
Date: Jan. 28, 2011
To: Environmental Quality Commission
From: Dick Pedersen, Director
Subject: Agenda item I, rule adoption: Adoption of federal air quality regulations and related permit rules
February 16-18, 2011, EQC meeting

Why this is important These rules are important to protect human health, ensure that Oregon implements federal programs that regulate hazardous air pollutants and new sources and improve Oregon's implementation of these programs.

DEQ recommendation and EQC motion DEQ recommends that the Environmental Quality Commission adopt proposed rule amendments to OAR chapter 340, divisions 200, 216, 230, 238, 242, and 244 as presented in attachment A.

DEQ also recommends that the commission amend the Clean Air Act implementation plan (OAR 340-200-0040) to include the amendments made to OAR 340-216-0020 and 0060, OAR 340-242-0500, and OAR 340-0244-0234, 0236, 0238, 0242, 0244, and 0248, and that the commission authorize DEQ to submit these amendments to the U.S. Environmental Protection Agency for approval as revisions to Oregon's Clean Air Act implementation plan.

Background and need for rulemaking To meet the requirements of the Clean Air Act, EPA identified 33 hazardous air pollutants, that when emitted by small and mid-sized commercial, institutional and industrial facilities (also known as "non-major" or "area" sources), pose the greatest threat to public health in urban areas.

The Clean Air Act requires EPA to regulate enough area sources to ensure that 90 percent of the emissions of the 33 hazardous air pollutants are subject to the National Emission Standards for Hazardous Air Pollutants.

The Clean Air Act also requires EPA to establish new source performance standards for categories of sources that cause or contribute significantly to air pollution that endangers public health.

EPA has recently adopted or amended numerous NESHAP and NSPS rules. To ensure Oregon's rules are up to date and to maintain program delegation, DEQ periodically proposes amendments to align Oregon's rules with federal regulations. Doing so improves air quality by enabling DEQ to ensure required emission reductions are made in Oregon. Industry also benefits from state level compliance assistance and oversight.

Effect of rule

The proposed rulemaking adopts by reference new area source NESHAPs, changes Oregon's rules to match revisions made by EPA to previously adopted NESHAP and NSPSs, changes the air quality permitting rules to include new permit categories and allow deferrals, exempts certain small metal fabricators, ethylene oxide sterilizers and gasoline dispensing facilities from permitting, and repeals Oregon's adoption of federal standards for stationary internal combustion engines. Each of these proposed changes are described in more detail below.

Adopts new area source NESHAPs

The proposed rules would adopt by reference federal standards for five new area source categories listed below.

- Asphalt processing and asphalt roofing manufacturing;
- Chemical manufacturing;
- Chemical preparation;
- Paint and allied product manufacturing; and
- Prepared feeds manufacturing

While Oregon sources must comply with the federal standards whether or not the commission adopts the federal rules, adoption allows DEQ to implement the program in Oregon.

Aligns state and federal rules

The proposed rules adopt amended federal standards to align Oregon's rules with EPA's regulations. Often, EPA makes changes to clarify requirements and fix errors. EPA has amended some standards since July 1, 2009, which affect aluminum, copper and other nonferrous foundries and petroleum refineries. The proposed rules would adopt changes made to the federal standards through July 1, 2010.

The proposed rules repeal rules that implement the federal emission guidelines for hospital, medical and infectious waste incinerators, because there are no Oregon facilities subject to these rules.

Air contaminant discharge permits

The proposed rules add the new area source NESHAPs to a list of source categories eligible to obtain a simple or general air contaminant discharge permit. The proposed rules add paint and allied product manufacturing to a general ACDP fee class. Without these changes, these sources would be subject to a standard ACDP, which is a more complex and expensive permit.

The proposed rules allow DEQ to defer the requirement to submit an application for, or to obtain an ACDP, for up to 12 months for newly adopted NESHAPs and new source performance standards. This provision, adopted by a temporary rule in August, is necessary to stagger permitting and efficiently schedule work.

The proposed rules allow DEQ to use a portion of the non-technical permit modification fee from gasoline dispensing facilities to cover the change of ownership fee required in the underground storage tank rules. The purpose of this provision is to avoid charging multiple fees for a simple modification such as a name change.

The proposed rules exempt small commercial ethylene oxide sterilization operations from permitting since the requirements for these facilities are limited to recordkeeping.

Metal fabrication and finishing

The proposed rules split the metal fabrication and finishing source category into multiple general ACDP fee classes to enable a lower fee for sources with fewer requirements. The proposed rules would also exempt small metal fabrication and finishing operations from permitting.

Gasoline dispensing facilities

The proposed rules expand an existing permit exemption for facilities with aboveground storage tanks to include facilities with underground tanks. This exemption would only apply to facilities dispensing less than 10,000 gallons of gasoline per month. The proposed rules also clarify that the gasoline dispensing rules apply to the equipment used for the refueling of motor vehicles, as opposed to only applying to the dispensing of gasoline into stationary storage tanks.

Prior to merging the Oregon and federal stage I vapor control requirements in 2009, the Oregon requirements applied to more fuels than the federal requirements, including aviation gasoline. In merging the Oregon and federal requirements, DEQ inadvertently omitted the existing definition of gasoline, thereby excluding these additional fuels from the rules and relaxing Oregon's state implementation plan. This rulemaking proposes to add these fuels back into the rules and restore the stringency of the state implementation plan by moving the definition of gasoline in Division 232 to Division 244.

The proposed rules also clarify requirements for gasoline cargo tanks, calculation of monthly throughput and timing of compliance demonstration testing.

Stationary internal combustion engines

The proposed rules repeal adoption of existing federal standards regulating new stationary internal combustion engines. At this time, EPA is more able to effectively implement the standards, due to their complexity and since many of the requirements apply to manufacturers located outside of Oregon.

Commission authority The commission has authority to take this action under ORS 468.020, 468A.025, 468A.035, 468A.040 and 468A.310.

Stakeholder involvement DEQ did not convene an advisory committee for this rulemaking because the rulemaking primarily adopts federal regulations by reference.

Public comment DEQ held a public comment period from Sept. 28, 2010 to Nov. 5, 2010, and convened public hearings in Bend, Medford and Portland. DEQ notified the public of these hearings through local media and alerted key stakeholders. In addition, DEQ sent emails or postcards directly to 271 sources potentially affected by the rules. No individuals testified at the Bend, Medford and Portland hearings. One individual submitted comments.

Key issues **Repeal of federal stationary internal combustion engine rules**
This rulemaking proposes to repeal the adoption by reference of existing federal standards regulating new stationary internal combustion engines. The burden of complying with these federal standards is on the engine manufacturer. EPA is in a better position than DEQ to regulate engine manufacturers. The engine owner must typically purchase a certified engine. However, if the engine owner purchases an uncertified engine or modifies a certified engine, there are requirements that apply to the engine owner. DEQ is in the process of determining how to best implement these requirements and may propose re-adoption in a future rulemaking, but likely only those requirements that apply to the engine owner.

Permit exemptions for small facilities

This rulemaking proposes to reduce the burden on smaller ethylene oxide sterilizers, gasoline dispensing facilities and metal fabricators by exempting them from permitting. Exempting these facilities from permitting should not impact emissions because they will still be required to comply with any applicable standards. However, DEQ has determined that these facilities do not require the level of oversight that permitted facilities do. For instance, small commercial ethylene oxide sterilization facilities are subject to an area source NESHAP, but their only requirement is to maintain ethylene oxide usage records. These recordkeeping requirements do not justify permitting these facilities.

Next steps DEQ will continue to provide outreach and compliance assistance to sources affected by the new area source standards and will submit delegation requests to EPA in April 2011. DEQ will also submit the gasoline dispensing and permitting rules to EPA as a revision to Oregon's state implementation plan, which is a requirement of the Clean Air Act. DEQ will update Title V and air contaminant discharge permits in accordance with the new federal standards and develop and issue new general permits authorized by this rulemaking.

- Attachments**
- A. Proposed rule revisions
 - B. Summary of public comments and agency responses
 - C. Presiding Officer's report on public hearings
 - D. Relationship to Federal Requirements questions
 - E. Statement of Need and Fiscal and Economic Impact
 - F. Land Use Evaluation statement
 - G. Written comments received

- Available upon request**
- 1. Legal Notice of Hearing
 - 2. Cover memorandum from public notice
 - 3. Rule Implementation Plan

Approved:

Division: _____

Section: _____

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DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 200

GENERAL AIR POLLUTION PROCEDURES AND DEFINITIONS

340-200-0040

State of Oregon Clean Air Act Implementation Plan

(1) This implementation plan, consisting of Volumes 2 and 3 of the State of Oregon Air Quality Control Program, contains control strategies, rules and standards prepared by the Department of Environmental Quality and is adopted as the state implementation plan (SIP) of the State of Oregon pursuant to the federal Clean Air Act, 42 U.S.C.A 7401 to 7671q.

(2) Except as provided in section (3), revisions to the SIP will be made pursuant to the Commission's rulemaking procedures in division 11 of this chapter and any other requirements contained in the SIP and will be submitted to the United States Environmental Protection Agency for approval. The State Implementation Plan was last modified by the Commission on ~~April 29, 2010~~[INSERT DATE OF EQC ADOPTION OF RULES].

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

(a) Submit to the Environmental Protection Agency any permit condition implementing a rule that is part of the federally-approved SIP as a source-specific SIP revision after the Department has complied with the public hearings provisions of 40 CFR 51.102 (July 1, 2002); and

(b) Approve the standards submitted by a regional authority if the regional authority adopts verbatim any standard that the Commission has adopted, and submit the standards to EPA for approval as a SIP revision.

NOTE: Revisions to the State of Oregon Clean Air Act Implementation Plan become federally enforceable upon approval by the United States Environmental Protection Agency. If any provision of the federally approved Implementation Plan conflicts with any provision adopted by the Commission, the Department shall enforce the more stringent provision.

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.035

Hist.: DEQ 35, f. 2-3-72, ef. 2-15-72; DEQ 54, f. 6-21-73, ef. 7-1-73; DEQ 19-1979, f. & ef. 6-25-79; DEQ 21-1979, f. & ef. 7-2-79; DEQ 22-1980, f. & ef. 9-26-80; DEQ 11-1981, f. & ef. 3-26-81; DEQ 14-1982, f. & ef. 7-21-82; DEQ 21-1982, f. & ef. 10-27-82; DEQ 1-1983, f. & ef. 1-21-83; DEQ 6-1983, f. & ef. 4-18-83; DEQ 18-1984, f. & ef. 10-16-84; DEQ 25-1984, f. & ef. 11-27-84; DEQ 3-1985, f. & ef. 2-1-85; DEQ 12-1985, f. & ef. 9-30-85; DEQ 5-1986, f. & ef. 2-21-86; DEQ 10-1986, f. & ef. 5-9-86; DEQ 20-1986, f. & ef. 11-7-86; DEQ 21-1986, f. & ef. 11-7-86; DEQ 4-1987, f. & ef. 3-2-87; DEQ 5-1987, f. & ef. 3-2-87; DEQ 8-1987, f. & ef. 4-23-87; DEQ 21-1987, f. & ef. 12-16-87; DEQ 31-1988, f. 12-20-88, cert. ef. 12-23-88; DEQ 2-1991, f. & cert. ef. 2-14-91; DEQ 19-1991, f. & cert. ef. 11-13-91; DEQ 20-1991, f. & cert. ef. 11-13-91; DEQ 21-1991, f. & cert. ef. 11-13-91; DEQ 22-1991, f. & cert. ef. 11-13-91; DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 24-1991, f. & cert. ef. 11-13-91; DEQ 25-1991, f. & cert. ef. 11-13-91; DEQ 1-1992, f. & cert. ef. 2-4-92; DEQ 3-1992, f. & cert. ef. 2-4-92; DEQ 7-1992, f. & cert. ef. 3-30-92; DEQ 19-1992, f. & cert. ef. 8-11-92; DEQ 20-1992, f. & cert. ef. 8-11-92; DEQ 25-1992, f. 10-30-92, cert. ef. 11-1-92; DEQ 26-1992, f. & cert. ef. 11-2-92; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 8-1993, f. & cert. ef. 5-11-93; DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 15-1993, f. & cert. ef. 11-4-93; DEQ 16-1993, f. & cert. ef. 11-4-93;

DEQ 17-1993, f. & cert. ef. 11-4-93; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 1-1994, f. & cert. ef. 1-3-94; DEQ 5-1994, f. & cert. ef. 3-21-94; DEQ 14-1994, f. & cert. ef. 5-31-94; DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94; DEQ 25-1994, f. & cert. ef. 11-2-94; DEQ 9-1995, f. & cert. ef. 5-1-95; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 14-1995, f. & cert. ef. 5-25-95; DEQ 17-1995, f. & cert. ef. 7-12-95; DEQ 19-1995, f. & cert. ef. 9-1-95; DEQ 20-1995 (Temp), f. & cert. ef. 9-14-95; DEQ 8-1996(Temp), f. & cert. ef. 6-3-96; DEQ 15-1996, f. & cert. ef. 8-14-96; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 23-1996, f. & cert. ef. 11-4-96; DEQ 24-1996, f. & cert. ef. 11-26-96; DEQ 10-1998, f. & cert. ef. 6-22-98; DEQ 15-1998, f. & cert. ef. 9-23-98; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 17-1998, f. & cert. ef. 9-23-98; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 21-1998, f. & cert. ef. 10-12-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 5-1999, f. & cert. ef. 3-25-99; DEQ 6-1999, f. & cert. ef. 5-21-99; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0047; DEQ 15-1999, f. & cert. ef. 10-22-99; DEQ 2-2000, f. 2-17-00, cert. ef. 6-1-01; DEQ 6-2000, f. & cert. ef. 5-22-00; DEQ 8-2000, f. & cert. ef. 6-6-00; DEQ 13-2000, f. & cert. ef. 7-28-00; DEQ 16-2000, f. & cert. ef. 10-25-00; DEQ 17-2000, f. & cert. ef. 10-25-00; DEQ 20-2000 f. & cert. ef. 12-15-00; DEQ 21-2000, f. & cert. ef. 12-15-00; DEQ 2-2001, f. & cert. ef. 2-5-01; DEQ 4-2001, f. & cert. ef. 3-27-01; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 15-2001, f. & cert. ef. 12-26-01; DEQ 16-2001, f. & cert. ef. 12-26-01; DEQ 17-2001, f. & cert. ef. 12-28-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 5-2002, f. & cert. ef. 5-3-02; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 5-2003, f. & cert. ef. 2-6-03; DEQ 14-2003, f. & cert. ef. 10-24-03; DEQ 19-2003, f. & cert. ef. 12-12-03; DEQ 1-2004, f. & cert. ef. 4-14-04; DEQ 10-2004, f. & cert. ef. 12-15-04; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05; DEQ 7-2005, f. & cert. ef. 7-12-05; DEQ 9-2005, f. & cert. ef. 9-9-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06; DEQ 3-2007, f. & cert. ef. 4-12-07; DEQ 4-2007, f. & cert. ef. 6-28-07; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 5-2008, f. & cert. ef. 3-20-08; DEQ 11-2008, f. & cert. ef. 8-29-08; DEQ 12-2008, f. & cert. ef. 9-17-08; DEQ 14-2008, f. & cert. ef. 11-10-08; DEQ 15-2008, f. & cert. ef. 12-31-08; DEQ 3-2009, f. & cert. ef. 6-30-09; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 2-2010, f. & cert. ef. 3-5-10; DEQ 5-2010, f. & cert. ef. 5-21-10

DIVISION 216

AIR CONTAMINANT DISCHARGE PERMITS

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~~six 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.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-211-0040.

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A

Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033; DEQ 125, f. & ef. 12-16-76; DEQ 20-1979, f. & ef. 6-29-79; DEQ 23-1980, f. & ef. 9-26-80; DEQ 13-1981, f. 5-6-81, ef. 7-1-81; DEQ 11-1983, f. & ef. 5-31-83; DEQ 3-1986, f. & ef. 2-12-86; DEQ 12-1987, f. & ef. 6-15-87; DEQ 27-1991, f. & cert. ef. 11-29-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0155; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1994, f. & cert. ef. 10-4-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1720; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 7-2007, f. & cert. ef. 10-18-07; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 15-2008, f. & cert. ef. 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 9-2009(Temp), f. 12-24-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; DEQ 10-2010(Temp), f. 8-31-10, cert. ef. 9-1-10 thru 2-28-11

DIVISION 216

OAR 340-216-0020

AIR CONTAMINANT DISCHARGE PERMITS

Table 1

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 30 or more 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. Ferrous Alloy 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 ~~exclusively aboveground tanks, provided the gasoline dispensing facility has~~ monthly throughput of less than 10,000 gallons of gasoline per month ~~and does not sell gasoline for use in motor vehicles~~
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 100 or more tons/yr. metal charged (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
598. Paint Stripping and Miscellaneous Surface Coating Operations subject to an Area Source NESHAP
6059. *** Paper or other Substrate Coating
610. Particleboard Manufacturing (including strandboard, flakeboard, and waferboard)
624. Perchloroethylene Dry Cleaning Operations subject to an Area Source NESHAP, excluding perchloroethylene dry cleaning operations registered pursuant to OAR 340-210-0100(2)
632. Pesticide Manufacturing 5,000 or more tons/yr. annual production
643. 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
654. Plating and Polishing Operations subject to an Area Source NESHAP
665. Plywood Manufacturing and/or Veneer Drying
676. Prepared ~~f~~Feeds Manufacturing for animals and fowl and associated grain elevators 10,000 or more tons per year throughput
687. Primary Smelting and/or Refining of Ferrous and Non-Ferrous Metals
698. Pulp, Paper and Paperboard Mills
7069. Rock, Concrete or Asphalt Crushing both portable and stationary 25,000 or more tons/yr. crushed
710. Sawmills and/or Planing Mills 25,000 or more bd. ft./maximum 8 hr. finished product
724. Secondary Nonferrous Metals Processing subject to an Area Source NESHAP
732. Secondary Smelting and/or Refining of Ferrous and Non-Ferrous Metals
743. * Seed Cleaning and Associated Grain Elevators 5,000 or more tons/yr. throughput
754. Sewage Treatment Facilities employing internal combustion for digester gases
765. Soil Remediation Facilities stationary or portable
776. Steel Works, Rolling and Finishing Mills
787. *** Surface Coating in Manufacturing subject to RACT
798. Surface Coating Operations with actual emissions of VOCs before add on controls of 10 or more tons/yr.
8079. Synthetic Resin Manufacturing
810. Tire Manufacturing
824. Wood Furniture and Fixtures 25,000 or more bd. ft./maximum 8 hr. input
832. Wood Preserving (excluding waterborne)
843. All Other Sources not listed herein that the Department determines an air quality concern exists or one which would emit significant malodorous emissions
854. 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 or maintenance 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 adopted in OAR 340-244-0220, 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 ~~with exclusively above-ground tanks~~, provided the gasoline dispensing facility has monthly throughput of less than 10,000 gallons of gasoline per month ~~and does not sell gasoline for use in motor vehicles~~
 - 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 tons of any regulated air contaminant in a year
6. All Sources having the Potential to Emit more than 10 tons of a single hazardous air pollutant in a year
7. All Sources having the Potential to Emit more than 25 tons of all hazardous air pollutants combined in a year

Notes:

- * Applies only to Special Control Areas
- ** Portland AQMA only
- *** Portland AQMA, Medford-Ashland AQMA or Salem SKATS only
- **** "back-up" means less than 10,000 gallons of fuel per year

Table 2

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 date 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 if the Department issues an invoice for Ddry Ccleaners or Ggasoline Ddispensing Ffacilities that combines fees from other Divisions on a single invoice the payment due~~ 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/month
k. Greenhouse Gas Reporting, as required by OAR 340-215-		15% of the applicable annual fee in Part 2

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 device not previously addressed in a permit, adding a relatively complex new applicable requirement into a permit due to a change in process or change in rules and that requires 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.

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 operations 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 new 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 (2.4 meters) 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;
- (AABB) Metal fabrication and finishing -- with none of the operations listed in subparagraphs (2)(b)(Y)(i) through (iii) of this rule -- Fee Class Four;
- (BBZ) Plating and polishing -- Fee Class One;
- (CCAA) Miscellaneous surface coating operations -- Fee Class One;
- (DDBB) Paint stripping -- Fee Class One;
- (CC) Motor vehicle and mobile equipment surface coating operations -- Fee Class One;
- (EEDD) Aluminum, copper, and nonferrous foundries -- Fee Class Two;

(FF) Paints and allied products manufacturing -- Fee Class Two;

(GGEE) 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 a 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 Department may also revoke a General ACDP or attachment or both if conditions, standards or rules have changed so the permit or attachment no longer meets the requirements of this rule.

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

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 468 & 468A

Stats. Implemented: ORS 468.020 & 468A.025

Hist.: DEQ 14-1998, f. & cert. ef. 9-14-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1725; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 10-2001, f. & cert. ef. 8-30-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 15-2008, f. & cert. ef. 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09

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, or 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~~1~~. Perchloroethylene Dry Cleaning;
- (x) Category 73~~2~~. Secondary Smelting and/or Refining of Ferrous and Non-Ferrous Metals; or
- (xi) Category 85~~4~~. 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 PM₁₀ if located in a 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.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A

Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 8-2009, f. & cert. ef. 12-16-09

DIVISION 230

INCINERATOR REGULATIONS

340-230-0030

Definitions

The definitions in OAR 340-200-0020, 340-238-0040 and this rule apply to this division. If the same term is defined in this rule and 340-200-0020 or 340-238-0040, the definition in this rule applies to this division. Applicable definitions have the same meaning as those provided in 40 CFR 60.51c including, but not limited to:

(1) "Acid Gases" means any exhaust gas that includes hydrogen chloride and sulfur dioxide.

(2) "Air curtain incinerator" means an incinerator that operates by forcefully projecting a curtain of air across an open chamber or pit in which combustion occurs. Incinerators of that type can be constructed above or below ground and with or without refractory walls and floor.

~~(3) "Best Available Control Technology (BACT)" means an emission limitation as defined in OAR 340-200-0020.~~

~~(34)~~ "CFR" means Code of Federal Regulations and, unless otherwise expressly identified, refers to the July 1, 2010~~04~~ edition.

~~(5) "Chemotherapeutic waste" means waste material resulting from the production or use of antineoplastic agents used for the purpose of stopping or reversing the growth of malignant cells.~~

~~(6) "Co-fired combustor" means a unit combusting hospital waste and/or medical/infectious waste with other fuels or wastes (e.g., coal, municipal solid waste) and subject to an enforceable requirement limiting the unit to combusting a fuel feed stream, 10 percent or less of the weight of which is comprised, in aggregate, of hospital waste and medical/infectious waste as measured on a calendar quarter basis. For purposes of this definition, pathological waste, chemotherapeutic waste, and low-level~~

~~radioactive waste are considered "other" wastes when calculating the percentage of hospital waste and medical/infectious waste combusted.~~

(47) "Commercial and industrial solid waste incineration unit (CISWI) means any combustion device that combusts commercial and industrial waste, as defined in this subpart. The boundaries of a CISWI unit are defined as, but not limited to the commercial or industrial solid waste fuel feed system, grate system, flue gas system, and bottom ash. The CISWI unit does not include air pollution control equipment or the stack. The CISWI unit boundary starts at the commercial and industrial solid waste hopper (if applicable) and extends through two areas:

- (a) The combustion unit flue gas system, which ends immediately after the last combustion chamber.
- (b) The combustion unit bottom ash system, which ends at the truck loading station or similar equipment that transfers the ash to final disposal. It includes all ash handling systems connected to the bottom ash handling system.

(58) "Commercial and industrial waste" means solid waste combusted in an enclosed device using controlled flame combustion without energy recovery that is a distinct operating unit of any commercial or industrial facility (including field-erected, modular, and custom built incineration units operating with starved or excess air), or solid waste combusted in an air curtain incinerator without energy recovery that is a distinct operating unit of any commercial or industrial facility.

(69) "Continuous Emission Monitoring (CEM)" means a monitoring system for continuously measuring the emissions of a pollutant from an affected incinerator. Continuous monitoring equipment and operation must be certified in accordance with EPA performance specifications and quality assurance procedures outlined in 40 CFR 60, Appendices B and F, and the Department's CEM Manual.

(740) "Crematory Incinerator" means an incinerator used solely for the cremation of human and animal bodies.

~~(11) "Department" means the Department of Environmental Quality.~~

(842) "Dry Standard Cubic Foot" means the amount of gas that would occupy a volume of one cubic foot, if the gas were free of uncombined water at standard conditions. When applied to combustion flue gases from waste or refuse burning, "Standard Cubic Foot (SCF)" implies adjustment of gas volume to that which would result at a concentration of seven percent oxygen or 50 percent excess air.

~~(13) "Emission" means a release into the atmosphere of any regulated pollutant or any air contaminant.~~

(944) "Fluidized bed combustion unit" means a unit where municipal waste is combusted in a fluidized bed of material. The fluidized bed material may remain in the primary combustion zone or may be carried out of the primary combustion zone and returned through a recirculation loop.

~~(15) "Hospital" means any facility that has an organized medical staff, maintains at least six inpatient beds, and where the primary function of the institution is to provide diagnostic and therapeutic patient services and continuous nursing care primarily to human inpatients who are not related and who stay on average in excess of 24 hours per admission. This definition does not include facilities maintained for the sole purpose of providing nursing or convalescent care to human patients who generally are not acutely ill but who require continuous medical supervision.~~

~~(16) "Hospital/medical/infectious waste incinerator" or HMIWI means any device that combusts any amount of hospital waste and/or medical/infectious waste.~~

~~(17) "Hospital waste" means discards generated at a hospital, except unused items returned to the manufacturer. This definition does not include human corpses, remains and anatomical parts intended for interment or cremation.~~

(108) "Incinerator" means any structure or furnace in which combustion takes place, the primary purpose of which is the reduction in volume and weight of unwanted material.

~~(19) "Infectious agent" means any organism such as a virus or bacteria that is capable of being communicated by invasion and multiplication in body tissues and capable of causing disease or adverse health impacts in humans.~~

~~(1120)~~ "Infectious Waste" means waste as defined in ORS Chapter 763, Oregon Laws 1989, that contains or may contain any disease producing microorganism or material, and includes, but is not limited to the following:

(a) "Biological waste", which includes blood and blood products, and body fluids that cannot be directly discarded into a municipal sewer system, and waste materials saturated with blood or body fluids, but does not include soiled diapers;

(b) "Cultures and stocks", which includes etiologic agents and associated biologicals; including specimen cultures and dishes, devices used to transfer, inoculate and mix cultures, wastes from production of biologicals, and serums and discarded live and attenuated vaccines. "Cultures" does not include throat and urine cultures;

(c) "Pathological waste", which includes biopsy materials and all human tissues, anatomical parts that emanate from surgery, obstetrical procedures, autopsy and laboratory procedures and animal carcasses exposed to pathogens in research and the bedding and other waste from such animals. "Pathological wastes" does not include teeth or formaldehyde or other preservative agents;

(d) "Sharps", which includes needles, IV tubing with needles attached, scalpel blades, lancets, glass tubes that could be broken during handling and syringes that have been removed from their original sterile containers.

~~(124)~~ "Infectious Waste Facility" or "Infectious Waste Incinerator" means an incinerator that is operated or utilized for the disposal or treatment of infectious waste, including combustion for the recovery of heat, and which utilizes high temperature thermal destruction technologies.

~~(22) "Large HMIWI", except as provided in Subsection (d)(A) and (B) means:~~

~~(a) A HMIWI whose maximum design waste burning capacity is more than 500 pounds per hour; or~~

~~(b) A continuous or intermittent HMIWI whose maximum charge rate is more than 500 pounds per hour;~~
~~or~~

~~(c) A batch HMIWI whose maximum charge rate is more than 4,000 pounds per day;~~

~~(d) The following are not large HMIWI:~~

~~(A) A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 500 pounds per hour; or~~

~~(B) A batch HMIWI whose maximum charge rate is less than or equal to 4,000 pounds per day.~~

~~(23) "Low-level radioactive waste" means waste material which contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable federal or state standards for unrestricted release. Low-level radioactive waste is not high-level radioactive waste, spent nuclear fuel, or by product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)).~~

~~(1324)~~ "Mass burn refractory municipal waste combustion unit" means a field-erected municipal waste combustion unit that combusts municipal solid waste in a refractory wall furnace. Unless otherwise specified, that includes municipal waste combustion units with a cylindrical rotary refractory wall furnace.

~~(1425)~~ "Mass burn rotary waterwall municipal waste combustion unit" means a field-erected municipal waste combustion unit that combusts municipal solid waste in a cylindrical rotary waterwall furnace.

~~(1526)~~ "Mass burn waterwall municipal waste combustion unit" means a field-erected municipal waste combustion unit that combusts municipal solid waste in a waterwall furnace.

~~(27) "Medical/infectious waste" means any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals that is listed in paragraphs (a) through (g) of this definition. The definition of medical/infectious waste does not include hazardous waste identified or listed under the regulations in part 261 of Chapter I; household waste as defined in Subsection 261.4(b)(1) of Chapter I; ash from incineration of medical/infectious waste once the incineration process is completed; human corpses, remains, and anatomical parts intended for interment or cremation and domestic sewage materials identified in Subsection 261.4(a)(1) of Chapter I:~~

~~(a) Cultures and stocks of infectious agents and associated biologicals, including: cultures from medical and pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live and attenuated vaccines; and culture dishes and devices used to transfer, inoculate and mix cultures;~~

~~(b) Human pathological waste, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers;~~

~~(c) Human blood and blood products including:~~

~~(A) Liquid waste human blood;~~

~~(B) Products of blood;~~

~~(C) Items saturated and/or dripping with human blood; or~~

~~(D) Items that were saturated and/or dripping with human blood that are now caked with dried human blood; including serum, plasma, and other blood components, and their containers that were used or intended for use in either patient care, testing and laboratory analysis or the development of pharmaceuticals. Intravenous bags are also included in this category.~~

~~(d) Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips;~~

~~(e) Animal waste including contaminated animal carcasses, body parts and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals or testing of pharmaceuticals;~~

~~(f) Isolation wastes including biological waste and discarded materials contaminated with blood, excretions, exudates or secretions from humans who are isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases;~~

~~(g) Unused sharps including the following unused, discarded sharps: hypodermic needles, suture needles, syringes and scalpel blades.~~

~~(28) "Medium HMIWI", except as provided in Subsection (d)(A) and (B) means:~~

~~(a) A HMIWI whose maximum design waste burning capacity is more than 200 pounds per hour but less than or equal to 500 pounds per hour; or~~

~~(b) A continuous or intermittent HMIWI whose maximum charge rate is more than 200 pounds per hour but less than or equal to 500 pounds per hour; or~~

~~(c) A batch HMIWI whose maximum charge rate is more than 1,600 pounds per day but less than or equal to 4,000 pounds per day.~~

~~(d) The following are not medium HMIWI:~~

~~(A) A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 200 pounds per hour or more than 500 pounds per hour; or~~

~~(B) A batch HMIWI whose maximum charge rate is more than 4,000 pounds per day or less than or equal to 1,600 pounds per day.~~

~~(29) "Modification or modified hospital/medical/infectious waste incinerator" means any change to a HMIWI unit such that:~~

~~(a) The cumulative costs of the modifications, over the life of the unit, exceed 50 per cent of the original cost of the construction and installation of the unit (not including the cost of any land purchased in connection with such construction or installation) updated to current costs; or~~

~~(b) The change involves a physical change or change in the method of operation of the unit that increases the amount of any air pollutant emitted by the unit for which standards have been established under Section 129 or Section 111.~~

~~(1630) "Modular excess-air municipal waste combustion unit" means a municipal waste combustion unit that combusts municipal solid waste, is not field-erected, and has multiple combustion chambers, all of which are designed to operate at conditions with combustion air amounts in excess of theoretical air requirements.~~

~~(1734) "Modular starved-air municipal waste combustion unit" means a municipal waste combustion unit that combusts municipal solid waste, is not field-erected, and has multiple combustion chambers in which the primary combustion chamber is designed to operate at substoichiometric conditions.~~

~~(1832) "Municipal waste combustor plant" means one or more municipal waste combustor units at the same location.~~

~~(1933) "Municipal waste combustor plant capacity" means the aggregate municipal waste combustor unit capacity of all municipal waste combustor units at a municipal waste combustor plant for which construction was commenced on or before September 20, 1994.~~

~~(34) "Parts Per Million (ppm)" means parts of a contaminant per million parts of gas by volume on a dry gas basis (1 ppm equals 0.0001 percent by volume).~~

~~(35) "Pathological waste" means waste material consisting of only human or animal remains, anatomical parts, and/or tissue, the bags/containers used to collect and transport the waste material and animal bedding (if applicable).~~

~~(36) "Person" means individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the state and any agencies thereof, and the federal government and any agencies thereof.~~

~~(2037) "Primary Combustion Chamber" means the discrete equipment, chamber or space in which drying of the waste, pyrolysis, and essentially the burning of the fixed carbon in the waste occurs.~~

~~(2138) "Pyrolysis" means the endothermic gasification of waste material using external energy.~~

~~(2239) "Refuse-derived fuel" means a type of municipal solid waste produced by processing municipal solid waste through shredding and size classification. That includes all classes of refuse-derived fuel including two fuels:~~

~~(a) Low-density fluff refuse-derived fuel through densified refuse-derived fuel.~~

~~(b) Pelletized refuse-derived fuel.~~

~~(2340) "Secondary" or "Final Combustion Chamber" means the discrete equipment, chamber, or space in which the products of pyrolysis are combusted in the presence of excess air such that essentially all carbon is burned to carbon dioxide.~~

~~(41) "Small hospital/medical/infectious waste incinerator", except as provided in Subsection (d)(A) and (B), means:~~

~~(a) A HMIWI whose maximum design waste burning capacity is less than or equal to 200 pounds per hour; or~~

~~(b) A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 200 pounds per hour; or~~

~~(c) A batch HMIWI whose maximum charge rate is less than or equal to 1,600 pounds per day.~~

~~(d) The following are not small HMIWI:~~

~~(A) A continuous or intermittent HMIWI whose maximum charge rate is more than 200 pounds per hour;~~

~~(B) A batch HMIWI whose maximum charge rate is more than 1,600 pounds per day.~~

(2442) "Solid Waste" means refuse, more than 50 percent of which is waste consisting of a mixture of paper, wood, yard wastes, food wastes, plastics, leather, rubber, and other combustible materials, and noncombustible materials such as metal, glass, and rock.

(2543) "Solid Waste Facility" or "Solid Waste Incinerator" means an incinerator that is operated or utilized for the disposal or treatment of solid waste including combustion for the recovery of heat, and that utilizes high temperature thermal destruction technologies.

(2644) "Spreader stoker, mixed fuel-fired (coal/refuse-derived fuel) combustion unit" means a municipal waste combustion unit that combusts coal and refuse-derived fuel simultaneously, in which coal is introduced to the combustion zone by a mechanism that throws the fuel onto a grate from above. Combustion takes place both in suspension and on the grate.

~~(45) "Standard Conditions" means temperature of 68 degrees Fahrenheit (15.6 degrees Celsius) and a pressure of 14.7 pounds per square inch absolute (1.03 kilograms per square centimeter).~~

~~(46) "Startup/Shutdown" means the time during which an air contaminant source or emission control equipment is brought into normal operation and normal operation is terminated, respectively.~~

(2747) "Transmissometer" means a device that measures opacity and conforms to EPA Specification Number 1 in **40 CFR 60, Appendix B**.

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

Stat. Auth.: ORS 183, 468 & 468A

Stats. Implemented: ORS 468A.025

Hist.: DEQ 22-1998, f. & cert. ef. 10-21-98; DEQ 9-1990, f. & cert. ef. 3-13-90; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 27-1996, f. & cert. ef. 12-11-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0750, 340-025-0855, 340-025-0950; DEQ 4-2003, f. & cert. ef. 2-06-03; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 8-2007, f. & cert. ef. 11-8-07

Municipal Waste Combustors

340-230-0300

Applicability

(1) Applicability: OAR 340-230-0310 through 340-230-0359 apply to each municipal waste combustor unit with a combustion capacity greater than 250 tons per day of municipal solid waste for which construction was commenced on or before September 20, 1994.

~~(a) MWC greater than 250 tons per day that commenced construction after September 20, 1989 and on or before September 20, 1994 are also subject to 40 CFR Part 60 Subpart Ea as adopted under OAR 340-238-0060.~~

~~(b) MWC subject to OAR 340-230-0300 through 340-230-0350 are not subject to the incinerator rules in 340-230-0100 through 340-230-0150.~~

(2) Exemptions:

(a) Any municipal waste combustion unit that is capable of combusting more than 250 tons per day of municipal solid waste and is subject to a federally enforceable permit limiting the maximum amount of

municipal solid waste that may be combusted in the unit to less than or equal to 11 tons per day is not subject to this rule if the owner or operator:

- (A) Notifies the Department of an exemption claim;
 - (B) Provides a copy of the federally enforceable permit that limits the firing of municipal solid waste to less than 11 tons per day; and
 - (C) Keeps records of the amount of municipal solid waste fired on a daily basis.
- (b) Physical or operational changes made to an existing municipal waste combustor unit primarily for the purpose of complying with emission limits under these rules are not considered in determining whether the unit is a modified or reconstructed facility under 40 CFR 60, Subparts Ea or Eb.
- (c) A qualifying small power production facility, as defined in section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)), that burns homogeneous waste (such as automotive tires or used oil, but not including refuse-derived fuel) for the production of electric energy is not subject to these rules if the owner or operator of the facility notifies the Department of this exemption and provides data documenting that the facility qualifies for this exemption.
- (d) A qualifying cogeneration facility, as defined in section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)), that burns homogeneous waste (such as automotive tires or used oil, but not including refuse-derived fuel) for the production of electric energy and steam or forms of useful energy (such as heat) that are used for industrial, commercial, heating, or cooling purposes, is not subject to these rules if the owner or operator of the facility notifies the Department of this exemption and provides data documenting that the facility qualifies for this exemption.
- (e) Any unit combusting a single-item waste stream of tires is not subject to this rule if the owner or operator of the unit:
- (A) Notifies the Department of an exemption claim; and
 - (B) Provides data documenting that the unit qualifies for this exemption.
- (f) Any unit required to have a permit under section 3005 of the Solid Waste Disposal Act is not subject to these rules.
- (g) Any materials recovery facility (including primary or secondary smelters) that combusts waste for the primary purpose of recovering metals is not subject to these rules.
- (h) Any cofired combustor, as defined in 40 CFR 60.51b, that meets the capacity specifications in section (1) of this rule is not subject to these rules if the owner or operator of the cofired combustor:
- (A) Notifies the Department of an exemption claim;
 - (B) Provides a copy of the federally enforceable permit (specified in the definition of cofired combustor); and
 - (C) Keeps a record on a calendar quarter basis of the weight of municipal solid waste combusted at the cofired combustor and the weight of all other fuels combusted at the cofired combustor.
- (i) Pyrolysis/combustion units that are an integrated part of a plastics/rubber recycling unit (as defined in 40 CFR 60.51b) are not subject to this rule if the owner or operator of the plastics/rubber recycling unit keeps records of:
- (A) The weight of plastics, rubber, and/or rubber tires processed on a calendar quarter basis;
 - (B) The weight of chemical plant feedstocks and petroleum refinery feedstocks produced and marketed on a calendar quarter basis; and
 - (C) The name and address of the purchaser of the feedstocks. The combustion of gasoline, diesel fuel, jet fuel, fuel oils, residual oil, refinery gas, petroleum coke, liquified petroleum gas, propane, or butane produced by chemical plants or petroleum refineries that use feedstocks produced by plastics/rubber recycling units are not subject to these rules.

(j) Air curtain incinerators that meet the capacity specifications in subsection (a) of this section, and that combust a fuel stream composed of 100 percent yard waste are exempt from all provisions of this subpart except the opacity standard under OAR 340-230-0310, the testing procedures under 340-230-0340, and the reporting and recordkeeping provisions under 340-230-0350.

(k) Air curtain incinerators that meet the capacity specifications in subsection (a) of this section and that combust municipal solid waste other than yard waste are subject to all provisions of this subpart.

(l) Cement kilns firing municipal solid waste are not subject to this subpart.

(m) Any affected facility meeting the applicability requirements under this rule is not subject to **40 CFR part 60 subpart E**.

Stat. Auth.: ORS 468.020

Stats.Implemented: ORS 468A.025

Hist.: DEQ 27-1996, f. & cert. ef. 12-11-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0950; DEQ 4-2003, f. & cert. ef. 2-06-03; DEQ 15-2008, f. & cert. ef. 12-31-08

Hospital/Medical/Infectious Waste Incinerators

340-230-0400

Applicability and Exemptions

~~(1) Applicability. OAR 340-230-0400 through 340-230-0410 apply to each individual hospital/medical/infectious waste incinerator for which construction is commenced on or before June 20, 1996 except as noted in section (2) of this rule.~~

~~(2) Exemptions:~~

~~(a) A combustor is not subject to this rule during periods when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste is burned, provided the owner or operator of the combustor:~~

~~(A) Notifies the Administrator of an exemption claim; and~~

~~(B) Keeps records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste and/or chemotherapeutic waste is burned.~~

~~(b) Any co-fired combustor is not subject to this rule if the owner or operator of the co-fired combustor:~~

~~(A) Notifies the Administrator of an exemption claim;~~

~~(B) Provides an estimate of the relative amounts of hospital waste, medical/infectious waste, and other fuels and wastes to be combusted; and~~

~~(C) Keeps records on a calendar quarter basis of the weight of hospital waste and medical/infectious waste combusted, and the weight of all other fuels and wastes combusted at the co-fired combustor.~~

~~(c) Any combustor required to have a permit under Section 3005 of the Solid Waste Disposal Act is not subject to this rule;~~

~~(d) Any combustor which meets the applicability requirements under Subpart Cb, Ea or Eb (relates to certain municipal waste combustors) is not subject to this rule;~~

~~(e) Any pyrolysis unit is not subject to this rule;~~

~~(f) Cement kilns firing hospital waste and/or medical/infectious waste are not subject to this rule;~~

~~(g) Physical or operational changes made to an existing hospital/medical/infectious waste incinerator solely for the purpose of complying with emission guidelines under Subpart Ce are not considered a modification and do not result in an existing hospital/medical/infectious waste incinerator becoming subject to this rule;~~

~~(h) Affected facilities subject to this rule are not subject to the requirements of 40 CFR Part 64.~~

~~Stat. Auth.: ORS 468.020~~

~~Stats. Implemented: ORS 468A.025~~

~~Hist.: DEQ 22-1998, f. & cert. ef. 10-21-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0750~~

~~340-230-0410~~

~~Emission Limitations and Citations~~

~~(1) Except as provided in subsection (b) of this section, all HMIWI shall comply with the following requirements within one year after EPA approval of the State Plan:~~

~~(a) Emission limits:~~

~~(A) Small HMIWI:~~

~~(i) Particulate matter: 115 milligrams per dry standard cubic meter (mg/dsem);~~

~~(ii) Carbon monoxide: 40 parts per million by volume (ppm);~~

~~(iii) Dioxins/furans: 125 nanograms per dry standard cubic meter (ng/dsem);~~

~~(iv) Hydrogen chloride: 100 ppm or 93% reduction;~~

~~(v) Sulfur dioxide: 55 ppm;~~

~~(vi) Nitrogen oxides: 250 ppm;~~

~~(vii) Lead: 1.2 mg/dsem or 70% reduction;~~

~~(viii) Cadmium: 0.16 mg/dsem or 65% reduction;~~

~~(ix) Mercury: 0.55 mg/dsem or 85% reduction.~~

~~(B) Medium HMIWI:~~

~~(i) Particulate matter: 69 mg/dsem;~~

~~(ii) Carbon monoxide: 40 ppm;~~

~~(iii) Dioxins/furans: 125 ng/dsem;~~

~~(iv) Hydrogen chloride: 100 ppm or 93% reduction;~~

~~(v) Sulfur dioxide: 55 ppm;~~

~~(vi) Nitrogen oxides: 250 ppm;~~

~~(vii) Lead: 1.2 mg/dsem or 70% reduction;~~

~~(viii) Cadmium: 0.16 mg/dsem or 65% reduction;~~

~~(ix) Mercury: 0.55 mg/dsem or 85% reduction.~~

~~(C) Large HMIWI:~~

~~(i) Particulate matter: 34 mg/dsem;~~

~~(ii) Carbon monoxide: 40 ppm;~~

~~(iii) Dioxins/furans: 125 ng/dsem;~~

~~(iv) Hydrogen chloride: 100 ppm or 93% reduction;~~

~~(v) Sulfur dioxide: 55 ppm;~~

~~(vi) Nitrogen oxides: 250 ppm;~~

~~(vii) Lead: 1.2 mg/dsem or 70% reduction;~~

~~(viii) Cadmium: 0.16 mg/dsem or 65% reduction;~~

~~(ix) Mercury: 0.55 mg/dsem or 85% reduction.~~

~~(b) Stack opacity requirements as provided in **40 CFR Section 60.52c(b)** of **Subpart Ee**;~~

~~(c) Operator training and qualification requirements as provided in **40 CFR Section 60.53c** of **Subpart Ee**;~~

~~(d) Waste management plan as provided in **40 CFR Section 60.55c** of **Subpart Ee**;~~

- ~~(e) Compliance and performance testing as provided in 40 CFR Section 60.56e of Subpart Ee excluding the fugitive emissions testing requirements under Section 60.56e(b)(12) and (e)(3) of Subpart Ee;~~
- ~~(f) Monitoring requirements as provided in 40 CFR Section 60.57e of Subpart Ee;~~
- ~~(g) Reporting and recordkeeping requirements as provided in 40 CFR Section 60.58e(b)-(f) of Subpart Ee excluding fugitive emissions under Section 60.58e(b)(2)(ii) and siting under Section 60.58e(b)(7);~~
- ~~(h) Permit requirements. Beginning September 15, 2000, affected facilities must operate pursuant to a permit issued under the EPA approved state operating permit program:~~
 - ~~(2) Small HMIWI that are located more than 50 miles from the boundary of the nearest Standard Metropolitan Statistical Area and which burn less than 2,000 pounds per week of hospital/medical/infectious waste, must comply with the following requirements within one year after EPA approval of the State plan in lieu of the requirements in subsection (a) of this section:~~
 - ~~(a) Emission Limits:~~
 - ~~(A) Particulate matter: 197 mg/dsem;~~
 - ~~(B) Carbon monoxide: 40 ppm;~~
 - ~~(C) Dioxins/furans: 800 ng/dsem;~~
 - ~~(D) Hydrogen chloride: 3100 ppm;~~
 - ~~(E) Sulfur dioxide: 55 ppm;~~
 - ~~(F) Nitrogen oxides: 250 ppm;~~
 - ~~(G) Lead: 10 mg/dsem;~~
 - ~~(H) Cadmium: 4 mg/dsem;~~
 - ~~(I) Mercury: 7.5 mg/dsem.~~
 - ~~(b) Stack opacity requirements as provided in 40 CFR Section 60.52e(b) of Subpart Ee;~~
 - ~~(c) Initial equipment inspection which, at a minimum includes the following:~~
 - ~~(A) Inspect all burners, pilot assemblies, and pilot sensing devices for proper operation; clean pilot flame sensor, as necessary;~~
 - ~~(B) Ensure proper adjustment of primary and secondary chamber combustion air, and adjust as necessary;~~
 - ~~(C) Inspect hinges and door latches, and lubricate as necessary;~~
 - ~~(D) Inspect dampers, fans, and blowers for proper operation;~~
 - ~~(E) Inspect HMIWI door and door gaskets for proper sealing;~~
 - ~~(F) Inspect motors for proper operation;~~
 - ~~(G) Inspect primary chamber refractory lining; clean and repair/replace lining as necessary;~~
 - ~~(H) Inspect incinerator shell for corrosion and/or hot spots;~~
 - ~~(I) Inspect secondary/tertiary chamber and stack, clean as necessary;~~
 - ~~(J) Inspect mechanical loader, including limit switches, for proper operation, if applicable;~~
 - ~~(K) Visually inspect waste bed (grates), and repair/seal, as appropriate;~~
 - ~~(L) For the burn cycle that follows the inspection, document that the incinerator is operating properly and make any necessary adjustments;~~
 - ~~(M) Inspect air pollution control device(s) for proper operation, if applicable;~~
 - ~~(N) Inspect waste heat boiler systems to ensure proper operation, if applicable;~~
 - ~~(O) Inspect bypass stack components;~~
 - ~~(P) Ensure proper calibration of thermocouples, sorbent feed systems and any other monitoring equipment; and~~
 - ~~(Q) Generally observe that the equipment is maintained in good operating condition.~~

- ~~(d) Equipment repairs. Within 10 operating days following an equipment inspection, all necessary repairs must be completed unless the owner or operator obtains written approval from the Department establishing a date whereby all necessary repairs of the designated facility must be completed;~~
- ~~(e) Equipment inspection. Equipment inspections must be conducted annually (no more than 12 months following the previous annual equipment inspection), as outlined in (4)(b)(C) and (D) of this section;~~
- ~~(f) Compliance and performance testing requirements as follows:~~
- ~~(A) Compliance and performance testing requirements as provided in **40 CFR Section 60.56c(a)(b)(1) through (b)(9), (b)(11) (Hg only), and (c)(1) of Subpart Ec**. The 2,000 lb/week limitation under (4)(b) of this section does not apply during performance tests;~~
- ~~(B) Establish maximum charge rate and minimum secondary chamber temperature as site specific operating parameters during the initial performance test to determine compliance with applicable emission limits;~~
- ~~(C) Following the date on which the initial performance test is completed or is required to be completed under **40 CFR Section 60.8**, whichever date comes first, ensure that the designated facility does not operate above the maximum charge rate or below the minimum secondary chamber temperature measured as 3-hour rolling averages (calculated each hour as the average of the previous 3 operating hours) at all times except during periods of startup, shutdown and malfunction. Operating parameter limits do not apply during performance tests. Operation above the maximum charge rate or below the minimum secondary chamber temperature shall constitute a violation of the established operating parameter(s);~~
- ~~(D) Except as provided in Subsection (v) of this section, operation of the designated facility above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a 3-hour rolling average) simultaneously shall constitute a violation of the PM, CO, and dioxin/furan emission limits;~~
- ~~(E) The owner or operator of a designated facility may conduct a repeat performance test within 30 days of violation of applicable operating parameter(s) to demonstrate that the designated facility is not in violation of the applicable emission limit(s). Repeat performance tests conducted pursuant to this paragraph must be conducted using the identical operating parameters that indicated a violation under Subsection (iv) of this section.~~
- ~~(g) Monitoring requirements as follows:~~
- ~~(A) Install, calibrate (to manufacturers' specifications), maintain, and operate a device for measuring and recording the temperature of the secondary chamber on a continuous basis, the output of which shall be recorded, at a minimum, once every minute throughout operation;~~
- ~~(B) Install, calibrate (to manufacturers' specifications), maintain, and operate a device which automatically measures and records the date, time, and weight of each charge fed into the HMIWI;~~
- ~~(C) The owner or operator of a designated facility must obtain monitoring data at all times during HMIWI operation except during periods of monitoring equipment malfunction, calibration, or repair. At a minimum, valid monitoring data must be obtained for 75 percent of the operating hours per day and for 90 percent of the operating hours per calendar quarter that the designated facility is combusting hospital waste and/or medical/infectious waste.~~
- ~~(h) Reporting and recordkeeping requirements as follows:~~
- ~~(A) Maintain records of the annual equipment inspections, any required maintenance, and any repairs not completed within 10 days of an inspection or the timeframe established by the Department; and~~
- ~~(B) Submit an annual report containing information recorded under subsection (i) of this section no later than 60 days following the year in which data were collected. Subsequent reports must be sent no later than 12 calendar months following the previous report, once the unit is subject to permitting~~

~~requirements under Title V of the Act, the owner or operator must submit these reports semiannually. The report must be signed by the facilities manager.~~

~~Stat. Auth.: ORS 468.020~~

~~Stats. Implemented: ORS 468A.025~~

~~Hist.: DEQ 22 1998, f. & cert. ef. 10-21-98; DEQ 14 1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0750; DEQ 2 2005, f. & cert. ef. 2-10-05~~

DIVISION 238

NEW SOURCE PERFORMANCE STANDARDS

340-238-0040

Definitions

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

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

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

~~(2) "Alternative method" means any method of sampling and analyzing for an air pollutant that is not a reference or equivalent method but that has been demonstrated to the DEQ's satisfaction to, in specific cases, produce results adequate for determination of compliance.~~

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

(4) "CFR" means Code of Federal Regulations and, unless otherwise expressly identified, refers to the July 1, 20~~10~~⁰⁹ edition.

(5) "Closed municipal solid waste landfill" (closed landfill) means a landfill in which solid waste is no longer being placed, and in which no additional solid wastes will be placed without first filing a notification of modification as prescribed under 40 CFR 60.7(a)(4). Once a notification of modification has been filed, and additional solid waste is placed in the landfill, the landfill is no longer closed. A landfill is considered closed after meeting the criteria of 40 CFR 258.60.

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

~~(7) "Construction" means fabrication, erection, or installation of a facility.~~

~~(8) "Department" means the Department of Environmental Quality or, in the case of Lane County, the Lane Regional Air Protection Agency.~~

~~(9) "Environmental Protection Agency" or "EPA" means the United States Environmental Protection Agency.~~

~~(7) (10)~~ "Existing municipal solid waste landfill" (existing landfill) means a municipal solid waste landfill that began construction, reconstruction or modification before 5/30/91 and has accepted waste at any time since 11/08/87 or has additional design capacity available for future waste deposition.

~~(11) "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.~~

~~(812)~~ "Existing facility", with reference to a stationary source, means any apparatus of the type for which a standard is promulgated in 40 CFR Part 60, and the construction or modification of which commenced before the date of proposal by EPA of that standard; or any apparatus that could be altered in such a way as to be of that type.

~~(13) "Facility" means all or part of any public or private building, structure, installation, equipment, vehicle or vessel, including, but not limited to, ships.~~

~~(914)~~ "Fixed capital cost" means the capital needed to provide all the depreciable components.

~~(1015)~~ "Large municipal solid waste landfill" (large landfill) means a municipal solid waste landfill with a design capacity greater than or equal to 2.5 million megagrams or 2.5 million cubic meters.

~~(116)~~ "Modification:"

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

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

~~(127)~~ "Municipal solid waste landfill" (landfill) means an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. A municipal solid waste landfill may also receive other types of RCRA Subtitle D wastes such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of a municipal solid waste landfill may be separated by access roads and may be publicly or privately owned. A municipal solid waste landfill may be a new municipal solid waste landfill, an existing municipal solid waste landfill, or a lateral expansion (modification).

~~(138)~~ "New municipal solid waste landfill" (new landfill) means a municipal solid waste landfill that began construction, reconstruction or modification or began accepting waste on or after 5/30/91.

~~(19) "Particulate matter" means any finely divided solid or liquid material, other than uncombined water, as measured by an applicable reference method, or an equivalent or alternative method.~~

~~(1420)~~ "Reconstruction" means the replacement of components of an existing facility to such an extent that:

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

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

~~(1524)~~ "Reference method" means any method of sampling and analyzing for an air pollutant as specified in 40 CFR Part 60.

~~(1622)~~ "Small municipal solid waste landfill" (small landfill) means a municipal solid waste landfill with a design capacity less than 2.5 million megagrams or 2.5 million cubic meters.

~~(1723)~~ "Standard" means a standard of performance proposed or promulgated under 40 CFR Part 60.

~~(1824)~~ "State Plan" means a plan developed for the control of a designated pollutant provided under 40 CFR Part 60.

~~(25) "Stationary source" means any building, structure, facility, or installation that emits or may emit any air pollutant subject to regulation under the federal Clean Air Act.~~

~~(26) "Volatile organic compounds" or "VOC" means any organic compounds that participate in atmospheric photochemical reactions; or that are measured by a reference method, an equivalent method, an alternative method, or that are determined by procedures specified under any applicable rule.~~

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

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

340-238-0060

Federal Regulations Adopted by Reference

(1) Except as provided in section (2) of this rule, **40 CFR Part 60 Subparts A, D through XX, BBB through AAAA, CCCC, EEEE, ~~HHH~~, and KKKK** are by this reference adopted and incorporated herein, and 40 CFR Part 60 Subpart OOO is by this reference adopted and incorporated herein for major sources only.

(2) Where "Administrator" or "EPA" appears in 40 CFR Part 60, "Department" is substituted, except in any section of 40 CFR Part 60 for which a federal rule or delegation specifically indicates that authority must not be delegated to the state.

(3) 40 CFR Part 60 Subparts adopted by this rule are titled as follows:

(a) Subpart A -- General Provisions;

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

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

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

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

(f) Subpart E -- Incinerators;

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

(h) Subpart Eb -- Municipal waste combustors for which construction is commenced after September 20, 1994;

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

(j) Subpart F -- Portland cement plants;

(k) Subpart G -- Nitric acid plants;

(l) Subpart H -- Sulfuric acid plants;

(m) Subpart I -- Hot mix asphalt facilities;

(n) Subpart J -- Petroleum refineries;

(o) Subpart K -- Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after June 11, 1973, and before May 19, 1978;

- (p) Subpart Ka -- Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after May 18, 1978, and before July 23, 1984;
- (q) Subpart Kb -- Volatile organic liquid storage vessels (including petroleum liquid storage vessels) for which construction, reconstruction, or modification commenced after July 23, 1984;
- (r) Subpart L -- Secondary lead smelters;
- (s) Subpart M -- Secondary brass and bronze production plants;
- (t) Subpart N -- Primary emissions from basic oxygen process furnaces for which construction is commenced after June 11, 1973;
- (u) Subpart Na -- Secondary emissions from basic oxygen process steelmaking facilities for which construction is commenced after January 20, 1983;
- (v) Subpart O -- Sewage treatment plants;
- (w) Subpart P -- Primary copper smelters;
- (x) Subpart Q -- Primary Zinc smelters;
- (y) Subpart R -- Primary lead smelters;
- (z) Subpart S -- Primary aluminum reduction plants;
- (aa) Subpart T -- Phosphate fertilizer industry: wet-process phosphoric acid plants;
- (bb) Subpart U -- Phosphate fertilizer industry: superphosphoric acid plants;
- (cc) Subpart V -- Phosphate fertilizer industry: diammonium phosphate plants;
- (dd) Subpart W -- Phosphate fertilizer industry: triple superphosphate plants;
- (ee) Subpart X -- Phosphate fertilizer industry: granular triple superphosphate storage facilities;
- (ff) Subpart Y -- Coal preparation plants;
- (gg) Subpart Z -- Ferroalloy production facilities;
- (hh) Subpart AA -- Steel plants: electric arc furnaces constructed after October 21, 1974 and on or before August 17, 1983;
- (ii) Subpart AAa -- Steel plants: electric arc furnaces and argon-oxygen decarburization vessels constructed after August 7, 1983;
- (jj) Subpart BB -- Kraft pulp mills;
- (kk) Subpart CC -- Glass manufacturing plants;
- (ll) Subpart DD -- Grain elevators.
- (mm) Subpart EE -- Surface coating of metal furniture;
- (nn) Subpart GG -- Stationary gas turbines;
- (oo) Subpart HH -- Lime manufacturing plants;
- (pp) Subpart KK -- Lead-acid battery manufacturing plants;
- (qq) Subpart LL -- Metallic mineral processing plants;
- (rr) Subpart MM -- Automobile and light-duty truck surface coating operations;
- (ss) Subpart NN -- Phosphate rock plants;
- (tt) Subpart PP -- Ammonium sulfate manufacture;
- (uu) Subpart QQ -- Graphic arts industry: publication rotogravure printing;
- (vv) Subpart RR -- pressure sensitive tape and label surface coating operations;
- (ww) Subpart SS -- Industrial surface coating: large appliances;
- (xx) Subpart TT -- Metal coil surface coating;
- (yy) Subpart UU -- Asphalt processing and asphalt roofing manufacture;
- (zz) Subpart VV -- Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry;
- (aaa) Subpart VVa -- Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry;
- (bbb) Subpart WW -- Beverage can surface coating industry;

- (ccc) Subpart XX -- Bulk gasoline terminals;
- (ddd) Subpart BBB -- Rubber tire manufacturing industry;
- (eee) Subpart DDD -- Volatile organic compound (VOC) emissions for the polymer manufacture industry;
- (fff) Subpart FFF -- Flexible vinyl and urethane coating and printing;
- (ggg) Subpart GGG -- Equipment leaks of VOC in petroleum refineries;
- (hhh) Subpart GGGa -- Equipment leaks of VOC in petroleum refineries;
- (iii) Subpart HHH -- Synthetic fiber production facilities;
- (jjj) Subpart III -- Volatile organic compound (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) air oxidation unit processes;
- (kkk) Subpart JJJ -- Petroleum dry cleaners;
- (lll) Subpart KKK -- Equipment leaks of VOC from onshore natural gas processing plants;
- (mmm) Subpart LLL -- Onshore natural gas processing; SO₂ emissions;
- (nnn) Subpart NNN -- Volatile organic compound (VOC) emissions from synthetic organic chemical manufacturing industry (SOCMI) distillation operations;
- (ooo) Subpart OOO -- Nonmetallic mineral processing plants (adopted by reference for major sources only);
- (ppp) Subpart PPP -- Wool fiberglass insulation manufacturing plants;
- (qqq) Subpart QQQ -- VOC emissions from petroleum refinery wastewater systems;
- (rrr) Subpart RRR -- Volatile organic compound emissions from synthetic organic chemical manufacturing industry (SOCMI) reactor processes;
- (sss) Subpart SSS -- Magnetic tape coating facilities;
- (ttt) Subpart TTT -- Industrial surface coating; surface coating of plastic parts for business machines;
- (uuu) Subpart UUU -- Calciners and dryers in mineral industries;
- (vvv) Subpart VVV -- Polymeric coating of supporting substrates facilities;
- (www) Subpart WWW -- Municipal solid waste landfills, as clarified by OAR 340-238-0100;
- (xxx) Subpart AAAA -- Small municipal waste combustion units;
- (yyy) Subpart CCCC -- Commercial and industrial solid waste incineration units;
- (zzz) Subpart EEEE -- Other solid waste incineration units;
- ~~(aaaa) Subpart IIII -- Stationary compression ignition combustion engines;~~
- ~~(bbbb) Subpart JJJJ -- Stationary spark ignition internal combustion engines;~~
- (aaaaeeee) Subpart KKKK -- Stationary combustion turbines.

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 97, f. 9-2-75, ef. 9-25-75; DEQ 16-1981, f. & ef. 5-6-81; sections (1) thru (12) of this rule renumbered to 340-025-0550 thru 340-025-0605; DEQ 22-1982, f. & ef. 10-21-82; DEQ 17-1983, f. & ef. 10-19-83; DEQ 16-1984, f. & ef. 8-21-84; DEQ 15-1985, f. & ef. 10-21-85; DEQ 19-1986, f. & ef. 11-7-86; DEQ 17-1987, f. & ef. 8-24-87; DEQ 24-1989, f. & cert. ef. 10-26-89; DEQ 17-1993, f. & cert. ef. 11-4-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 27-1996, f. & cert. ef. 12-11-96; DEQ 8-1997, f. & cert. ef. 5-6-97; DEQ 22-1998, f. & cert. ef. 10-21-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0535; DEQ 22-2000, f. & cert. ef. 12-18-00; DEQ 4-2003, f. & cert. ef. 2-06-03; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 13-2006, f. & cert. ef. 12-22-06; DEQ 15-2008, f. & cert. ef. 12-31-08

DIVISION 242

RULES APPLICABLE TO THE PORTLAND AREA

Gasoline Vapors from Gasoline ~~Transfer and~~ Dispensing Operations

340-242-0500

Purpose and Applicability

(1) Gasoline vapors contribute to the formation of ozone. OAR 340-242-0500 through 340-242-0520 require the control of gasoline vapors from gasoline ~~transfer and~~ dispensing operations.

(2) OAR 340-242-0500 through 340-242-0520 apply to gasoline dispensing facilities located within Clackamas, Multnomah and Washington Counties.

[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.]

Stat. Auth.: ORS 468.020 & ORS 468A.025

Stats. Implemented: ORS 468A.040

Hist.: DEQ 7-1991, f. & cert. ef. 5-7-91 (and corrected 6-7-91); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 16-1996, f. & cert. ef. 8-14-96; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0400

DIVISION 244

OREGON FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM

General Provisions for Stationary Sources

340-244-0030

Definitions

The definitions in OAR 340-200-0020, 340-218-0030 and this rule apply to this division. If the same term is defined in this rule and OAR 340-200-0020 or 340-218-0030, the definition in this rule applies to this division.

(1) "Accidental Release" means an unanticipated emission of a regulated substance or other extremely hazardous substance into the ambient air from a stationary source.

~~(2) "Act" and "FCAA" mean the Federal Clean Air Act, Public Law 88-206 as last amended by Public Law 101-549.~~

~~(3)~~ "Annual throughput" means the amount of gasoline transferred into a gasoline dispensing facility during 12 consecutive months.

~~(3)~~ "Area Source" means any stationary source which has the potential to emit hazardous air pollutants but is not a major source of hazardous air pollutants.

~~(4)~~ "CFR" means Code of Federal Regulations and, unless otherwise expressly identified, refers to the July 1, 2010~~09~~ edition.

~~(6) "Commission" means the Oregon Environmental Quality Commission.~~

~~(5)~~ "Construct a major source" means to fabricate, erect, or install at any greenfield site a stationary source or group of stationary sources which is located within a contiguous area and under common control and which emits or has the potential to emit 10 tons per year of any HAPs or 25 tons per year of any combination of HAP, or to fabricate, erect, or install at any developed site a new process or production unit which in and of itself emits or has the potential to emit 10 tons per year of any HAP or

25 tons per year of any combination of HAP, unless the process or production unit satisfies criteria in paragraphs (a) through (f) of this definition:

- (a) All HAP emitted by the process or production unit that would otherwise be controlled under the requirements of 40 CFR Part 63, Subpart B will be controlled by emission control equipment which was previously installed at the same site as the process or production unit;
- (b) The Department has determined within a period of 5 years prior to the fabrication, erection, or installation of the process or production unit that the existing emission control equipment represented the best available control technology (BACT), lowest achievable emission rate (LAER) under 40 CFR part 51 or 52, toxics-best available control technology (T-BACT), or MACT based on State air toxic rules for the category of pollutants which includes those HAP to be emitted by the process or production unit; or the Department determines that the control of HAP emissions provided by the existing equipment will be equivalent to that level of control currently achieved by other well-controlled similar sources (i.e., equivalent to the level of control that would be provided by a current BACT, LAER, T-BACT, or State air toxic rule MACT determination).
- (c) The Department determines that the percent control efficiency for emission of HAP from all sources to be controlled by the existing control equipment will be equivalent to the percent control efficiency provided by the control equipment prior to the inclusion of the new process or production unit;
- (d) The Department has provided notice and an opportunity for public comment concerning its determination that criteria in paragraphs (a), (b), and (c) of this definition apply and concerning the continued adequacy of any prior LAER, BACT, T-BACT, or State air toxic rule MACT determination;
- (e) If any commenter has asserted that a prior LAER, BACT, T-BACT, or State air toxic rule MACT determination is no longer adequate, the Department has determined that the level of control required by that prior determination remains adequate; and
- (f) Any emission limitations, work practice requirements, or other terms and conditions upon which the above determinations by the Department are predicated will be construed by the Department as applicable requirements under section 504(a) and either have been incorporated into any existing Title V permit for the affected facility or will be incorporated into such permit upon issuance.

~~(8) "Department" means the Department of Environmental Quality.~~

~~(9) "Director" means the Director of the Department or Regional Agency, and authorized deputies or officers.~~

~~(610) "Dual-point vapor balance system" means a type of vapor balance system in which the storage tank is equipped with an entry port for a gasoline fill pipe and a separate exit port for a vapor connection.~~

~~(11) "Emission" means a release into the atmosphere of any regulated pollutant or air contaminant.~~

~~(712) "Emissions Limitation" and "Emissions Standard" mean a requirement adopted by the Department or Regional Agency, or proposed or promulgated by the Administrator of the EPA, which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.~~

~~(13) "Emissions Unit" means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant.~~

~~(a) A part of a stationary source is any machine, equipment, raw material, product, or by-product that produces or emits air pollutants. An activity is any process, operation, action, or reaction (e.g., chemical) at a stationary source that emits air pollutants. Except as described in paragraph (d) of this definition, parts and activities may be grouped for purposes of defining an emissions unit provided 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" for purposes of 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 OAR 340 division 210, or for determining the applicability of a New Source Performance Standard (NSPS).~~

~~(14) "EPA" means the Administrator of the United States Environmental Protection Agency or the Administrator's designee.~~

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

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

(1017) "Facility" means all or part of any public or private building, structure, installation, equipment, or vehicle or vessel, including but not limited to ships.

~~(18) "Fugitive Emissions" means emissions of any air contaminant that escape to the atmosphere from any point or area that is not identifiable as a stack, vent, duct or equivalent opening.~~

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

(1219) "Gasoline cargo tank" means a delivery tank truck or railcar which is loading or unloading gasoline or which has loaded or unloaded gasoline on the immediately previous load.

(1320) "Gasoline dispensing facility (GDF)" means any stationary facility which dispenses gasoline into the fuel tank of a motor vehicle. In Clackamas, Multnomah and Washington Counties, the Medford-Ashland Air Quality Maintenance Area, and the Salem-Keizer Area Transportation Study area, "gasoline dispensing facility" means any stationary facility which dispenses gasoline into the fuel tank of a motor vehicle, boat, or airplane.

(1424) "Hazardous Air Pollutant" (HAP) means an air pollutant listed by the EPA pursuant to section 112(b) of the FCAA or determined by the Commission to cause, or reasonably be anticipated to cause, adverse effects to human health or the environment.

(1522) "Major Source" means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants. The EPA may establish a lesser quantity, or in the case of radionuclides different criteria, for a major source on the basis of the potency of the air pollutant, persistence, potential for bioaccumulation, other characteristics of the air pollutant, or other relevant factors.

(1623) "Maximum Achievable Control Technology (MACT)" means an emission standard applicable to major sources of hazardous air pollutants that requires the maximum degree of reduction in emissions deemed achievable for either new or existing sources.

(1724) "Monthly throughput" means the total volume of gasoline that is loaded into, or dispensed from, all gasoline storage tanks at each GDF during a month. Monthly throughput, is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the

current day, plus the total volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the previous 364 days, and then dividing that sum by 12 on a rolling 30-day average.

~~(1825)~~ "New Source" means a stationary source, the construction of which is commenced after proposal of a federal MACT or January 3, 1993 of this Division, whichever is earlier.

~~(26) "Person" means the United States Government and agencies thereof, any state, individual, public or private corporation, political subdivision, governmental agency, municipality, industry, co-partnership, association, firm, trust, estate, or any other legal entity whatsoever.~~

~~(1927)~~ "Potential to Emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the EPA. This section does not alter or affect the use of this section for any other purposes under the Act, or the term "capacity factor" as used in Title IV of the Act or the regulations promulgated thereunder. Secondary emissions shall not be considered in determining the potential to emit of a source.

~~(2028)~~ "Reconstruct a Major Source" means the replacement of components at an existing process or production unit that in and of itself emits or has the potential to emit 10 tons per year of any HAP or 25 tons per year of any combination of HAP, whenever: the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable process or production unit; and; it is technically and economically feasible for the reconstructed major source to meet the applicable maximum achievable control technology emission limitation for new sources established under 40 CFR Part 63 Subpart B.

~~(29) "Regional Agency" means Lane Regional Air Protection Agency.~~

~~(2130)~~ "Regulated Air Pollutant" as used in this Division means:

(a) Any pollutant listed under OAR 340-200-0400 or 340-244-0230; or

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

~~(31) "Secondary Emissions" means emissions from new or existing sources which occur as a result of the construction and/or operation of a source or modification, but do not come from the source itself. Secondary emissions shall be specific, well defined, and 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 offsite support facilities which would be constructed or would otherwise increase emissions as a result of the construction of a source or modification.~~

~~(32) "Section 111" means that section of the FCAA that includes standards of performance for new stationary sources.~~

~~(33) "Section 112(b)" means that subsection of the FCAA that includes the list of hazardous air pollutants to be regulated.~~

~~(34) "Section 112(d)" means that subsection of the FCAA that directs the EPA to establish emission standards for sources of hazardous air pollutants. This section also defines the criteria to be used by EPA when establishing the emission standards.~~

~~(35) "Section 112(e)" means that subsection of the FCAA that directs the EPA to establish and promulgate emissions standards for categories and subcategories of sources that emit hazardous air pollutants.~~

- (2236) "Section 112(n)" means that subsection of the FCAA that includes requirements for the EPA to conduct studies on the hazards to public health prior to developing emissions standards for specified categories of hazardous air pollutant emission sources.
- (2337) "Section 112(r)" means that subsection of the FCAA that includes requirements for the EPA promulgate regulations for the prevention, detection and correction of accidental releases.
- ~~(38) "Section 129" means that section of the FCAA that requires EPA to promulgate regulations for solid waste combustion.~~
- (2439) "Solid Waste Incineration Unit" as used in this Division shall have the same meaning as given in Section 129(g) of the FCAA.
- (2540) "Stationary Source":
- (a) As used in OAR 340 division 244 means any building, structure, facility, or installation which emits or may emit any regulated air pollutant;
 - (b) As used in OAR 340-244-0230 means any buildings, structures, equipment, installations, or substance emitting stationary activities:
 - (A) That belong to the same industrial group;
 - (B) That are located on one or more contiguous properties;
 - (C) That are under the control of the same person (or persons under common control); and
 - (D) From which an accidental release may occur.
- (2644) "Submerged filling" means, for the purposes of this subpart, the filling of a gasoline storage tank through a submerged fill pipe whose discharge is no more than the applicable distance specified in OAR 340-244-02402(32) from the bottom of the tank. Bottom filling of gasoline storage tanks is included in this definition.
- (2742) "Topping off" means, in the absence of equipment malfunction, continuing to fill a gasoline tank after the nozzle has clicked off.
- (2843) "Vapor balance system" means a combination of pipes and hoses that create a closed system between the vapor spaces of an unloading gasoline cargo tank and a receiving storage tank such that vapors displaced from the storage tank are transferred to the gasoline cargo tank being unloaded.
- (2944) "Vapor-tight" means equipment that allows no loss of vapors. Compliance with vapor-tight requirements can be determined by checking to ensure that the concentration at a potential leak source is not equal to or greater than 100 percent of the Lower Explosive Limit when measured with a combustible gas detector, calibrated with propane, at a distance of 1 inch from the source.
- (30) "Vapor-tight gasoline cargo tank" means a gasoline cargo tank which has demonstrated within the 12 preceding months that it meets the annual certification test requirements in 40 CFR 63.11092(f).
- [Publications: Publications referenced are available from the agency.]
- Stat. Auth.: ORS 468.020 & 468A.025
- Stats. Implemented: ORS 468A.040
- Hist.: DEQ 13-1993, f. & cert. ef. 9-24-93; DEQ 18-1993, f. & cert. ef. 11-4-93; DEQ 24-1994, f. & cert. ef. 10-28-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 20-1997, f. & cert. ef. 9-25-97; DEQ 18-1998, f. & cert. ef. 10-5-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-0120; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 13-2006, f. & cert. ef. 12-22-06; DEQ 15-2008, f. & cert. ef. 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09

Emission Standards

340-244-0220

Federal Regulations Adopted by Reference

(1) Except as provided in sections (2) and (3) of this rule, **40 CFR Part 61, Subparts A, C through F, J, L, N through P, V, and Y through FF and 40 CFR Part 63, Subparts A, F through YYYY, AAAA through TTTTTT, and WWWWWWVVVVVV through ZZZZZZDDDDDD** are adopted by reference and incorporated herein.

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

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

(4) 40 CFR Part 61 Subparts adopted by this rule are titled as follows:

- (a) Subpart A -- General Provisions;
- (b) Subpart C -- Beryllium;
- (c) Subpart D -- Beryllium Rocket Motor Firing;
- (d) Subpart E -- Mercury;
- (e) Subpart F -- Vinyl Chloride;
- (f) Subpart J -- Equipment Leaks (Fugitive Emission Sources) of Benzene;
- (g) Subpart L -- Benzene Emissions from Coke By-Product Recovery Plants;
- (h) Subpart N -- Inorganic Arsenic Emissions from Glass Manufacturing Plants;
- (i) Subpart O -- Inorganic Arsenic Emissions from Primary Copper Smelters;
- (j) Subpart P -- Inorganic Arsenic Emissions from Arsenic Trioxide and Metal Arsenic Facilities;
- (k) Subpart V -- Equipment Leaks (Fugitive Emission Sources);
- (l) Subpart Y -- Benzene Emissions from Benzene Storage Vessels;
- (m) Subpart BB -- Benzene Emissions from Benzene Transfer Operations; and
- (n) Subpart FF -- Benzene Waste Operations.

(5) 40 CFR Part 63 Subparts adopted by this rule are titled as follows:

- (a) Subpart A -- General Provisions;
- (b) Subpart F -- SOCFI;
- (c) Subpart G -- SOCFI -- Process Vents, Storage Vessels, Transfer Operations, and Wastewater;
- (d) Subpart H -- SOCFI -- Equipment Leaks;
- (e) Subpart I -- Certain Processes Subject to the Negotiated Regulation for Equipment Leaks;
- (f) Subpart J -- Polyvinyl Chloride and Copolymers Production;
- (g) Subpart L -- Coke Oven Batteries;
- (h) Subpart M -- Perchloroethylene Air Emission Standards for Dry Cleaning Facilities;
- (i) Subpart N -- Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks;
- (j) Subpart O -- Ethylene Oxide Emissions Standards for Sterilization Facilities;
- (k) Subpart Q -- Industrial Process Cooling Towers;
- (l) Subpart R -- Gasoline Distribution (Bulk Gasoline Terminals and Pipeline Breakout Stations);
- (m) Subpart S -- Pulp and Paper Industry;
- (n) Subpart T -- Halogenated Solvent Cleaning;
- (o) Subpart U -- Group I Polymers and Resins;
- (p) Subpart W -- Epoxy Resins and Non-Nylon Polyamides Production;
- (q) Subpart X -- Secondary Lead Smelting;
- (r) Subpart Y -- Marine Tank Vessel Loading Operations;
- (s) Subpart AA -- Phosphoric Acid Manufacturing Plants;

- (t) Subpart BB -- Phosphate Fertilizer Production Plants;
- (u) Subpart CC -- Petroleum Refineries;
- (v) Subpart DD -- Off-Site Waste and Recovery Operations;
- (w) Subpart EE -- Magnetic Tape Manufacturing Operations;
- (x) Subpart GG -- Aerospace Manufacturing and Rework Facilities;
- (y) Subpart HH -- Oil and Natural Gas Production Facilities;
- (z) Subpart II -- Shipbuilding and Ship Repair (Surface Coating);
- (aa) Subpart JJ -- Wood Furniture Manufacturing Operations;
- (bb) Subpart KK -- Printing and Publishing Industry;
- (cc) Subpart LL -- Primary Aluminum Reduction Plants;
- (dd) Subpart MM -- Chemical Recovery Combustion Sources at Kraft, Soda, Sulfitite and Stand-Alone Semi-Chemical Pulp Mills;
- (ee) Subpart OO -- Tanks -- Level 1;
- (ff) Subpart PP -- Containers;
- (gg) Subpart QQ -- Surface Impoundments;
- (hh) Subpart RR -- Individual Drain Systems;
- (ii) Subpart SS -- Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process;
- (jj) Subpart TT -- Equipment Leaks -- Control Level 1;
- (kk) Subpart UU -- Equipment Leaks -- Control Level 2;
- (ll) Subpart VV -- Oil-Water Separators and Organic-Water Separators;
- (mm) Subpart WW -- Storage Vessels (Tanks) -- Control Level 2;
- (nn) Subpart XX -- Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations;
- (oo) Subpart YY -- Generic Maximum Achievable Control Technology Standards;
- (pp) Subpart CCC -- Steel Pickling -- HCl Process Facilities and Hydrochloric Acid Regeneration Plants;
- (qq) Subpart DDD -- Mineral Wool Production;
- (rr) Subpart EEE -- Hazardous Waste Combustors;
- (ss) Subpart GGG -- Pharmaceuticals Production;
- (tt) Subpart HHH -- Natural Gas Transmission and Storage Facilities;
- (uu) Subpart III -- Flexible Polyurethane Foam Production;
- (vv) Subpart JJJ -- Group IV Polymers and Resins;
- (ww) Subpart LLL -- Portland Cement Manufacturing Industry;
- (xx) Subpart MMM -- Pesticide Active Ingredient Production;
- (yy) Subpart NNN -- Wool Fiberglass Manufacturing;
- (zz) Subpart OOO -- Manufacture of Amino/Phenolic Resins;
- (aaa) Subpart PPP -- Polyether Polyols Production;
- (bbb) Subpart QQQ -- Primary Copper Smelting;
- (ccc) Subpart RRR -- Secondary Aluminum Production;
- (ddd) Subpart TTT -- Primary Lead Smelting;
- (eee) Subpart UUU -- Petroleum Refineries -- Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units;
- (fff) Subpart VVV -- Publicly Owned Treatment Works;
- (ggg) Subpart XXX -- Ferroalloys Production: Ferromanganese and Silicomanganese;
- (hhh) Subpart AAAA -- Municipal Solid Waste Landfills;

(iii) Subpart CCCC -- Manufacturing of Nutritional Yeast;
(jjj) Subpart DDDD -- Plywood and Composite Wood Products;
(kkk) Subpart EEEE -- Organic Liquids Distribution (non-gasoline);
(III) Subpart FFFF -- Miscellaneous Organic Chemical Manufacturing;
(mmm) Subpart GGGG -- Solvent Extraction for Vegetable Oil Production;
(nnn) Subpart HHHH -- Wet Formed Fiberglass Mat Production;
(ooo) Subpart IIII -- Surface Coating of Automobiles and Light-Duty Trucks;
(ppp) Subpart JJJJ -- Paper and Other Web Coating;
(qqq) Subpart KKKK -- Surface Coating of Metal Cans;
(rrr) Subpart MMMM -- Surface Coating of Miscellaneous Metal Parts and Products;
(sss) Subpart NNNN -- Surface Coating of Large Appliances;
(ttt) Subpart OOOO -- Printing, Coating, and Dyeing of Fabrics and Other Textiles;
(uuu) Subpart PPPP -- Surface Coating of Plastic Parts and Products;
(vvv) Subpart QQQQ -- Surface Coating of Wood Building Products;
(www) Subpart RRRR -- Surface Coating of Metal Furniture;
(xxx) Subpart SSSS -- Surface Coating of Metal Coil;
(yyy) Subpart TTTT -- Leather Finishing Operations;
(zzz) Subpart UUUU -- Cellulose Production Manufacturing;
(aaa) Subpart VVVV -- Boat Manufacturing;
(bbb) Subpart WWWW -- Reinforced Plastics Composites Production;
(ccc) Subpart XXXX -- Rubber Tire Manufacturing;
(ddd) Subpart YYYY -- Stationary Combustion Turbines;
(~~eeee~~) ~~Subpart ZZZZ -- Reciprocating Internal Combustion Engines;~~
(~~eeeeffff~~) Subpart AAAAA -- Lime Manufacturing;
(~~ffffgggg~~) Subpart BBBBB -- Semiconductor Manufacturing;
(~~gggghhhh~~) Subpart CCCCC -- Coke Ovens: Pushing, Quenching & Battery Stacks;
(~~hhhhjjjj~~) Subpart EEEEE -- Iron and Steel Foundries;
(~~iiiikkkk~~) Subpart FFFFF -- Integrated Iron and Steel Manufacturing Facilities;
(~~jjjjllll~~) Subpart GGGGG -- Site Remediation;
(~~kkkkmmmm~~) Subpart HHHHH -- Misc. Coating Manufacturing;
(~~llllnnnn~~) Subpart IIIII -- Mercury Cell Chlor-Alkali Plants;
(~~mmmmoooo~~) Subpart JJJJJ -- Brick and Structural Clay Products Manufacturing;
(~~nnnnpppp~~) Subpart KKKKK -- Clay Ceramics Manufacturing;
(~~ooooqqqq~~) Subpart LLLLL -- Asphalt Processing & Asphalt Roofing Manufacturing;
(~~pppprrrr~~) Subpart MMMMM -- Flexible Polyurethane Foam Fabrication Operations;
(~~qqqqssss~~) Subpart NNNNN -- Hydrochloric Acid Production;
(~~rrrrtttt~~) Subpart PPPPP -- Engine Tests Cells/Stands;
(~~ssssuuuu~~) Subpart QQQQQ -- Friction Materials Manufacturing Facilities;
(~~ttttvvvv~~) Subpart RRRRR -- Taconite Iron Ore Processing;
(~~uuuuwwww~~) Subpart SSSSS -- Refractory Products Manufacturing;
(~~vvvvxxxx~~) Subpart TTTTT -- Primary Magnesium Refining;
(~~wwwwyyyy~~) Subpart WWWW -- Area Sources: Hospital Ethylene Oxide Sterilization;
(~~xxxxzzzz~~) Subpart YYYYY -- Area Sources: Electric Arc Furnace Steelmaking Facilities;
(~~yyyyaaaa~~) Subpart ZZZZZ -- Area Sources: Iron and Steel Foundries;
(~~zzzzbbbb~~) Subpart BBBBBB -- Area Sources: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities;

- ([aaaaaeeeee](#)) Subpart DDDDDD -- Area Sources: Polyvinyl Chloride and Copolymers Production;
([bbbbbdzzzzz](#)) Subpart EEEEEEE -- Area Sources: Primary Copper Smelting;
([ccccceeeee](#)) Subpart FFFFFFF -- Area Sources: Secondary Copper Smelting;
([dddddfzzzzz](#)) Subpart GGGGGG -- Area Sources: Primary Nonferrous Metals -- Zinc, Cadmium, and Beryllium;
([eeeeegzzzzz](#)) Subpart HHHHHH -- Area Sources: Paint Stripping and Miscellaneous Surface Coating Operations
([fffffhzzzzz](#)) Subpart LLLLLL -- Area Sources: Acrylic and Modacrylic Fibers Production;
([gggggzzzzz](#)) Subpart MMMMMM -- Area Sources: Carbon Black Production;
([hhhhhzzzzz](#)) Subpart NNNNNN -- Area Sources: Chemical Manufacturing: Chromium Compounds;
([iiiiikzzzzz](#)) Subpart OOOOOO -- Area Sources: Flexible Polyurethane Foam Production;
([jjjjjzzzzz](#)) Subpart PPPPPP -- Area Sources: Lead Acid Battery Manufacturing;
([kkkkkzzzzz](#)) Subpart QQQQQQ -- Area Sources: Wood Preserving;
([lllllzzzzz](#)) Subpart RRRRRR -- Area Sources: Clay Ceramics Manufacturing;
([mmmmmzzzzz](#)) Subpart SSSSSS -- Area Sources: Glass Manufacturing;
([nnnnnzzzzz](#)) Subpart TTTTTT -- Area Sources: Secondary Nonferrous Metals Processing;
([ooooo](#)) Subpart VVVVVV -- Area Sources: [Chemical Manufacturing](#);
([pppppzzzzz](#)) Subpart WWWWWW -- Area Source: Plating and Polishing Operations;
([qqqqqzzzzz](#)) Subpart XXXXXX -- Area Source: Nine Metal Fabrication and Finishing Source Categories;
([rrrrrzzzzz](#)) Subpart YYYYYY -- Area Sources: Ferroalloys Production Facilities;
([ssssszzzzz](#)) Subpart ZZZZZZ -- Area Sources: Aluminum, Copper, and Other Nonferrous Foundries;-
([ttttt](#)) Subpart AAAAAAA -- Area Sources: [Asphalt Processing and Asphalt Roofing Manufacturing](#);
([uuuuu](#)) Subpart BBBBBBBB -- Area Sources: [Chemical Preparations Industry](#);
([vvvvv](#)) Subpart CCCCCC -- Area Sources: [Paints and Allied Products Manufacturing](#);
([wwwww](#)) Subpart DDDDDDD -- Area Sources: [Prepared Feeds Manufacturing](#).

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: [DEQ 16-1995, f. & cert. ef. 6-21-95; DEQ 28-1996, f. & cert. ef. 12-19-96; DEQ 18-1998, f. & cert. ef. 10-5-98]; [DEQ 18-1993, f. & cert. ef. 11-4-93; DEQ 32-1994, f. & cert. ef. 12-22-94]; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-0510, 340-032-5520; DEQ 11-2000, f. & cert. ef. 7-27-00; DEQ 15-2001, f. & cert. ef. 12-26-01; DEQ 4-2003, f. & cert. ef. 2-06-03; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 15-2008, f. & cert. ef. 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09

Emission Standards for Gasoline Dispensing Facilities

340-244-0234

Affected Sources

- (1) The affected source to which the emission standards apply is each GDF. The affected source includes each gasoline cargo tank during the delivery of product to a GDF and also includes each storage tank.
- (2) The emissions standards in OAR 340-244-0236 through 0252 do not apply to agricultural operations as defined in ORS 468A.020. Agricultural operations are however required to comply with the Gasoline Dispensing NESHAP, if applicable (40 CFR part 63 subpart CCCCCC).
- (3) All GDFs must comply with the requirements of OAR 340-244-0240.

(4) The owner or operator of a GDF must comply with the requirements of OAR 340-244-0242 for the following gasoline storage tanks:

(a) All tanks with a capacity of 250 gallons or more located at GDFs:

(A) Whose annual throughput exceeds 480,000 gallons of gasoline or more;

(B) Whose average monthly throughput exceeds 100,000 gallons of gasoline or more; or

(C) In Clackamas, Multnomah, or Washington County whose annual throughput exceeds 120,000 gallons of gasoline or more.

(b) All tanks with a capacity of 1,500 gallons or more located at GDFs in the Portland AQMA, Medford AQMA, or Salem SKATS.

(5) The owner or operator of a GDF must comply with the requirements of OAR 340-244-0242(4) for any gasoline storage tank equipped with a vapor balance system.

(6) An affected source must, upon request by the Department, demonstrate their annual or average monthly throughput.

(7) The owner or operator of an affected source, as defined in section (1) of this rule, is not required to obtain a Title V Operating Permit. However, the owner or operator must still apply for and obtain a Title V Operating Permit if meeting one or more of the applicability criteria found in OAR 340-218-0020.

(8) The loading of aviation gasoline storage tanks at airports, and the subsequent transfer of aviation gasoline within the airport, is not subject to OAR 340-244-0236 through 0252, this rule and the aviation gasoline is not included in the gasoline throughput specified in sections (2) through (5) of this rule except in the Portland AQMA, Medford AQMA, Salem SKATS, and Clackamas, Multnomah, and Washington Counties. In these geographic areas, aviation gasoline is subject to OAR 340-244-0236 through 0252.

(9) Monthly throughput is the total volume of gasoline loaded into, or dispensed from, all the gasoline storage tanks located at a single affected GDF. If an area source has two or more GDFs at separate locations within the area source, each GDF is treated as a separate affected source.

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.

Stat. Auth.: ORS 468.020 & 468A.025

Stats. Implemented: ORS 468A.025

Hist.: DEQ 15-2008, f. & cert. ef 12-31-08

340-244-0236

Affected Equipment or Processes

(1) The emission sources to which this rule applies are gasoline storage tanks and associated equipment components in vapor or liquid gasoline service at new, reconstructed, or existing GDF that meet the criteria specified in OAR 340-244-0234. Pressure/Vacuum vents on gasoline storage tanks and the equipment necessary to unload product from cargo tanks into the storage tanks at GDF are covered emission sources. The equipment used for the refueling of motor vehicles is not covered by this rule.

(2) An affected source is a new affected source if construction commenced on the affected source after November 9, 2006, and the applicability criteria in OAR 340-244-0234 are met at the time operation commenced.

(3) An affected source is reconstructed if meeting the criteria for reconstruction as defined in 40 CFR 63.2.

(4) An affected source is an existing affected source if it is not new or reconstructed.

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.

Stat. Auth.: ORS 468.020 & ORS 468A.025
Stats. Implemented: ORS 468A.025
Hist.: DEQ 15-2008, f. & cert. ef 12-31-08

340-244-0238

Compliance Dates

(1) For a new or reconstructed affected source, the owner or operator must comply with the standards in OAR 340-244-0240 and 0242, as applicable, no later than January 10, 2008 or upon startup, whichever is later, except as follows:

(a) The owner or operator of a new or reconstructed GDF must comply with OAR 340-244-0240(1)(b) and (c) no later than July 1, 2009 or upon startup, whichever is later.

(b) For tanks located at a GDF with average monthly throughput less than 100,000 gallons of gasoline and not listed in OAR 340-244-0234(4)(a)(C) or (4)(b) must comply with OAR 340-244-0242, as applicable, no later than December 13, 2009 or upon startup, whichever is later.

(c) The owner or operator of a GDF subject to Table 4 of this division must comply no later than September 23, 2008 or upon startup, whichever is later.

(2) For an existing affected source, the owner or operator must comply with the standards in OAR 340-244-0240 and 0242, as applicable, by no later than January 10, 2011, except as follows:

(a) For tanks with a capacity between 1,500 and 40,000 gallons and located in the Portland AQMA, Medford AQMA, or Salem SATS, the owner or operator must comply with the standards in OAR 340-244-0240(3) and 0242 no later than December 13, 2008.

(b) For tanks located at an affected source located in Clackamas, Multnomah, or Washington County, whose annual throughput exceeds 120,000 gallons, the owner or operator must comply with the standards in OAR 340-244-0240(3) and 0242 no later than December 13, 2008.

(c) The owner or operator of an existing GDF must comply with OAR 340-244-0240(1)(b) and (c) no later than July 1, 2009 or upon startup, whichever is later.

(3) For an existing affected source that becomes subject to the control requirements in ~~this rule~~ OAR 340-244-0242 because of an increase in the ~~average~~-monthly throughput, as specified in OAR 340-244-0234(4), the owner or operator must comply with the standards OAR 340-244-0242 ~~in this rule~~ no later than January 10, 2011 or within 2 years after the affected source becomes subject to the control requirements in OAR 340-244-0242 ~~this rule~~, whichever is later.

(4) The initial compliance demonstration test required under OAR 340-244-0244(1)(a) and (b) must be conducted as specified in subsections (4)(a) and (b) of this rule.

(a) For a new or reconstructed affected source, the owner or operator must conduct the initial compliance test upon installation of the complete vapor balance system.

(b) For an existing affected source, the owner or operator must conduct the initial compliance test as specified in paragraph (4)(b)(A) or (B) of this rule.

(A) For vapor balance systems installed on or before December 15, 2009 at a GDF whose average monthly throughput exceeds 100,000 gallons of gasoline or more, the owner or operator must test no later than 180 days after the applicable compliance date specified in section (2) or (3) of this rule.

(B) For vapor balance systems installed after December 15, 2009, the owner or operator must test upon installation of a complete vapor balance system or a new gasoline storage tank.

(C) For a GDF whose average monthly throughput is less than or equal to 100,000 gallons of gasoline, the owner or operator is only required to test upon installation of a complete vapor balance system or a new gasoline storage tank.

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.

Stat. Auth.: ORS 468.020 & 468A.025

Stats. Implemented: ORS 468A.025

Hist.: DEQ 15-2008, f. & cert. ef. 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09

340-244-0242

Vapor Balance Requirements

- (1) Except as provided in section (2) of this rule, the owner or operator of gasoline storage tank listed in OAR 340-244-0234(4), must meet the requirements in either subsection (1)(a) or (1)(b) of this rule.
 - (a) Each management practice in Table 4 of this division that applies to the GDF.
 - (b) If, prior to January 10, 2008, the owner or operator operates a vapor balance system at the GDF that meets the requirements of either paragraph (1)(b)(A) or (1)(b)(B) of this rule, the owner or operator will be deemed in compliance with this section.
 - (A) Achieves emissions reduction of at least 90 percent.
 - (B) Operates using management practices at least as stringent as those in Table 4 of this division.
- (2) Gasoline storage tanks equipped with floating roofs or the equivalent are not required to comply with the control requirements in section (1) of this rule.
- (3) Cargo tanks unloading at a GDF must comply with the requirements of OAR 340-244-0240(1) and management practices in Table 5 of this division.
- (4) The owner or operator of a GDF subject to section (1) of this rule or having a gasoline storage tank equipped with a vapor balance system, must comply with the following requirements on and after the applicable compliance date in OAR 340-244-0238:
 - (a) When loading a gasoline storage tank equipped with a vapor balance system, connect and ensure the proper operation of the vapor balance system whenever gasoline is being loaded.
 - (b) Maintain all equipment associated with the vapor balance system to be vapor tight and in good working order.
 - (c) In order to ensure that the vapor balance equipment is maintained to be vapor tight and in good working order, have the vapor balance equipment inspected on an annual basis to discover potential or actual equipment failures.
 - (d) Replace, repair or modify any worn or ineffective component or design element within 24 hours to ensure the vapor-tight integrity and efficiency of the vapor balance system. If repair parts must be ordered, either a written or verbal order for those parts must be initiated within 2 working days of detecting such a leak. Such repair parts must be installed within 5 working days after receipt.
- (5) The owner or operator of a GDF subject to section (1) of this rule must also comply with the following requirements:
 - (a) The applicable testing requirements contained in OAR 340-244-0244.
 - (b) The applicable notification requirements under OAR 340-244-0246.
 - (c) The applicable recordkeeping and reporting requirements as specified in OAR 340-244-0248 and 0250.
 - (d) The owner or operator must have records available within 24 hours of a request by the Department to document gasoline throughput.

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.

[ED. NOTE: Tables referenced are not included in rule text. [Click here for PDF copy of table\(s\).](#)]

Stat. Auth.: ORS 468.020 & 468A.025

Stats. Implemented: ORS 468A.025

Hist.: DEQ 15-2008, f. & cert. ef. 12-31-08; DEQ 8-2009, f. & cert. ef. 12-16-09

340-244-0244

Testing and Monitoring Requirements

(1) ~~Each owner or operator, at time of installation, as specified in OAR 340-244-0238(4), of If required to install a vapor balance system required under OAR 340-244-0242(1)(a), and every 3 years thereafter at a GDF with monthly throughput of 100,000 gallons of gasoline or more, the owner or operator must comply with the requirements in subsections (1)(a) and (b) of this rule. at the time of installation of a vapor balance system or a new gasoline storage tank. Each owner or operator of a GDF with monthly throughput of 100,000 gallons of gasoline or more must comply the requirements in subsections (1)(a) and (b) of this rule every 3 years following the time of installation of a vapor balance system or a new gasoline storage tank.~~

(a) The owner or operator must demonstrate compliance with the leak rate and cracking pressure requirements, specified in item 1(g) of Table 4 of this division, for pressure-vacuum vent valves installed on gasoline storage tanks using the test methods identified in paragraph (1)(a)(A) or (B) of this rule.

(A) California Air Resources Board Vapor Recovery Test Procedure TP-201.1E,—Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, adopted October 8, 2003 (incorporated by reference, see 40 CFR 63.14).

(B) Use alternative test methods and procedures in accordance with the alternative test method requirements in 40 CFR 63.7(f).

(b) The owner or operator must demonstrate compliance with the static pressure performance requirement, specified in item 1(h) of Table 4 of this division, for the vapor balance system by conducting a static pressure test on the gasoline storage tanks using the test methods identified in paragraph (1)(b)(A) or (B) of this rule.

(A) California Air Resources Board Vapor Recovery Test Procedure TP-201.3,—Determination of 2-Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities, adopted April 12, 1996, and amended March 17, 1999 (incorporated by reference, see 40 CFR 63.14).

(B) Use alternative test methods and procedures in accordance with the alternative test method requirements in 40 CFR 63.7(f).

(2) Each owner or operator of a GDF, choosing, under the provisions of 40 CFR 63.6(g), to use a vapor balance system other than that described in Table 4 of this division, must demonstrate to the Department the equivalency of their vapor balance system to that described in Table 4 of this division using the procedures specified in subsections (2)(a) through (c) of this rule.

(a) The owner or operator must demonstrate initial compliance by conducting an initial performance test on the vapor balance system to demonstrate that the vapor balance system achieves 95 percent reduction using the California Air Resources Board Vapor Recovery Test Procedure TP-201.1, -- Volumetric Efficiency for Phase I Vapor Recovery Systems, adopted April 12, 1996, and amended February 1, 2001, and October 8, 2003, (incorporated by reference, see 40 CFR 63.14).

(b) The owner or operator must, during the initial performance test required under subsection (2)(a) of this rule, determine and document alternative acceptable values for the leak rate and cracking pressure requirements specified in item 1(g) of Table 4 of this division and for the static pressure performance requirement in item 1(h) of Table 4 of this division.

(c) The owner or operator must comply with the testing requirements specified in section (1) of this rule.

(3) Conduct of performance tests. Performance tests must be conducted under such conditions as the Department specifies to the owner or operator based on representative performance (i.e., performance based on normal operating conditions) of the affected source. Upon request, the owner or operator must make available to the Department such records as may be necessary to determine the conditions of performance tests.

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.

Stat. Auth.: ORS 468.020 & 468A.025

Stats. Implemented: ORS 468A.025

Hist.: DEQ 15-2008, f. & cert. ef 12-31-08

340-244-0248

Recordkeeping Requirements

(1) Each owner or operator must keep the following records:

(a) Records of all tests performed under OAR 340-244-0244(1) and (2);

(b) Records related to the operation and maintenance of vapor balance equipment required under OAR 340-244-0242. Any vapor balance component defect must be logged and tracked by station personnel using forms provided by the Department or a reasonable facsimile.

(c) Records of total throughput volume of gasoline, in gallons, for each calendar month.

(d) Records of permanent changes made at the GDF and vapor balance equipment which may affect emissions.

(2) Records required under section (1) of this rule must be kept for a period of 5 years and must be made available for inspection by the Department during the course of a site visit.

(3) Each owner or operator of a gasoline cargo tank subject to the management practices in Table 5 of this division must keep records documenting vapor tightness testing for a period of 5 years. Documentation must include each of the items specified in 40 CFR 63.11094(b)(i) through (viii). Records of vapor tightness testing must be retained as specified in either subsection (3)(a) or (b) of this rule.

(a) The owner or operator must keep all vapor tightness testing records with the cargo tank.

(b) As an alternative to keeping all records with the cargo tank, the owner or operator may comply with the requirements of paragraphs (3)(a)(A) and (B) of this rule.

(A) The owner or operator may keep records of only the most recent vapor tightness test with the cargo tank and keep records for the previous 4 years at their office or another central location.

(B) Vapor tightness testing records that are kept at a location other than with the cargo tank must be instantly available (e.g., via e-mail or facsimile) to the Department during the course of a site visit or within a mutually agreeable time frame. Such records must be an exact duplicate image of the original paper copy record with certifying signatures.

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.

Stat. Auth.: ORS 468.020 & 468A.025

Stats. Implemented: ORS 468A.025

Hist.: DEQ 15-2008, f. & cert. ef 12-31-08

TABLE 4 (OAR 340-244-0242)

**MANAGEMENT PRACTICES FOR GASOLINE DISPENSING FACILITIES SUBJECT TO
STAGE I VAPOR CONTROLS**

MANAGEMENT PRACTICES FOR GASOLINE CARGO TANKS UNLOADING AT GASOLINE DISPENSING FACILITIES EQUIPPED WITH STAGE I VAPOR CONTROLS	
If owning or operating	The owner or operator must
A gasoline cargo tank	<p>Not unload gasoline into a storage tank at a GDF with stage I vapor controls unless the following conditions are met:</p> <ul style="list-style-type: none"> (i) All hoses in the vapor balance system are properly connected, (ii) The adapters or couplers that attach to the vapor line on the storage tank have closures that seal upon disconnect, (iii) All vapor return hoses, couplers, and adapters used in the gasoline delivery are vapor-tight, (iv) All tank truck vapor return equipment is compatible in size and forms a vapor-tight connection with the vapor balance equipment on the GDF storage tank, and (v) All hatches on the tank truck are closed and securely fastened. (vi) The filling of storage tanks at GDF must be limited to unloading by vapor-tight gasoline cargo tanks. Documentation that the cargo tank has met the specifications of EPA Method 27 must be carried on<u>with</u> the cargo tank, <u>as specified in OAR 340-244-0248(3).</u>

Summary of public comment and agency response

Title of Rulemaking: Adoption of Federal Air Quality Regulations and Related Permit Rules

Prepared by: Jerry Ebersole

Date: November 9, 2010

<p>Comment period</p>	<p>The public comment period opened Sept. 28, 2010, and closed at 5p.m. on Nov. 5, 2010. DEQ held the following public hearings:</p> <ul style="list-style-type: none"> • Nov. 1, 2010, 6 p.m. DEQ - Bend Regional Office 475 NE Bellevue Dr., Bend 0 attended and 0 testified. • Nov. 2, 2010, 6 p.m. DEQ – Medford Regional Office 221 Stewart Ave, Medford 0 attended and 0 testified. • Nov. 3, 2010, 6 p.m. DEQ Headquarters, Room EQCA 811 S.W. Sixth Avenue, Portland 3 attended and 0 testified. <p>One commenter submitted comments by e-mail and no verbal testimony was given at public hearings.</p>
<p>Organization of comments and responses</p>	<p>Summaries of individual comments and the DEQ’s responses are provided below. Information on the commenter is listed following the summary of comments and responses.</p>
<p>Explanation of acronyms used</p>	<p>DEQ = Department of Environmental Quality EPA = Environmental Protection Agency NESHAP = Nation Emission Standards for Hazardous Air Pollutants HAP =Hazardous Air Pollutants</p>

<p style="text-align: center;">Summary of comments and responses</p>	
	<ul style="list-style-type: none"> • Comment 1: How would HAP emissions in Oregon likely be different if Oregon did not adopt the proposed rule modifications? • <i>Response: If the Environmental Quality Commission does not adopt these rule modifications it is anticipated that few reductions of hazardous air pollutants from these facilities would occur in the state. In general EPA does not have the resources to ensure emission reductions are achieved by Oregon sources and often relies on a national program of infrequent audits and enforcement. DEQ is able to provide more active implementation of the programs in Oregon by providing technical assistance, permitting or registration and routine inspections along with audits and enforcement which results in greater emission reductions.</i>

Although these rules do exempt smaller facilities from permitting, emissions from these facilities are not expected to be significant. For instance, the 50 or so gasoline dispensing facilities that would be exempted from permitting represent about 0.02 percent of the total volume of gasoline dispensed in Oregon. In addition, these facilities are still required to meet the federal rules; they would just no longer be required to maintain a permit. DEQ will continue to provide outreach and technical assistance to exempted facilities to increase compliance. DEQ may also perform random audit inspections or periodically request throughput records to ensure that these facilities are still exempt from permitting and are complying with the federal rules.

- Comment 2: NEDC contends that the proposed permit rule modifications undermine the purpose of the NESHAPs by disregarding important public health concerns and improperly focusing exclusively on mitigating economic impacts and administrative burden. Nowhere in the public notice, the statement of need, or the proposed rulemaking does DEQ even mention the possibility that delaying permitting, exempting source categories from permitting, and expanding the general permit to cover additional sources will have any impacts on public health. How many facilities will be implicated by the “area source” general permit? Have the cumulative effects of the emissions and any synergies of emissions been evaluated in regards to health concerns?
- *Response: DEQ does not know the exact number of facilities that would be exempted from or required to obtain a general permit, but is continuing to contact and gather compliance information from potentially affected facilities. Based on data submitted by gasoline dispensing facilities in 2008, the expanded permit exemption would affect up to 200 facilities. DEQ estimates that up to 20 metal fabrication facilities and 2 commercial sterilization facilities in the state may qualify for a proposed permit exemption. DEQ estimates that up to 32 facilities may qualify for a general permit with lower annual fees than the general permit currently required for metal fabrication facilities. DEQ estimates there are as many as 33 potential paint and allied product manufacturers that will need to obtain a permit as a result of this rulemaking.*

Although, as mentioned in response to comment 1, the proposed rules do exempt some smaller facilities from permitting, but only facilities with the smallest levels of emissions. In addition, these facilities are still legally required to meet the federal rules; they would just no longer be required to have a permit. DEQ will still provide outreach and technical assistance to exempted facilities to increase compliance.

No, DEQ did not specifically evaluate cumulative impacts for this rulemaking. DEQ is primarily adopting federal rules by reference so they can be implemented in Oregon. These rules are based on the level of emission reductions achievable based on improved operation of an affected source. The targeted emission reductions are not based on health impacts of the cumulative emissions from affected facilities.

- Comment 3: How will exempted facilities be monitored and what reporting is required of exempted facilities to ensure they will not require a permit in the future?
- *Response: DEQ plans to monitor NESHAP-affected facilities exempted from permitting through random audit inspections. If DEQ finds a high rate of non-compliance, then DEQ will consider requiring periodic reporting of throughput or other related information from exempt facilities. DEQ has the authority to request that such records be submitted. DEQ also has the ability to require that facilities, otherwise required to have a permit, register with DEQ. If non-compliance*

becomes an issue, DEQ will consider proposing registration of exempted facilities in a future rulemaking.

- Comment 4: Did DEQ consider the public health impacts of the proposed rule modifications and if so, how did DEQ consider the public health impacts? Why did DEQ fail to discuss the public health impacts of the proposed rule modification?

- *Response: DEQ is primarily adopting federal rules by reference so they can be implemented in Oregon. The federal rules target the pollutants and source categories that create the most significant health risks as described in the rulemaking announcement. DEQ's implementation of the federal rules increases the likelihood that the reduction in emissions and consequent health benefits are achieved in Oregon. The fiscal impact statement also mentions that there are potential health benefits and associated cost savings as a result of the rulemaking, in addition to cost, but they are not easily quantified. The health impact of exempting a limited number of small facilities from permitting is minimal because those facilities are still required to comply with the requirements of both the state and federal rules.*

- Comment 5: How did public health concerns effect, if at all, design of the proposed rule modifications?

- *Response: DEQ is proposing the EQC adopt these federal rules to protect public health. Also when evaluating permitting exemptions for smaller facilities, DEQ determined that gasoline dispensing facilities and metal fabricators with throughput below the permit exemption levels would not pose an excess cancer risk of one-in-a-million. DEQ also determined that allowing a permit exemption for two small sterilization facilities subject only to record keeping requirements is unlikely to result in significant emission increases or consequences to public health.*

- Comment 6: Is the current ambient monitoring network capable of monitoring facilities that are exempted from permits or who will be grouped in a general permit? Would it be easier for DEQ to monitor the emissions in order to analyze the facility's contributions?

- *Response: No. There are only four air toxic monitors in the state. They are not capable of monitoring individual facilities or groups of facilities. They are capable of monitoring ambient concentrations and trends for specific toxics, but only in the communities in which they are located. The most effective way to monitor individual or a group of exempted facilities would be through random audit inspections or a periodic reporting requirement as discussed in the response to comment 3.*

- Comment 7: What are the obligations on DEQ of reporting HAP reduction trending to EPA?

- *Response: There are no obligations on DEQ to report HAP emission reduction trends to EPA. However, DEQ voluntarily reports HAP emissions to EPA every three years as part of the national emission inventory. This reporting may not show emission trends because NESHAP affected facilities are treated as area sources prior to complying with a NESHAP and point sources after complying with the NESHAP. In other words, the emissions are calculated differently prior to compliance and after compliance and unfortunately may not provide a good comparison of emissions before and after compliance.*

- Comment 8: Are there any requirements or timelines DEQ must meet in regards to reducing HAPs?

- *Response: There are no requirements or timelines DEQ must meet in regard to reducing HAPs. However, DEQ has goals for timely permit issuance and there are compliance deadlines that affected facilities must meet. This rulemaking does not affect those compliance deadlines.*

Name	Organization	Submit date
Kenny Key, Bobbie Traverso/Estes	NW Environmental Defense Center	November 5, 2010

State of Oregon
Department of Environmental Quality

Memorandum

Presiding Officer's Report

Date: Nov. 3, 2010

To: Environmental Quality Commission

From: Frank Messina, Eastern Region, Bend Office

Subject: Presiding Officer's report for rulemaking hearing
Title of proposal: Adoption of federal air quality regulations and related permit rules
Hearing date and time: Nov. 1, 2010, beginning at 6 p.m.
Hearing location: DEQ - Bend Regional Office
Conference Room
475 NE Bellevue Dr., Suite 110
Bend, OR 97702

DEQ convened the rulemaking hearing at 6 p.m. and closed it at 6:30 p.m. No one attended the hearing and no one testified.

No written or oral comments were received at the hearing.

State of Oregon
Department of Environmental Quality

Memorandum

Presiding Officer's Report

Date: Nov. 3, 2010

To: Environmental Quality Commission

From: Tom Peterson, Western Region, Medford Office

Subject: Presiding Officer's report for rulemaking hearing

Title of proposal: Adoption of federal air quality regulations and related permit rules

Hearing date and time: Nov. 2, 2010, beginning at 6 p.m.

Hearing location: DEQ - Medford Regional Office
Conference Room
221 Stewart Ave, Suite 201
Medford, OR 97501

DEQ convened the rulemaking hearing at 6 p.m. and closed it at 6:30 p.m. No one attended the hearing and no one testified.

No written or oral comments were received at the hearing.

State of Oregon
Department of Environmental Quality

Memorandum

Presiding Officer's Report

Date: Nov. 8, 2010

To: Environmental Quality Commission

From: Gregg Dahmen, P.E., Air Quality Division, Program Operations Section

Subject: Presiding Officer's report for rulemaking hearing

Title of proposal: Adoption of federal air quality regulations and related permit rules

Hearing date and time: Nov. 3, 2010, beginning at 6 p.m.

Hearing location: DEQ headquarters, EQC-A
811 S.W. 6th Avenue
Portland, OR 97204

DEQ convened the rulemaking hearing at 6 p.m. and closed it at 6:30 p.m. People were asked to sign registration forms if they wished to present comments. People were also advised that the hearing was being recorded.

Three people attended the hearing; no one testified.

DEQ staff Jerry Ebersole briefly explained the rulemaking proposal and I explained the procedures for the hearing.

No written or oral comments were received at the hearing.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

Relationship to Federal Requirements

Adoption of Federal Air Quality Regulations and Related Permit Rules

Answers to the following questions identify how the proposed rulemaking relates to federal requirements and the justification for differing from, or adding to, federal requirements. This statement is required by OAR 340-011-0029(1).

1. Is the proposed rulemaking different from, or in addition to, applicable federal requirements? If so, what are the differences or additions?

For the most part, this rulemaking proposes to adopt federal air quality requirements by reference. However, this rulemaking proposes amendments to existing rules that are different from the federal requirements for gasoline dispensing facilities, repeals existing rules that implement federal emission guidelines for hospital, medical and infectious waste incinerators, and repeals the federal requirements for stationary internal combustion engines. In addition this rulemaking would require air permits for certain sources subject to the federal air quality regulations proposed for adoption, and would require fees for those permits.

Gasoline Dispensing Facilities

The existing gasoline dispensing facility rules implement the federal air quality requirements for gasoline dispensing facilities. The existing gasoline dispensing facility rules are different from the federal requirements because they have a lower applicability threshold for stage I emissions controls. This proposal makes revisions to the gasoline dispensing facility rules that are different than federal. The most significant revision reestablishes requirements for aviation gasoline in the Portland, Salem and Medford areas. Oregon's rules previously had these requirements, but they were inadvertently omitted during a previous rulemaking. These revisions make Oregon's rules more stringent than the federal rules as they have been in the past.

Hospital, Medical and Infectious Waste Incinerators

The hospital, medical, and infectious waste incinerator rules implement the federal emission guidelines for hospital, medical, and infectious waste incinerators. EPA recently made changes to the federal emission guidelines for hospital, medical, and infectious waste incinerators. Instead of incorporating these changes into Oregon rules that implement the federal guidelines, this rulemaking proposes to repeal these rules, because Oregon does not have any hospital, medical, and infectious waste incinerators that are covered by these federal emission guidelines.

Permitting

For EPA to approve delegation of the federal requirements, Oregon must have procedures and resources to ensure compliance. For major sources, federal law requires affected sources to have Title V permits. However, for area sources, federal law provides flexibility on how states will ensure compliance. For the most part, Oregon uses the air contaminant discharge permit program for this purpose, including standard, simple and general permits. This rulemaking proposes to provide the option of lower-cost general permits to

some source categories subject to new federal requirements and lower fees for metal fabricating and finishing facilities that are subject to fewer requirements.

Stationary Internal Combustion Engines

DEQ is proposing to repeal adoption of the federal standards regulating stationary internal combustion engines. As a result of repealing adoption of these standards, EPA would be required to implement them in Oregon.

2. If the proposal differs from, or is in addition to, applicable federal requirements, explain the reasons for the difference or addition (including as appropriate, the public health, environmental, scientific, economic, technological, administrative or other reasons).

Gasoline Dispensing Facilities

DEQ is proposing to remove outdated and conflicting language that indicates that the rules do not apply to equipment used for the refueling of motor vehicles. DEQ is also proposing to restore requirements that apply to aviation gasoline in the Portland, Salem, and Medford areas. This revision would restore the stringency of the gasoline dispensing rules in the federally approved state implementation plan and ensure that emissions from these operations continue to be reduced. The purpose of requiring emission controls on aviation gasoline dispensing facilities was to address ozone pollution. Not restoring the stringency of the gasoline dispensing rules could negatively impact air quality in Oregon's air quality maintenance areas and require DEQ to offset the negative impact by reducing emissions from other categories of emission sources. DEQ is also proposing to clarify the requirements for gasoline cargo tanks, the calculation of monthly throughput, and when compliance demonstration testing is required.

Hospital, Medical and Infectious Waste Incinerators

DEQ is not proposing any new requirements for hospital, medical, and infectious waste incinerators. DEQ is proposing to repeal these rules. This is because Oregon does not have any hospital, medical, and infectious waste incinerators that are covered by these federal emissions guidelines.

Permitting

DEQ is proposing changes to permitting requirements to reduce the economic impact of permitting on small businesses and to reduce the total number of permits that DEQ must administer. To accomplish this, the proposed changes would provide the option of lower-cost general permits to some source categories subject to new federal requirements. The proposed changes would also lower fees for metal fabricating and finishing facilities that are subject to fewer requirements. These changes would not affect DEQ's ability to implement the new federal requirements because general permits are the most efficient way of issuing permits to multiple sources with identical requirements and because the work associated with implementing and enforcing the requirements is less for facilities with fewer requirements.

Stationary Internal Combustion Engines

EPA estimates that over 350,000 engines nationwide will be subject to the federal standards regulating new stationary internal combustion engines. Most of the burden of complying with these standards falls on the manufacturer and not the engine owner or operator. EPA is in a better position than DEQ to ensure that out of state manufacturers comply with these standards. By repealing the adoption of these standards, the proposed rules would limit the number of business in Oregon required to have a permit.

3. If the proposal differs from, or is in addition to, applicable federal requirements, did DEQ consider alternatives to the difference or addition? If so, describe the alternatives and the reason(s) they were not pursued.

DEQ considered not taking delegation for some of the federal standards. However, with the exception of the federal standards regulating stationary internal combustion engines, DEQ rejected this alternative because it would reduce compliance and assistance to Oregon sources. DEQ also considered making state specific changes to some of the federal standards adopted by reference, but rejected this alternative because the federal rules address Oregon's immediate concerns for the covered categories and consistency with the federal rules reduces cost and complexity for affected sources.

Gasoline Dispensing Facilities

The proposed changes would remove outdated and conflicting language that indicates that the rules do not apply to equipment used for the refueling of motor vehicles. The proposed revisions would also clarify the requirements for gasoline cargo tanks, the calculation of monthly throughput, and when compliance demonstration testing is required. Alternatives were not considered for this change because it clarifies DEQ's intended meaning of existing requirements.

The proposed changes would also restore the rules to apply to aviation gasoline in the Portland, Salem, and Medford areas. This would be done by replacing language which was inadvertently omitted during a previous rulemaking. This would restore the stringency of Oregon's federally approved state implementation plan. DEQ considered leaving the definition out. However, this could negatively impact air quality in Oregon's air quality maintenance areas and require DEQ to offset the negative impact by reducing emissions from other categories of emission sources. Without the proposed changes or emission reductions from other categories of emission sources, Oregon's state implementation plan might not be approvable by EPA.

Hospital, Medical and Infectious Waste Incinerators

The proposed changes would remove these rules. Alternatives were not considered because Oregon does not have any incinerators that are covered by the federal guidelines. So these rules are not needed in Oregon. If a new incinerator operates in Oregon, it would be subject to the hospital, medical, and infectious waste incinerator NSPS which will remain adopted by reference in Oregon rules.

Permitting

The proposed changes would provide the option of lower-cost general permits to some source categories subject to new federal requirements and lower fees for metal fabricating and finishing facilities that are subject to fewer requirements. Alternatives were not considered because they would result in higher economic impacts on small businesses and significantly increase the total number of permits that DEQ would be required to administer with only a small environmental benefit. Exempting additional sources from permitting was considered but rejected because there would not be an effective way to ensure compliance and fund the program.

Stationary Internal Combustion Engines

The proposed changes would repeal the adoption of standards regulating new stationary internal combustion engines. DEQ considered retaining the adoption of these standards, but rejected this alternative because the burden of complying with these standards falls on the manufacturer and EPA is in a better position than DEQ to ensure that out of state manufacturers comply with these standards.

State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY
Land Use Evaluation Statement

Rulemaking Proposal
for
Adoption of Federal Air Quality Regulations and Related Permit Rules

1. Explain the purpose of the proposed rules.

The Environmental Protection Agency (EPA) has adopted several new National Emission Standards for Hazardous Air Pollutants (NESHAP) applicable to non-major or area sources and changes to older NESHAP and New Source Performance Standards.

Adopting these changes will make Oregon's rules consistent with EPA's so that the Department can implement and keep its delegation of these regulations, which benefits Oregon sources. These benefits include quicker approval of applicability determination requests and alternative testing, monitoring, recordkeeping, and reporting requests. In addition, adopting these standards benefits the public by allowing the Department to ensure that the required emission reductions are achieved in Oregon.

2. Do the proposed rules affect existing rules, programs or activities that are considered land use programs in the DEQ State Agency Coordination (SAC) Program?

Yes X No _____

a. If yes, identify existing program/rule/activity:

The Department's issuance of air permits is an action determined to have effects on land use. The Department will implement the proposed standards for major source categories through the Department's Title V Operating Permit Program and the standards for non-major source categories through the Department's Air Contaminant Discharge Permit (ACDP) Program.

b. If yes, do the existing statewide goal compliance and local plan compatibility procedures adequately cover the proposed rules?

Yes X No _____ (if no, explain):

The Department will implement these rules through the ACDP and Title V permitting programs. Currently, cities and counties must provide a Land Use Compatibility Statement approval before the Department issues these permits or approves a Notice of Construction.

c. If no, apply the following criteria to the proposed rules.

Not applicable.

In the space below, state if the proposed rules are considered programs affecting land use. State the criteria and reasons for the determination.

Not applicable.

3. If the proposed rules have been determined a land use program under 2. above, but are not subject to existing land use compliance and compatibility procedures, explain the new procedures the Department will use to ensure compliance and compatibility.

Not applicable.

DEPARTMENT OF ENVIRONMENTAL QUALITY
Chapter 340
Proposed Rulemaking
STATEMENT OF NEED AND FISCAL AND ECONOMIC IMPACT

This form accompanies a Notice of Proposed Rulemaking

Title of Proposed Rulemaking	Adoption of Federal Air Quality Regulations and Related Permit Rules
Statutory Authority or other Legal Authority	ORS 468.020, 468A.025, 468A.035, 468A.040 & 468A.310
Statutes Implemented	ORS 468.020, 468A.025, 468A.035, 468A.040 & 468A.310
Need for the Rule(s)	<p><u>Reduction of Hazardous Air Pollutant Emissions</u> EPA has identified asphalt processers, asphalt roofing manufacturers, chemical manufacturers, chemical preparers, paint and allied product manufacturers and prepared feeds manufacturers as emitters of one or more of the 33 hazardous air pollutants that pose the greatest risk to public health in urban areas.</p> <p>Many of these hazardous air pollutants are also of particular concern in Oregon. For instance, many of the source categories listed above emit chromium and other toxic metals which can cause cancer and other health effects and are toxics of concern in Oregon.</p> <p>These regulations will further DEQ's strategic direction to protect Oregonian's from toxic pollutants by reducing toxic air pollution and risk to public health.</p> <p><u>Alignment with Federal Rules</u> Adoption of these regulations will keep Oregon's rules updated and consistent with the federal rules, which helps ensure that DEQ maintains delegation of these programs. Adopting the new national emission standards for hazardous air pollutants allows DEQ to ensure that emission reductions required by the Clean Air Act are achieved in Oregon. Affected businesses also benefit by having DEQ implement the standards locally. These benefits include technical assistance and quicker approval of requests for applicability determinations and alternative testing, monitoring, recordkeeping and reporting.</p> <p><u>Management of Workload</u> Adoption of the rules will allow DEQ to implement the new NESHAP for paint and allied product manufacturing through general permits. General permits are less resource intensive to issue because they are issued for an entire category of businesses, instead of to individual businesses.</p> <p>DEQ is in the process of permitting a large number of sources subject to area source NESHAPs. In order to better manage workload, a rule amendment would allow DEQ to space out permitting and improve timeliness and efficiency.</p> <p><u>Reduction of Burden on Small Businesses</u> Most of the burden of complying with the standards regulating new stationary internal combustion engines falls on the manufacturer and not the engine owner or operator. EPA is in a better position than DEQ to ensure that out-of-state manufacturers comply with these standards. By repealing these standards, the proposed rules would limit the number of business in Oregon required to have a permit.</p> <p>This rulemaking proposes to divide the metal fabrication and finishing source category into three general ACDP fee classes, and exempt small metal fabrication and finishing facilities and small commercial ethylene oxide sterilization operations from permitting. These changes will reduce annual fees for facilities with fewer requirements.</p>

	<p><u>Permitting Equity</u> Gasoline dispensing facilities with underground tanks are currently required to obtain a permit. Facilities with aboveground tanks are only required to obtain a permit if they dispense more than 10,000 gallons of gasoline per month. This rulemaking proposes to extend the 10,000 gallon per month exemption to underground tanks to make the requirements for underground tanks and aboveground tanks more equitable.</p> <p><u>Rule Clarification</u> The current gasoline dispensing rules explicitly prohibit topping off or overfilling of vehicle tanks. This rulemaking proposes to remove outdated and conflicting language that indicates that the rules do not apply to equipment used for the refueling of motor vehicles. This rulemaking also proposes to clarify the requirements for gasoline cargo tanks, the calculation of monthly throughput, and when compliance demonstration testing is required.</p> <p>Prior to merging the Oregon and federal stage I vapor control requirements, the Oregon requirements applied to more fuels than the federal requirements, including aviation gasoline. In merging the Oregon and federal requirements, DEQ inadvertently omitted the existing definition of gasoline, thereby excluding these additional fuels from the rules and relaxing Oregon's state implementation plan. This rulemaking proposes to add these fuels back into the rules and restore the stringency of the state implementation plan.</p> <p><u>Repeal of Unnecessary Rules</u> EPA recently made changes to the federal emission guidelines for hospital, medical, and infectious waste incinerators. Instead of incorporating these changes into Oregon rules that implement the federal guidelines, this rulemaking proposes to repeal these rules. This is because Oregon does not have any incinerators that are covered by the federal guidelines. If a new incinerator begins operation in Oregon, it would be subject to the hospital, medical, and infectious waste incinerator NSPS which will remain adopted by reference in Oregon rules.</p>
<p>Documents Relied Upon for Rulemaking</p>	<p>DEQ relied primarily on the Federal Register, the Code of Federal Regulations, and the Oregon Revised Statutes, in developing this rulemaking proposal. Copies of the documents relied upon in the development of this rulemaking proposal can be reviewed at DEQ's office at 811 S.W. 6th Avenue, Portland, Oregon. Please contact Jerry Ebersole for times when the documents are available for review.</p>
<p>Requests for Other Options</p>	<p>Pursuant to ORS 183.335(2)(b)(G), DEQ requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.</p>
<p>Fiscal and Economic Impact, Statement of Cost Compliance</p>	
<p>Overview</p>	<p>This rulemaking would:</p> <ul style="list-style-type: none"> • Adopt by reference federal area source standards regulating asphalt processing and asphalt roofing manufacturing, chemical manufacturing, chemical preparation, paint and allied product manufacturing, and prepared feeds manufacturing. • Repeal the adoption of existing federal standards regulating new stationary internal combustion engines, which are best implemented by EPA at the manufacturer level. • Add paint and allied product manufacturing to the list of business categories eligible to obtain a simple or general permit, and assign this source category to a general ACDP annual fee class. • Allow DEQ to defer the requirement to submit an application for, or to obtain an ACDP for up to twelve months. • Allow DEQ to use a portion of the non-technical permit modification fee from gasoline dispensing facilities to cover the change of ownership fee required in the underground storage tank rules. • Split the metal fabrication and finishing source category into multiple fee classes.

- Exempt smaller metal fabrication and finishing facilities and smaller commercial ethylene oxide sterilization operations from permitting.
- Extend the permit exemption for gasoline dispensing facilities with aboveground storage tanks that dispense less than 10,000 gallons of gasoline per month to also include those with underground tanks.
- Clarify that the gasoline dispensing rule that prohibits "topping off" applies to the equipment used for the refueling of motor vehicles.
- Correct an error that occurred in merging separate rules affecting gasoline dispensing facilities that inadvertently exempted aviation gasoline from emission standards required by the state implementation plan.
- Clarify the requirements for gasoline cargo tanks, the calculation of monthly throughput, and when compliance demonstration testing is required.
- Update the adoption by reference of existing federal rules to keep them consistent with federal amendments.
- Repeal the rules that implement the federal emission guidelines for hospital, medical and infectious waste incinerators.

Area Source National Emission Standards for Hazardous Air Pollutants:

This rulemaking proposes to adopt by reference new national emission standards for hazardous air pollutants applicable to non-major or area sources including: asphalt processing, asphalt roofing manufacturing, chemical manufacturing, chemical preparation, paint and allied product manufacturing and prepared feeds manufacturing.

DEQ anticipates that there will be no fiscal and economic impacts as a result of adopting the new area source standards because the fiscal and economic impacts occurred when EPA adopted the rules, and because the rules applied in Oregon upon EPA's adoption. Therefore, if the EQC adopts the proposed rules listed above, which are substantively identical to their federal counterparts, there will be no substantive change to the requirements already applicable in Oregon today. EPA has evaluated the fiscal and economic effects of their rules and lists those effects in the preambles to their regulations.

Area Source Permitting:

The proposed adoption of new area source standards would trigger a requirement that affected businesses obtain a standard permit and pay permitting fees.

DEQ anticipates that permitting fees would have fiscal and economic impact on affected businesses. To mitigate the fiscal and economic impact on affected businesses, many of which are small businesses, this rulemaking proposes to add paint and allied product manufacturing to the list of business categories eligible to obtain a simple or general permit. General permit fees are significantly less than standard permit fees.

To further mitigate the fiscal and economic impact of permitting on affected businesses, this rulemaking proposes to reduce the annual fees for smaller metal fabrication and finishing operations and exempt smaller metal fabrication and finishing facilities, gasoline dispensing facilities, and commercial ethylene oxide sterilization operations from permitting.

Application/Permit Deferral:

The proposed adoption of the permit deferral would allow DEQ to space out permitting and improve timeliness and efficiency.

DEQ anticipates that the permit deferral will have beneficial impacts on DEQ, businesses and local governments. This will provide DEQ additional time to perform necessary outreach to sources and issue permits. This will also provide affected business additional time to prepare a permit application and obtain a land use compatibility statement from their local government. This will provide understaffed local governments additional time to complete the large volume of land use compatibility statement requests.

	<p><u>Gasoline Dispensing Facility Rules:</u> This rulemaking proposes to remove language that indicates that the gasoline dispensing facility rules do not apply to equipment used for the refueling of motor vehicles. This rulemaking also proposes to clarify the requirements for gasoline cargo tanks, the calculation of monthly throughput, and when compliance demonstration testing is required. DEQ anticipates that these changes will have no impact on gasoline dispensing facilities because they clarify the applicability of existing requirements.</p> <p>This rulemaking also proposes to restore the stringency of the gasoline dispensing rules contained in Oregon's state implementation plan by restoring the definition of gasoline in the Oregon and federal stage I vapor control rules. DEQ anticipates that this change would have fiscal and economic impact on affected businesses. However, this impact is expected to be minimal because affected businesses have had to comply with the gasoline dispensing rules in the past and likely still have the equipment to comply with the rules.</p> <p><u>Other Federal Air Quality Regulations:</u> This rulemaking proposes to match changes in federal law by updating DEQ's adoption by reference of federal NESHAPs and NSPSs.</p> <p>DEQ anticipates that there will be no fiscal and economic impacts as a result of these proposed rules because the fiscal and economic impacts occurred when the EPA adopted the rules, and because the rules applied in Oregon upon EPA's adoption. Therefore, if the EQC adopts the proposed rules listed above, which are substantively identical to their federal counterparts, there will be no substantive change to the requirements already applicable in Oregon today. EPA has evaluated the fiscal and economic effects of their rules and lists those effects in the preambles to their regulations. A list of the federal NESHAP and NSPS rules can be found in Attachments E and F, and the EPA regulations can be found by going to EPA's website http://www.epa.gov/ttn/atw/eparules.html.</p> <p><u>Hospital, Medical, and Infectious Waste Incinerator Rules Removal:</u> Repeal the rules that implement the federal emission guidelines for hospital, medical and infectious waste incinerators.</p> <p>DEQ anticipates that this will have no impact because no incinerators in Oregon are subject to these rules.</p>
<p>Impacts on the General Public</p>	<p><u>Direct Impacts:</u> DEQ does not anticipate any direct fiscal or economic impacts from this proposed rulemaking on the general public.</p> <p><u>Indirect Impacts:</u></p> <ul style="list-style-type: none"> • <u>Area Source NESHAPs.</u> The proposed adoption of the new federal area source NESHAPs would not indirectly impact the general public because the fiscal and economic impacts occurred when the EPA adopted the rules, and because the rules applied in Oregon upon EPA's adoption. • <u>Area Source Permitting.</u> The requirement that sources affected by a new federal area source NESHAP obtain an ACDP permit could indirectly impact the general public if the associated permitting fees are passed on in the form of higher prices for goods and services. To mitigate this impact, this rulemaking proposes to add paint and allied product manufacturing to the list of businesses that are eligible to obtain a Simple or General ACDP in lieu of a Standard ACDP. In addition, this rulemaking proposes reduce permitting fees for smaller metal fabrication and finishing operations and exempt smaller commercial ethylene oxide sterilization operations and smaller gasoline dispensing facilities from permitting. DEQ estimates that these impacts would be minimal, but DEQ lacks adequate information to accurately estimate these impacts at this time. • <u>Gasoline Dispensing Facility Rules.</u> The proposed adoption of changes to the gasoline dispensing facility rules would not indirectly impact the general public because they clarify

	<p>already applicable requirements or restore applicable requirements that facilities have complied with in the past and are likely still complying with.</p> <ul style="list-style-type: none"> • <u>Public Health Benefits.</u> Air pollution creates public health problems that can have negative economic impacts. DEQ anticipates that the proposed rules will reduce air pollution, and as a result, may benefit public health and welfare. It may also reduce public health costs associated with air pollution. However, DEQ does not have adequate information to accurately estimate those impacts at this time. 	
<p>Impacts to Small Business (50 or fewer employees – ORS183.310(10))</p>	<p><u>Direct Impacts:</u></p> <ul style="list-style-type: none"> • <u>Area Source NESHAPs:</u> The proposed adoption of the new federal area source NESHAPs would not have a direct fiscal impact on small businesses because the fiscal and economic impacts occurred when the EPA adopted the rules, and because the rules applied in Oregon upon EPA's adoption. • <u>Area Source NESHAP Permitting.</u> The proposed adoption of new area source NESHAPs would trigger a requirement that affected businesses obtain a Standard ACDP and pay permitting fees. Standard ACDP permitting fees would have a negative fiscal and economic impact on affected businesses, many of which are small businesses. To mitigate this impact, this rulemaking proposes to add paint and allied product manufacturing to the list of businesses that are eligible to obtain a Simple or General ACDP in lieu of a Standard ACDP. General ACDPs cost between \$120/year to \$1,872/year, Simple ACDPs cost between \$1,920/year and \$3,840/year, and Standard ACDPs cost \$7,680/year. Adding these businesses to the list of businesses that are eligible to obtain a Simple or General ACDP would save affected businesses up to \$7,560/year (98%). In addition, this rulemaking proposes to reduce permitting fees for smaller metal fabrication and finishing operations from \$1,296 to \$360 and exempt smaller commercial ethylene oxide sterilization operations and smaller gasoline dispensing facilities from permitting. • <u>Gasoline Dispensing Facility Rules.</u> The proposed restoring of the definition of gasoline in the Oregon and federal stage I vapor control rules could directly impact small businesses. However, this impact is expected to be minimal because affected businesses have had to comply with the gasoline dispensing rules in the past and likely still have the equipment to comply with the rules. <p><u>Indirect Impacts:</u></p> <ul style="list-style-type: none"> • <u>Area Source Permitting.</u> The requirement that sources affected by a new federal area source NESHAP obtain an ACDP permit could indirectly impact small businesses if the associated permitting fees are passed on in the form of higher prices for goods and services. However, DEQ estimates that these indirect impacts would be minimal, but DEQ lacks adequate information to accurately estimate these impacts at this time. 	
<p>Cost of Compliance on Small Business (50 or fewer employees – ORS183.310(10))</p>	<p>a) Estimated number of small businesses subject to the proposed rule</p>	<p><u>Area Source NESHAP Permitting</u> DEQ estimates that as many as 47 small businesses in Oregon are potentially affected by the new area source NESHAPs for asphalt processing and asphalt roofing manufacturing, paint and allied products manufacturing and prepared feeds manufacturing, and the requirement to have a permit.</p>
	<p>b) Types of businesses and industries with small businesses subject to the proposed rule</p>	<p><u>Area Source NESHAP Permitting</u> The 47 small businesses described above are in the following industries: asphalt roofing and asphalt processing (2); paint and allied products manufacturing (33); and prepared feeds manufacturing (12).</p>
	<p>c) Projected reporting, recordkeeping and other administrative activities required by small businesses for compliance</p>	<p>The adoption by reference of the new area source NESHAPs do not add any new reporting, recordkeeping and other administrative activities other than those already required by the new area source NESHAPs. The requirement that businesses affected by the new NESHAPs obtain a permit may increase the</p>

	<p>with the proposed rule, including costs of professional services</p>	<p>administrative activities or costs of professional services on small businesses. These activities include permit application preparation and any additional recordkeeping and reporting required in the permit to comply with other Oregon rules and regulations. To mitigate the impact, this rulemaking proposes to allow businesses to obtain lower costs general permits. In addition, this rulemaking proposes to reduce permitting fees for smaller metal fabrication and finishing operations from \$1,296 to \$360 and exempt smaller commercial ethylene oxide sterilization operations and smaller gasoline dispensing facilities from permitting.</p>
	<p>d) The equipment, supplies, labor, and increased administration required by small businesses for compliance with the proposed rule</p>	<p>The adoption by reference of the new area source NESHAPs would not require small businesses to add any equipment, supplies, labor or administration because the NESHAPs applied in Oregon upon EPA's adoption. The requirement that businesses affected by the new area source NESHAPs obtain a permit may require small businesses to add equipment, supplies, labor or administration to comply with other Oregon related rules and regulations. These rules and regulations include requirements to minimize visible emissions, fugitive emissions, particulate matter fallout, nuisances, and odors. To comply with these requirements, affected businesses may be required to install equipment and receive training to control and monitor emissions. To mitigate the burden on small businesses, this rulemaking proposes to allow businesses to obtain lower cost general permits. In addition, this rulemaking proposes to reduce permitting fees for smaller metal fabrication and finishing operations from \$1,296 to \$360 and exempt smaller commercial ethylene oxide sterilization operations and smaller gasoline dispensing facilities from permitting.</p>
	<p>e) A description of the manner in which DEQ involved small businesses in the development of this rulemaking</p>	<p>DEQ did not hold an official advisory committee for this rulemaking because the rulemaking would primarily adopt federal regulations by reference. However, DEQ will hold information sessions with stakeholders to discuss the new area source NESHAPs and DEQ's rulemaking.</p>
<p>Impacts on Large Business (all businesses that are not "small businesses" under ORS183.310(10))</p>	<p>DEQ estimates that as many as 25 large businesses in Oregon are potentially affected by the new area source NESHAPs for asphalt roofing and asphalt processing, chemical manufacturing, paint and allied products manufacturing and prepared feeds manufacturing, and the requirement to have a permit. The 25 large businesses described above are in the following industries: asphalt roofing and asphalt processing (3); chemical manufacturing (1); paint and allied products manufacturing (15); and prepared feeds manufacturing (6). The fiscal and economic impacts on large businesses are expected to be the same as those estimated for small businesses.</p> <p>The proposed adoption of the new federal area source NESHAPs would not impact large businesses because the fiscal and economic impacts occurred when the EPA adopted the rules, and because the rules applied in Oregon upon EPA's adoption. However, adoption of new area source NESHAPs would trigger a requirement that affected businesses obtain a Standard ACDP and pay permitting fees. Standard ACDP permitting fees would have a negative fiscal and economic impact on affected businesses. To mitigate this impact, this rulemaking proposes to add paint and allied product manufacturing to the list of businesses that are eligible to obtain a Simple or General ACDP in lieu of a Standard ACDP. General ACDPs cost between \$120/year to \$1,872/year, Simple ACDPs cost between \$1,920/year and \$3,840/year, and Standard ACDPs cost \$7,680/year. Adding these businesses to the list of businesses that are eligible to obtain a Simple or General ACDP would save affected</p>	

	businesses up to \$7,560/year (98%). In addition, this rulemaking proposes to reduce permitting fees for smaller metal fabrication and finishing operations from \$1,296 to \$360 and exempt smaller commercial ethylene oxide sterilization operations and smaller gasoline dispensing facilities from permitting.
Impacts on Local Government	<p>Any direct fiscal and economic impacts on local governments are expected to be the same as those estimated for small businesses.</p> <p>The proposed rules may have indirect fiscal impacts as well. All Oregon cities and counties could be impacted by the requirement that businesses affected by a new area source NESHAP obtain a permit. This is because businesses throughout the state are required to submit a Land Use Compatibility Statement with their permit application, and local governments process those Land Use Compatibility Statements. Some cities and counties charge a fee to complete the Land Use Compatibility Statement and therefore may have sufficient revenue to cover the added workload. Those cities that don't charge a fee, or that don't charge sufficient fees to cover their costs, may have new workload without additional revenue. DEQ does not have adequate information to estimate these fiscal impacts at this time.</p> <p>Some local governments may be subject to the new federal requirements. Any additional fiscal and economic impacts on local governments are expected to be the same as those estimated for small businesses.</p>
Impacts on State Agencies other than DEQ	The fiscal and economic impacts on State Agencies other than DEQ are expected to be the same as those estimated for small businesses.
Impacts on DEQ	<p>Implementing the federal rules will require DEQ to provide technical assistance, issue permits, perform inspections, and issue formal enforcement actions against violators. DEQ received position authorization for 6 FTE in the 2009-11 budget to implement area source NESHAPs adopted by EPA over the last several years. The cost of the new positions will be funded by revenue generated by new general ACDPs and registration fees and the positions will be phased in as DEQ receives fee revenue. The revenue will also fund administration costs related to the new permits and new positions. These administration costs include but are not limited to accounting, invoicing, human resource management, payroll, and data management. DEQ does not have adequate information, however, to accurately estimate these costs at this time.</p> <p>The indirect cost impacts on DEQ are expected to be the same as those estimated for small businesses.</p>
Assumptions	None.
Housing Costs	DEQ has determined that the proposed requirement that businesses affected by the new area source NESHAPs obtain a permit may have a negative impact on the cost of development of a 6,000 square foot parcel and the construction of a 1,200 square foot detached single-family dwelling on that parcel. The negative impact could occur if permitting fees are passed through by permit holders providing products and services for such development and construction. The possible impact appears to be minimal. DEQ cannot quantify this impact at this time because the available information does not indicate whether the permit fees would be passed on to consumers and any such estimate would be speculative.
Administrative Rule Advisory Committee	DEQ did not hold an official advisory committee for this rulemaking because the rulemaking would primarily adopt federal regulations by reference.

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