines that a source was invoiced for the Low Annual Fee but does not meet the Low Fee criteria outlined above, the source will be required to pay the difference between the Low and High Fees, plus applicable late fees in accordance with OAR 340-216-0020 Table 2. Late fees start upon issuance of the initial invoice. In this case, the Department will issue a new invoice specifying applicable fees.

(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; or

(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: 5/1/2011; EPA effective: 1/26/2012; 76 FR 80747

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

340-216-0082 Expiration, Termination or Revocation of an ACDP

(1) Expiration

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

(A) a timely and complete application for renewal or for an Oregon Title V Operating Permit has been submitted; or

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

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

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

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

(b) Written request of the permittee, if 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.

(3) Reinstatement of Terminated Permit: A permit automatically terminated under 340-216-0082(2)(b) through (2)(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.

(4) 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 340-011-0525. 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 340-011-0525. 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: 11/8/2007; EPA effective: 1/26/2012; 76 FR 80747

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

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: 7/2001/2001; EPA effective: 3/24/2003; 68 FR 2891

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 and banking programs; and

(d) Establishing the baseline for tracking consumption of Prevention of Significant Deterioration Increments.

(3) PSELs shall not be required for:

(a) Pollutants that will be emitted at less than the de minimis emission level listed in OAR 340-200-0020 from the entire source;

(b) Short Term Activity and Basic ACDPs; or

(c) Hazardous air pollutants as listed in OAR 340-244-0040 Table 1; Early Reduction High Risk Pollutants listed in OAR 340-244-0120 Table 2; or Accidental Release Substances listed in OAR 340-244-0230 Table 3.

(4) Generic PSELs may be used for any category of ACDP or Title V permit.

State effective: 8/29/2008; EPA effective: 1/26/2012, 76 FR 80747

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: 10/14/1999; EPA effective: 3/24/2003; 68 FR 2891

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; 68 FR 2891

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; 68 FR 2891

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; 68 FR 2891

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; 68 FR 2891

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.

State effective: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

340-222-0070 Plant Site Emission Limits for Insignificant Activities

(1) For purposes of establishing PSELS, 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 PSELS, 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; 68 FR 2891

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; 68 FR 2891

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; 68 FR 2891

DIVISION 223

Regional Haze

340-223-0010 Purpose

OAR 340-223-0020 through 340-223-0080 establish requirements for certain sources emitting air pollutants that reduce visibility and contribute to regional haze in Class I areas, for the purpose of implementing Best Available Retrofit Technology (BART) requirements and other requirements associated with the federal Regional Haze Rules in 40 CFR § 51.308, as in effect on December 9, 2010.

State effective: 12/10/2010; EPA effective: 8/4/2011; 76 FR 38997

340-223-0020 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) “BART-eligible source” means any source determined by the Department to meet the criteria for a BART-eligible source established in Appendix Y to 40 CFR Part 51, “Guidelines for BART Determinations Under the Regional Haze Rule”, and in accordance with the federal Regional Haze Rules under 40 CFR § 51.308(e), as in effect on December 9, 2010.

(2) “Best Available Retrofit Technology (BART)” means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant that is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source or unit, the remaining useful life of the source or unit, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.

(3) “Deciview” means a measurement of visibility impairment. A deciview is a haze index derived from calculated light extinction, such that uniform changes in haziness correspond to uniform incremental changes in perception across the entire range of conditions, from pristine to highly impaired. The deciview haze index is calculated based on the following equation (for the purposes of calculating deciview, the atmospheric light extinction coefficient must be calculated from aerosol measurements):

$$\text{Deciview haze index} = 10 \ln(b_{\text{ext}}/10 \text{ Mm}^{-1})$$

Where b_{ext} = the atmospheric light extinction coefficient, expressed in inverse megameters (Mm^{-1}).

(4) “Dry sorbent injection pollution control system” means a pollution control system that reduces sulfur dioxide emissions by combining a dry alkaline reagent directly with the boiler exhaust gas stream to enable the reagent to adsorb sulfur dioxide and be collected by the existing electrostatic precipitator.

(5) “Subject to BART” means a BART-eligible source that based on air quality dispersion modeling causes visibility impairment equal to or greater than 0.5 deciview in any Class I area, at the 98th percentile for both a three-year period and one-year period.

(6) “Ultra-low sulfur coal” means coal that contains no more than 0.25 lb sulfur/mmBtu heat input on average.

State effective: 12/10/2010; EPA effective: 8/4/2011; 76 FR 38997

340-223-0030 BART and Additional Regional Haze Requirements for the Foster-Wheeler Boiler at the Boardman Coal-Fired Power Plant (Federal Acid Rain Program Facility ORISPL Code 6106)

(1) Emissions limits:

(a) Between July 1, 2011 and December 31, 2020, nitrogen oxide emissions must not exceed 0.23 lb/mmBtu heat input as a 30-day rolling average, provided that:

(A) If the source submitted a complete application for construction and/or operation of pollution control equipment to satisfy the emissions limit in subsection (1)(a) at least eight months prior to the compliance date of July 1, 2011, and the Department has not approved or denied the application by the compliance date, the compliance date is extended until the Department approves or disapproves the application, but may not be extended to a date more than five years from the date that the United States Environmental Protection Agency approves a revision to the State of Oregon Clean Air Act Implementation Plan that incorporates OAR 340-223-0030; and

(B) If it is demonstrated by December 31, 2011 that the emissions limit in subsection (1)(a) cannot be achieved with combustion controls, the Department by order may grant an extension of compliance to July 1, 2013.

(b) Except as provided in section (3) below:

(A) Between July 1, 2014 and June 30, 2018, sulfur dioxide emissions must not exceed 0.40 lb/mmBtu heat input as a 30-day rolling average; and

(B) Between July 1, 2018 and December 31, 2020, sulfur dioxide emissions must not exceed 0.30 lb/mmBtu heat input as a 30-day rolling average.

(c) Between July 1, 2014 and December 31, 2020, particulate matter emissions must not exceed 0.040 lb/mmBtu heat input as determined by compliance source testing.

(d) During periods of startup and shutdown, the following emissions limits apply instead of the limits in subsections (a) through (c):

(A) Sulfur dioxide emissions must not exceed 1.20 lb/mmBtu, as a 3-hour rolling average;

(B) Nitrogen oxide emissions must not exceed 0.70 lb/mmBtu, as a 3-hour rolling average; and

(C) Particulate matter emissions must be minimized to extent practicable pursuant to approved startup and shutdown procedures in accordance with OAR 340-214-0310.

(e) The Foster-Wheeler boiler at the source must permanently cease burning coal by no later than December 31, 2020. Notwithstanding the definition of netting basis in OAR 340-200-0020, and the process for reducing plant site emission limits in OAR 340-222-0043, the netting basis and PSEs for the boiler are reduced to zero upon the date on which the boiler permanently ceases burning coal, and prior to that date the netting basis and PSEs for the boiler apply only to physical changes or changes in the method of operation of the source for the purpose of complying with emission limits applicable to the boiler.

(2) Studies to evaluate compliance with the sulfur dioxide emissions limits in paragraphs (1)(b)(A)-(B), and the potential side effects of compliance with those limits, if required by section (3), must be completed as follows:

(a) A plan to evaluate the sulfur dioxide emissions limit in paragraph (1)(b)(A) must be submitted for Department approval by July 1, 2011, and the results of the evaluation must be submitted to the Department by July 1, 2013;

(b) A plan to evaluate the sulfur dioxide emissions limit in paragraph (1)(b)(B) must be submitted for Department approval by July 1, 2015, and the results of the evaluation must be submitted to the Department by July 1, 2017; and

(c) Each study pursuant to this section (2) must:

(A) Evaluate whether a dry sorbent injection pollution control system is technically infeasible, will prevent compliance with mercury emissions limits under OAR 340-228-0606, or cause a significant air quality impact (as that term is defined in OAR 340-200-0020) for PM₁₀ or PM_{2.5};

(B) Evaluate a range of commercially available sorbent materials that could be used in a dry sorbent injection pollution control system to reduce sulfur dioxide emissions;

(C) Evaluate the potential for significant air quality impacts for PM₁₀ or PM_{2.5} as follows:

(i) Perform modeling consistent with the requirements of OAR 340-225-0050(1) with screening meteorological data containing conservative meteorological assumptions; or

(ii) If modeling with screening meteorological data pursuant to subparagraph (i) demonstrates that significant air quality impacts for PM₁₀ or PM_{2.5} will occur, perform modeling with site specific meteorological data obtained from the installation of a meteorological monitoring station, including one year of monitoring data for each study. The meteorological monitoring station must be installed, certified, operated and maintained, and the output of the meteorological monitoring station must be recorded, in accordance with a plan approved by the Department;

(D) Evaluate the use of other sulfur dioxide pollution control systems of equal or lower cost as a dry sorbent injection pollution control system, including but not limited to the use of ultra-low sulfur coal, if the study demonstrates that the use of a dry sorbent injection pollution control system is technically infeasible, will

prevent compliance with mercury emissions limits under OAR 340-228-0606, or will cause a significant air quality impact (as that term is defined in OAR 340-200-0020) for PM₁₀ or PM_{2.5}; and

(E) If applicable, propose an emissions limit for sulfur dioxide based on a 30-day rolling average that exceeds the limits listed in paragraphs (1)(b)(A)-(B), based upon the reduction of sulfur dioxide emissions to the maximum extent feasible through the use of a dry sorbent injection pollution control system or another sulfur dioxide pollution control system of equal or lower cost, including but not limited to the use of ultra-low sulfur coal, provided that the emissions limit may not exceed 0.55 lb/mmBtu heat input as a 30-day rolling average.

(3) Between July 1, 2014 and December 31, 2020, sulfur dioxide emissions may exceed the limit listed in paragraph (1)(b)(A) or (B), or both, if:

(a) Studies have been submitted pursuant to section (2);

(b) Compliance with the applicable emissions limit or limits would:

(A) Be technically infeasible;

(B) Prevent compliance with mercury emissions limits under OAR 340-228-0606; or

(C) Cause a significant air quality impact, as that term is defined in OAR 340-200-0020, for PM₁₀ or PM_{2.5};

(c) Sulfur dioxide emissions are otherwise reduced to the maximum extent feasible as described in subsection (2)(c); and

(d) The source's Oregon Title V Operating Permit is modified to include a federally enforceable permit limit reflecting the requirements of subsection (2)(c), prior to the compliance date for the sulfur dioxide emissions limit in paragraph (1)(b)(A) or (B) that will be exceeded; provided that if the source's Oregon Title V Operating Permit has not been modified prior to the applicable compliance date, sulfur dioxide emissions may exceed the emissions limit in paragraph (1)(b)(A) or (B) if the source submitted a complete application to modify its Oregon Title V Operating Permit at least eight months prior to the applicable compliance date and sulfur dioxide emissions do not exceed the emissions limit proposed in its application (which may not exceed 0.55 lb/mmBtu heat input as a 30-day rolling average).

(4) Compliance demonstration. Using the procedures specified in section (5) of this rule:

(a) Compliance with a 30-day rolling average limit must be demonstrated within 180 days of the compliance date specified in section (1) of this rule; and

(b) Compliance with any 30-day rolling average limit for sulfur dioxide that may be established pursuant to subsection (3)(c) must be demonstrated within 180 days of the compliance date for the limit in paragraph (1)(b)(A) or (B) that is superseded by the emissions limit established pursuant to subsection (3)(c).

(5) Compliance Monitoring and Testing.

(a) Compliance with the emissions limits in subsections (1)(a), (b) and (d)(A)-(B), and with any emission limit for sulfur dioxide that may be established pursuant to subsection (3)(c), must be determined with a continuous emissions monitoring system (CEMS) installed, operated, calibrated, and maintained in accordance with the acid rain monitoring requirements in 40 CFR Part 75 as in effect on December 9, 2010.

(A) The hourly emissions rate in terms of lb/mmBtu heat input must be recorded each operating hour, including periods of startup and shutdown.

(B) The daily average emissions rate must be determined for each boiler operating day using the hourly emissions rates recorded in (A), excluding periods of startup and shutdown.

(C) 30-day rolling averages must be determined using all daily average emissions rates recorded in (B) whether or not the days are consecutive.

(D) The daily average emission rate is calculated for any calendar day in which the boiler combusts any fuel. An operating hour means a clock hour during which the boiler combusts any fuel, either for part of the hour or for the entire hour.

(b) Compliance with the particulate matter emissions limit in subsection (1)(c) must be determined by EPA Methods 5 and 19 as in effect on December 9, 2010.

(A) An initial particulate matter source test must be conducted by January 1, 2015.

(B) Subsequent tests must be conducted in accordance with a schedule specified in the source's Oregon Title V Operating Permit, but not less than once every 5 years.

(C) All testing must be performed in accordance with the Department's Source Sampling Manual as in effect on December 9, 2010.

(6) Notifications and Reports.

(a) The Department must be notified in writing within 7 days after any control equipment (including combustion controls) used to comply with emissions limits in section (1), and with any emissions limit for sulfur dioxide that may be established pursuant to subsection (3)(c), begins operation.

(b) For nitrogen oxide and sulfur dioxide emissions limits in section (1) based on a 30-day rolling average, a compliance status report, including CEMS data, must be submitted within 180 days of the compliance dates specified in section (1).

(c) For any sulfur dioxide emissions limit that may be established pursuant to subsection (3)(c), a compliance status report, including CEMS data, must be submitted within 180 days of the compliance date for the limit in paragraph (1)(b)(A) or (B) that is superseded by the emissions limit established pursuant to subsection (3)(c).

(d) For particulate matter, a compliance status report, including a source test report, must be submitted within 60 days of completing the initial compliance test and all subsequent tests as specified in subsection (5)(b).

(e) The Department must be notified in writing within 7 days of the date upon which the boiler permanently ceases burning coal.

(7) The following provisions of this rule constitute BART requirements for the Foster-Wheeler Boiler: subsection (1)(a), paragraph (1)(b)(A), subsections (1)(c)-(e), (2)(a) and (2)(c), and sections (3)-(6).

(8) The following provisions of this rule constitute additional requirements pursuant to the federal Regional Haze Rules under 40 CFR § 51.308(e) for the Foster-Wheeler Boiler: paragraph (1)(b)(B), subsections (2)(b) and (2)(c), and sections (3)-(6).

State effective: 12/10/2010; EPA effective: 8/4/2011; 76 FR 38997

340-223-0040 Federally Enforceable Permit Limits

(1) A BART-eligible source that would be subject to BART may accept a federally enforceable permit limit or limits that reduces the source's emissions and prevents the source from being subject to BART.

(2) Any BART-eligible source that accepts a federally enforceable permit limit or limits as described in section (1) to prevent the source from being subject to BART, and that subsequently proposes to terminate its federally enforceable permit limit or limits, and that as a result will increase its emissions and become

subject to BART, must submit a BART analysis to the Department and install BART as determined by the Department prior to terminating the federally enforceable permit limit or limits.

(3) The Foster-Wheeler boiler at The Amalgamated Sugar Company plant in Nyssa, Oregon (Title V permit number 23-0002) is a BART-eligible source, and air quality dispersion modeling demonstrates that it would be subject to BART while operating. However, it is not operating as of December 9, 2010, and therefore is not subject to BART. Prior to resuming operation, the owner or operator of the source must either:

(a) Submit a BART analysis and install BART as determined by the Department by no later than five years from the date that the United States Environmental Protection Agency approves a revision to the State of Oregon Clean Air Act Implementation Plan that incorporates OAR chapter 340, division 223, or before resuming operation, whichever is later; or

(b) Obtain and comply with a federally enforceable permit limit or limits assuring that the source's emissions will not cause the source to be subject to BART.

State effective: 12/10/2010; EPA effective: 8/4/2011; 76 FR 38997

340-223-0050 Alternative Regional Haze Requirements for the Foster-Wheeler Boiler at the Boardman Coal-Fired Power Plant (Federal Acid Rain Program Facility ORISPL Code 6106)

(1) The owner and operator of the Foster-Wheeler boiler at the Boardman coal-fired power plant may elect to comply with OAR 340-223-0060 and 340-223-0070, or with OAR 340-223-0080, in lieu of complying with OAR 340-223-0030, if the owner or operator provides written notification to the Director by no later than July 1, 2014. The written notification must identify which rule of the two alternatives the owner or operator has chosen to comply with. The owner or operator may not change its chosen method of compliance after July 1, 2014.

(2) Compliance with OAR 340-223-0080 in lieu of complying with OAR 340-223-0030 is allowed only if the Foster-Wheeler boiler at the Boardman coal-fired power plant permanently ceases to burn coal within five years of the approval by the United States Environmental Protection Agency (EPA) of the revision to the State of Oregon Clean Air Act Implementation Plan that incorporates OAR chapter 340, division 223. If the boiler has not permanently ceased burning coal by that date, the owner and operator shall be liable for violating OAR 340-223-0030 for each day beginning July 1, 2014 on which the owner or operator did not comply with OAR 340-223-0030. This liability shall include, but is not limited to, civil penalties pursuant to OAR chapter 340, division 12, which includes penalties for the economic benefit of operating the facility without the required pollution controls.

(3) If, by December 31, 2011, the EPA fails to approve a revision to the State of Oregon Clean Air Act Implementation Plan that incorporates OAR 340-223-0030 (concerning BART requirements based upon permanently ceasing the burning of coal in the Foster-Wheeler Boiler by December 31, 2020), or OAR 340-223-0060 and 340-223-0070, then the compliance date of July 1, 2014 in OAR 340-223-0060(2)(b) and (c) (sulfur dioxide and particulate matter emissions limits) is delayed until three years from the date of EPA approval.

(4) Notwithstanding sections (1) and (3), if the EPA approves a revision to the State of Oregon Clean Air Act Implementation Plan that incorporates OAR 340-223-0030 (concerning BART requirements based upon permanently ceasing the burning of coal in the Foster-Wheeler Boiler by December 31, 2020), then OAR 340-223-0060 and 340-223-0070 are repealed, compliance with OAR 340-223-0060 and 340-223-0070 in lieu of complying with OAR 340-223-0030 is no longer an alternative, and compliance with OAR 340-223-0030 or OAR 340-223-0080 is required.

State effective: 12/10/2010; EPA effective: 8/4/2011; 76 FR 38997

340-223-0080 Alternative Requirements for the Foster-Wheeler Boiler at the Boardman Coal-Fired Power Plant (Federal Acid Rain Program Facility ORISPL Code 6106) Based Upon Permanently Ceasing the Burning of Coal Within Five Years of EPA Approval of the Revision to the Oregon Clean Air Act State Implementation Plan Incorporating OAR Chapter 340, Division 223.

(1) Subject to OAR 340-223-0050, the owner or operator of the Foster-Wheeler boiler at the Boardman coal-fired power plant may elect to comply with this rule in lieu of compliance with OAR 340-223-0030 if the boiler permanently ceases to burn coal within five years of the approval by the United States Environmental Protection Agency (EPA) of the revision to the State of Oregon Clean Air Act Implementation Plan that incorporates OAR chapter 340, division 223.

(2) Emissions limits:

(a) Beginning July 1, 2011, nitrogen oxide emissions must not exceed 0.23 lb/mmBtu heat input as a 30-day rolling average, provided that:

(A) If the source submitted a complete application for construction and/or operation of pollution control equipment to satisfy the emissions limit in subsection (2)(a) at least eight months prior to the compliance date of July 1, 2011, and the Department has not approved or denied the application by the compliance date, the compliance date is extended until the Department approves or disapproves the application, but may not be extended to a date more than five years from the date that the EPA approves a revision to the State of Oregon Clean Air Act Implementation Plan that incorporates OAR 340-223-0030; and

(B) If it is demonstrated by December 31, 2011 that the emissions limit in subsection (2)(a) cannot be achieved with combustion controls, the Department by order may grant an extension of compliance to July 1, 2013.

(b) During periods of startup and shutdown, the emissions limit in subsection (2)(a) does not apply, and nitrogen oxide emissions must not exceed 0.70 lb/mmBtu, as a 3-hour rolling average.

(c) The Foster-Wheeler boiler at the source must permanently cease burning coal by no later than five years after the approval by the EPA of the revision to the State of Oregon Clean Air Act Implementation Plan that incorporates OAR chapter 340, division 223. Notwithstanding the definition of netting basis in OAR 340-200-0020, and the process for reducing plant site emission limits in OAR 340-222-0043, the netting basis and PSEs for the boiler are reduced to zero upon the date on which the boiler permanently ceases burning coal, and prior to that date the netting basis and PSEs for the boiler apply only to physical changes or changes in the method of operation of the source for the purpose of complying with emission limits applicable to the boiler.

(3) Compliance demonstration. Using the procedures specified in section (4) of this rule, compliance with a 30-day rolling average limit must be demonstrated within 180 days of the compliance date specified in section (2) of this rule.

(4) Compliance Monitoring and Testing. Compliance with the emissions limit in subsection (2)(a) must be determined with a continuous emissions monitoring system (CEMS) installed, operated, calibrated, and maintained in accordance with the acid rain monitoring requirements in 40 CFR Part 75 as in effect on December 9, 2010.

(a) The hourly emission rate in terms of lb/mmBtu heat input must be recorded each operating hour, including periods of startup and shutdown.

(b) The daily average emission rate must be determined for each boiler operating day using the hourly emission rates recorded in (a), excluding periods of startup and shutdown.

(c) 30-day rolling averages must be determined using all daily average emissions rates recorded in (b) whether or not the days are consecutive.

(d) The daily average emission rate is calculated for any calendar day in which the boiler combusts any fuel. An operating hour means a clock hour during which the boiler combusts any fuel, either for part of the hour or for the entire hour.

(5) Notifications and Reports

(a) The Department must be notified in writing within 7 days after any control equipment (including combustion controls) used to comply with emissions limit in subsection (2)(a) begin operation.

(b) A compliance status report, including CEMS data, must be submitted within 180 days of the compliance date specified in section (2).

State effective: 12/10/2010; EPA effective: 8/4/2011; 76 FR 38997

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 for the regulated pollutant(s) for which the area is designated nonattainment or maintenance.

(2) Within attainment and unclassifiable areas, this division applies to owners and operators of proposed federal major sources and major modifications at federal major sources for the regulated pollutant(s) for which the area is designated attainment or unclassified.

(3) Owners and operators of sources that do not meet the applicability criteria of sections (1) or (2) of this rule 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 (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).

(4) No owner or operator of a source that meets the applicability criteria of sections (1) or (2) of this rule may begin construction without having received an air contaminant discharge permit (ACDP) from the Department and having satisfied the requirements of this division.

(5) Beginning May 1, 2011, the pollutant GHGs is subject to regulation if:

(a) The source is a new federal major source for a regulated pollutant that is not GHGs, and also emits, will emit or will have the potential to emit 75,000 tons per year C02e or more; or

(b) The source is or becomes a federal major source subject to OAR 340-224-0070 as a result of a major modification for a regulated pollutant that is not GHGs, and will have an emissions increase of 75,000 tons per year C02e or more over the netting basis.

(6) Beginning July 1, 2011, in addition to the provisions in section (5) of this rule, the pollutant GHGs shall also be subject to regulation at:

(a) A new federal major source; or

(b) A source that is or becomes a federal major source when such source undertakes a major modification.

(7) Subject to the requirements in this division, the Lane Regional Air Protection Agency is designated by the Commission as the permitting agency to implement the Oregon Major New Source Review program within its area of jurisdiction. The Regional Agency's program is subject to Department oversight. The requirements and procedures contained in this division pertaining to the Major New Source Review program shall be used by the Regional Agency to implement its permitting program until the Regional Agency adopts superseding rules which are at least as restrictive as state rules.

State effective: 5/1/2011; EPA effective: 1/26/2012; 76 FR 80747

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: 10/14/1999; EPA effective: 3/24/2003; 68 FR 2891

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.

State effective: 4/14/2004; EPA effective: 8/18/2006; 71 FR 35163

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

340-224-0050 Requirements for Sources in Nonattainment Areas

Within a designated nonattainment area, proposed major sources and major modifications of a nonattainment pollutant, including VOC or NO_x in a designated ozone nonattainment area or S02 or NO_x in a designated PM_{2.5} nonattainment area, must meet the requirements listed below:

(1) Lowest Achievable Emission Rate (LAER). The owner or operator must apply LAER for each nonattainment pollutant or precursor(s) emitted at or above the significant emission rate (SER). LAER applies separately to the nonattainment pollutant or precursor(s) if emitted at or above a SER over the netting basis.

(a) For a major modification, the requirement for LAER applies to the following:

(A) Each emissions unit that emits the nonattainment pollutant or precursor(s) and is not included in the most recent netting basis established for that pollutant; and

(B) Each emissions unit that emits the nonattainment pollutant or precursor (s) and is included in the most recent netting basis but has been modified and the modification resulted in an increase in actual emissions above the portion of the most recent netting basis attributable to the emissions unit or the nonattainment pollutant or precursor(s).

(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) Modifications to individual emissions units that increase the 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:

(a) The owner or operator of a source that emits or has the potential to emit 100 tons per year or more of any regulated pollutant subject to this division 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 or more of any regulated pollutant subject to this division 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.

State effective: 5/1/2011; EPA effective: 1/26/2012; 76 FR 80747

340-224-0060 Requirements for Sources in Maintenance Areas

Within a designated maintenance area, proposed major sources and major modifications of a maintenance pollutant, including VOC or NO_x in a designated ozone maintenance area or SO₂ or NO_x in a designated PM_{2.5} 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 or precursor(s) emitted at or above a significant emission rate (SER). BACT applies separately to the maintenance pollutant or precursor(s) if emitted at or above a SER over the netting basis.

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

(A) Each emissions unit that emits the maintenance pollutant or precursor(s) and is not included in the most recent netting basis established for that pollutant; and

(B) Each emissions unit that emits the maintenance pollutant or precursor (s) and is included in the most recent netting basis but has been modified and the modification resulted in an increase in actual emissions above the portion of the most recent netting basis attributable to the emissions unit or the maintenance pollutant or precursor(s). (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) Modifications to individual emissions units that increase the 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), (d) and (e) 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 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 $\mu\text{g}/\text{m}^3$ (24-hour average) or 40 $\mu\text{g}/\text{m}^3$ (annual average) in the Grants Pass PM10 maintenance area;

(B) 140 $\mu\text{g}/\text{m}^3$ (24-hour average) or 47 $\mu\text{g}/\text{m}^3$ (annual average) in the Klamath Falls PM10 maintenance area; or

(C) 140 $\mu\text{g}/\text{m}^3$ (24-hour average) or 45 $\mu\text{g}/\text{m}^3$ (annual average) in the Lakeview PM10 maintenance area. In addition, a single source impact is limited to an increase of 5 $\mu\text{g}/\text{m}^3$ (24-hour average) in the Lakeview PM10 maintenance area.

(e) Proposed major sources and major modifications located in or that impact the Salem Ozone Maintenance Area are exempt from OAR 340-225-0090 and section (2)(a) of this rule for VOC and NO_x emissions with respect to ozone formation in the Salem Ozone 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.

State effective: 5/1/2011; EPA effective: 1/26/2012; 76 FR 80747

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

Within a designated attainment or unclassified area, proposed federal major sources and major modifications at federal major sources for the pollutant(s) for which the area is designated attainment or unclassified, must meet the requirements listed below:

(1) Best Available Control Technology (BACT). The owner or operator must apply BACT for each pollutant or precursor(s) emitted at or above a significant emission rate (SER). BACT applies separately to the pollutant or precursor(s) if emitted at or above 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 to the following:

(A) Each emissions unit that emits the pollutant or precursor(s) and is not included in the most recent netting basis established for that pollutant; and

(B) Each emissions unit that emits the pollutant or precursor (s) and is included in the most recent netting basis but has been modified and the modification resulted in an increase in actual emissions above the portion of the most recent netting basis attributable to the emissions unit or the nonattainment pollutant or precursor(s).

(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) Modifications to individual emissions units that increase the 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 of each pollutant for which emissions will exceed the netting basis by the SER or more due to the proposed source or modification in accordance with OAR 340-225-0050 through 340-225-0070.

(a) For increases of direct PM2.5 or PM2.5 precursors equal to or greater than the significant emission rate, the owner or operator must provide an analysis of PM2.5 air quality impacts based on all increases of direct PM2.5 and PM2.5 precursors.

(b)The owner or operator of any source subject to this rule that significantly impacts air quality in a designated nonattainment or maintenance area must meet the requirements of net air quality benefit in 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 340-224-0060(2).

State effective: 5/1/2011; EPA effective: 1/26/2012; 76 FR 80747

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.

State effective: 4/14/2004; EPA effective: 8/18/2006; 71 FR 35163

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

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: 7/1/2001; EPA effective: 3/24/2003; 68 FR 2891

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.