



State of Oregon Department of Environmental Quality

# Oregon Environmental Quality Commission Meeting

April 6-7, 2022

## Rulemaking, Action Item E Federal Definitions Corrections 2022

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# DEQ Recommendation to the EQC

DEQ recommends that the Environmental Quality Commission adopt the proposed rules as seen in pages 20 through 42 of this report as part of Chapter 340 of the Oregon Administrative Rules.

**Language of Proposed EQC Motion:**

*“I move that the Oregon Environmental Quality Commission adopt the proposed rule amendments as seen in pages 20 through 42 of the staff report for this item as part of Chapter 340 of the Oregon Administrative Rules.”*

# Introduction

## Short summary of proposed rule changes

DEQ proposes rules to clarify which definitions apply to federal regulations adopted by reference. OAR Chapter 340 Division 238 includes federal New Source Performance Standards adopted by reference and implemented in Oregon by DEQ. OAR Chapter 340 Division 244 includes federal National Emission Standards for Hazardous Air Pollutants adopted by reference and implemented in Oregon by DEQ.

Each of the aforementioned divisions includes a rule establishing definitions. OAR Chapter 340 Division 200 provides additional definitions which are cited within Division 238 and 244. In some instances, terms included in the definitions of Division 200, 238 or 244 conflict or are otherwise not consistent with the terms defined within federal regulations adopted by reference.

## Background

The Air Contaminant Discharge Permit program is part of Oregon's federally approved State Implementation Plan required to meet national air quality standards. DEQ regulates major sources through the Title V permit program.

Oregon's air permitting programs:

- Administer federal health standards, air toxic requirements and other regulations.
- Reduce the number of unhealthy air days and health risks from air toxics.
- Issue, renew or modify permits to prevent or reduce air pollution through permit requirements.
- Ensure that existing pollution sources comply with state and federal air emissions standards.
- Ensure that new sources of air pollution install controls such as filtration equipment, combustion controls and vapor controls needed to protect air quality.
- Provide other essential services such as State Implementation Plan development, emission inventories, technical assistance, inspections, enforcement, rule and policy development, data management and reporting to EPA.

Many federal regulations are adopted as Oregon Administrative Rules by reference. Divisions 238 and 244 refer to specific federal regulations which are adopted as state rule. After rules are adopted, DEQ requests that EPA delegate these standards to the state. This delegation process establishes the state permitting agency as the administrator of the rules, the primary entity responsible for implementation.

DEQ has often proposed to adopt federal regulations by reference to expedite the rulemaking process, ensure consistency with federal regulations and expedite the delegation process. The expedited delegation process is contingent upon the federal regulations being adopted by reference, or without modification. DEQ has found that, in some cases, some definitions included in Divisions 200, 238 and 244 are inconsistent. This inconsistency can create conflict or change the implementation of a federal regulation adopted by reference.

This rulemaking proposes to add language designed specifically to ensure that federal regulations adopted by reference are implemented in Oregon as promulgated by EPA.

## **Affected parties**

The proposed rule amendments apply to sources regulated by federal New Source Performance Standards adopted by reference in OAR Division 238 and federal National Emission Standards for Hazardous Air Pollutants adopted by reference in OAR 340 Division 244. DEQ is not aware of any impacts to specific sources in clarifying which definitions apply. There could be potential effects on a source that was using specific definitions found in Oregon Administrative Rules to interpret a specific federal regulation.

# **Statement of Need**

## **What need would the proposed rule address?**

### **Inconsistent Terminology across DEQ rule divisions**

Each federal regulation has a definition section. Under current Divisions 238 and 244, there are rules which include defined terms as well as a reference to additional definitions in Division 200 which may apply. Oregon rules with definitions in Division 200, 238 and 244 include terms that are not defined in some federal regulations, as well as some terms which conflict with terms defined within a federal regulation.

By including definitions within Division 238 and 244 for terms that are not defined within a regulation adopted by reference, DEQ has inadvertently changed the meaning and possible implementation of federal regulations that were meant to be adopted and implemented by reference, or without modification.

The issue of definitional inconsistency was created over time because DEQ implements federal air quality regulations in Oregon through a multi-step process.

First, EPA conducts a rulemaking to promulgate new or updated federal regulations in the Code of Federal Regulations (C.F.R.). DEQ tracks each new or changed rule in 40 C.F.R. parts 60, 61, and 63, among others. These specific parts cover federal regulations for New Source Performance Standards and National Emissions Standards for Hazardous Air Pollutants.

After a review of EPA's final rule, DEQ proposes a rulemaking to the Environmental Quality Commission to adopt the new or updated NSPS and NESHAP standards. This rulemaking is most often an adoption by reference. By reference means that the federal regulation is adopted as a state rule by being referred to in Oregon Administrative Rule (See OAR [340-238-0060](#)).

Once the EQC has adopted the state rule incorporating the federal regulation by reference, it is an enforceable state rule. DEQ then submits a request for EPA to delegate that federal standard to the state, requesting that DEQ become the primary authority responsible for implementation. There are several ways to request delegation from EPA. The most common historically in Oregon has been a ‘straight delegation,’ which is an option when the federal regulations have been adopted by reference. In this delegation method, EPA does not need to conduct an in-depth review of the state’s rules because the regulation is adopted as a state rule exactly how EPA wrote and published it.

At this time DEQ does not know of any instances of sources avoiding or otherwise reducing the stringency of any applicable regulation or requirement due to this definitional inconsistency. This rulemaking is intended to ensure that these federal regulations are implemented as promulgated and intended by EPA.

## **How would the proposed rule address the need?**

### **Clarify the applicability of definitions**

The proposed rules would address the need by explicitly stating that terms defined in OAR do not apply to federal regulations adopted by reference.

- Definitions in OAR 340-238-0040 do not apply to NSPS regulations adopted by reference at 340-238-0060.
- Definitions in OAR 340-244-0030 do not apply to NESHAP regulations adopted by reference at 340-244-0220.
- Definitions in OAR 340-200-0020 do not apply to NSPS or NESHAP regulations adopted by reference at 340-238-0060 or 340-244-0220 respectively.

## **How will DEQ know the rule addressed the need?**

The rule will have addressed the need if:

- EPA approves the latest request by DEQ for delegation of federal standards.
- Only terms defined in a specific federal regulation adopted by reference, and no other definitions in Oregon Administrative Rules, apply to regulations adopted by reference in Divisions 238 and 244.

# Rules Affected, Authorities, Supporting Documents

## Lead division

Air Quality Division

## Program or activity

Air Contaminant Discharge Permit Program

## Chapter 340 action

| Amend - OAR  |              |              |
|--------------|--------------|--------------|
| 340-238-0040 | 340-238-0060 | 340-244-0030 |
| 340-244-0220 |              |              |

| Statutory Authority - ORS |
|---------------------------|
| 468.020                   |
| 468A.025                  |

| Statutes Implemented - ORS |
|----------------------------|
| 468A.025                   |
| 468A.040                   |

## Legislation

None

# Fee Analysis

These proposed rules would not establish new fees and would not increase existing fees.

# Statement of Fiscal and Economic Impact

## Fiscal and Economic Impact

There is no expected fiscal or economic impact expected from this rulemaking. As stated earlier, there is a chance that a source has been using a term defined in Oregon Administrative Rule to interpret a specific federal regulation's applicable requirement. DEQ is not able to estimate what the impact of this would be as this would be highly variable based on the specific federal regulation and term in question.

Federal regulations, when promulgated by EPA, apply to affected facilities regardless of DEQ and EQC actions. In any situation where a source has used an OAR-defined term or phrase modify, however slightly, the intent or interpretation of a federal regulation, EPA still retains the authority and ability to enforce any noncompliance. By adopting these changes, Oregon DEQ would be helping to ensure that this situation, including the fiscal impacts associated with civil penalties assessed by EPA, do not occur.

Were the EQC to elect not to adopt these changes, EPA could initiate the process to revoke DEQ's delegation of federal standards. In this instance, sources would be required to demonstrate compliance with applicable federal standards to both DEQ and EPA, essentially duplicating reporting efforts and the costs associated with generating and submitting reports. By ensuring federal regulations adopted by reference only include the terms and definitions intended by EPA upon promulgation, DEQ is minimizing the risk to regulated entities of this duplicative work and expense.

Finally, in some cases the terms defined in OAR Chapter 340 Division 244 would be found to significantly expand the scope of the federal regulations adopted by reference or otherwise unintentionally regulate additional equipment. DEQ staff, to the best of the agency's knowledge, have appropriately implemented the adopted regulations in permits and used terms defined within the regulations themselves. Without this definition clarification codified in rule, however, at any point there is a chance that a regulated entity could receive a permit that regulates processes and equipment to an extent not intended by the EQC or EPA.

## Statement of cost of compliance

### State agencies

Federal and state agencies are not expected to be affected by this change.

### Local governments

Local governments are not expected to be affected by this change.

### Public

The proposed rules are not expected to affect the public directly or indirectly.

## **Large businesses - businesses with more than 50 employees**

Large businesses are not expected to be affected by this change.

## **Small businesses – businesses with 50 or fewer employees**

Small businesses are not expected to be affected by this change. As stated above, all the fiscal impacts reasonably expected from this change is a net positive for regulated entities, including small businesses.

### **ORS 183.336 Cost of Compliance Effect on Small Businesses**

#### **1. Estimated number of small businesses and types of businesses and industries with small businesses subject to proposed rules.**

Many small businesses are subject to one or more of the 88 NSPS and 149 NESHAP standards adopted by reference. However, as previously stated, the potential fiscal impacts to small businesses are expected to be positive by reducing the possibility of negative fiscal impacts.

#### **2. Projected reporting, recordkeeping and other administrative activities, including costs of professional services, required for small businesses to comply with the proposed rule.**

No additional costs associated with reporting, recordkeeping or other administrative services are expected to be incurred with this rulemaking.

#### **3. Projected equipment, supplies, labor and increased administration required for small businesses to comply with the proposed rule.**

No additional costs associated with supplies, labor or administration are expected to be incurred with this rulemaking.

#### **4. Describe how DEQ involved small businesses in developing this proposed rule.**

DEQ did not involve small businesses in developing this proposed rule.

## **Advisory committee fiscal review**

DEQ did not appoint an advisory committee for this rulemaking.

## **Housing Cost**

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

DEQ determined the proposed rules will not have an effect on development costs.

# Racial Equity

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

Adoption of these rules will provide further clarification regarding federal regulations that are implemented by Oregon DEQ. Regulated entities and the public will benefit from this increased clarity. As there are no expected changes to practical implementation of these federal standards based on the clarification of applicable terms and definitions, there is no expected impact on racial equity in the state.

## **Federal Relationship**

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

The proposed rules add language that helps ensure state rules are equivalent to federal laws and rules. Current rule language deviates, unintentionally, from federal regulations.

### **What alternatives did DEQ consider if any?**

DEQ did not consider any alternatives.

During the public comment period, DEQ requested public comment on whether to consider other options for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

# Land Use

## Considerations

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

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

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

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

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

Statewide goals also specifically reference the following DEQ programs:

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

## Determination

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

# **EQC Prior Involvement**

DEQ did not present additional information specific to this proposed rule revision.

# Public Engagement

## Public notice

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

- On Dec. 30, 2021, filing notice with the Oregon Secretary of State for publication in the January 2022 Oregon Bulletin;
- Posting the Notice, Invitation to Comment and Draft Rules on the web page for this rulemaking, located at:  
<https://www.oregon.gov/deq/rulemaking/Pages/AQdefinitions2022.aspx>;
- Emailing interested parties on the following DEQ lists through GovDelivery:
  - Rulemaking
  - DEQ Public Notices
  - Air Quality Permits
  - New Source Performance Standards and National Emissions Standards for Hazardous Air Pollutants
- Emailing the following key legislators required under [ORS 183.335](#):
  - Speaker Kotek
  - Representative Marsh
  - Senate President Courtney
  - Senator Leiber

## Public Hearing

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

## Presiding Officers' Record

### Hearing 1

|                   |                                   |
|-------------------|-----------------------------------|
| Date              | Jan. 18, 2022                     |
| Place             | Virtual Hearing via Zoom platform |
| Start Time        | 2:00 p.m.                         |
| End Time          | 2:33 p.m.                         |
| Presiding Officer | Tim Wollerman                     |

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

As Oregon Administrative Rule 137-001-0030 requires, the presiding officer summarized the content of the rulemaking notice.

No person presented any oral testimony or written comments during the hearing.

# Summary of Public Comments and DEQ Responses

## Public comment period

DEQ accepted public comment on the proposed rulemaking from Friday, Dec. 30, 2021, until 4 p.m. on Monday, Jan. 31, 2022. DEQ recorded and provided a response for each public comment received by the close of the public comment period.

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

## Comments received by close of public comment period

Below is a list of the people and organizations that submitted public comments about the proposed rules by the deadline. Original comments are on file with DEQ.

### Commenter 1 Susan Sheythe

Affiliation Unknown

“Not sure if I have the right dept, but is Portland the only city that has auto emissions regulated? If that’s so, why don’t we check more cities, eg, Salem, Eugene, Albany, Roseburg, Bend? Some of the smaller cities and towns have more more pickup drivers on the surrounding rural areas they service and the trucks aren’t usually well maintained.”

**DEQ response:** Thank you for your comment. This rule proposal is specifically addressing stationary sources regulated by federal New Source Performance Standards (NSPS) and National Emissions Standards for Hazardous Air Pollutants (NESHAP).

For concerns regarding automobile emissions, please refer to DEQ’s Vehicle Inspection website: <https://www.oregon.gov/deq/Vehicle-Inspection/Pages/default.aspx> or DEQ’s Pollution Complaint website: <https://www.oregon.gov/deq/Get-Involved/Pages/File-Pollution-Complaint.aspx>

### Commenter 2 Michelle Brown

Affiliation Unknown

“No new rules please things are changing too fast keep the rules the same please.”

### DEQ response:

Thank you for your comment. DEQ understands that regulatory change can be complicated and sometimes frustrating. This rule change proposes to provide more clarity and consistency regarding implementation of federal regulations in the state of Oregon by clearly identifying which definitions apply to specific rules.

# Implementation

## Notification

The proposed rules would become effective upon filing on approximately Friday, April 8, 2022. DEQ would notify affected parties by:

- Emailing all DEQ air quality regional staff and managers.
- Discussing the change at the Spring air quality inspector/permit writer's forum.
- Emailing DEQ's Office of Compliance and Enforcement staff and manager.

## Compliance and enforcement

Affected parties: This rulemaking does not propose any changes to existing compliance or enforcement procedures and there are no expected compliance or enforcement issues expected regarding affected sources.

## Measuring, sampling, monitoring and reporting

This rulemaking does not propose any changes to existing measuring, sampling, monitoring, or reporting requirements.

## Systems

Website – There are no changes expected to be made to DEQ's external website.

Database – There are no changes expected to be made to existing databases.

Invoicing – There are no changes expected to be made to existing invoicing systems.

## Training

DEQ staff – Air Quality Operations section staff will present information regarding this rule change at the semiannual air quality permit writer/inspector's forum.

# Five-Year Review

ORS 183.405

## Requirement

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

## Exemption from five-year rule review

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

- Amend or repeal an existing rule. ORS 183.405(4).

# Accessibility Information

You may review copies of all documents referenced in this announcement at:  
Oregon Department of Environmental Quality  
700 NE Multnomah St., Ste. 600  
Portland, OR, 97232

To schedule a review of all websites and documents referenced in this announcement, call Dan DeFehr, 503-875-5520 (800-452-4011, ext. 5622 toll-free in Oregon).

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us).



State of Oregon Department of Environmental Quality

# Draft Rules – Edits Highlighted

Federal Definitions Corrections 2022

## Key to Identifying Changed Text:

~~Strikethrough: Deleted Text~~

Underline: New/inserted text

### Division 238

## NEW SOURCE PERFORMANCE STANDARDS

### 340-238-0040

#### Definitions

Except as provided in OAR 340-238-0060, ~~the~~ definitions in OAR 340-200-0020 and this rule apply to this division. If the same term is defined in this rule and 340-200-0020, the definition in this rule applies to this division.

- (1) "Administrator" means the Administrator of the EPA or authorized representative.
- (2) "Affected facility" means, with reference to a stationary source, any apparatus to which a standard is applicable.
- (3) "Capital expenditures" means an expenditure for a physical or operational change to an existing facility that exceeds the product of the applicable "annual asset guideline repair allowance percentage" specified in the latest edition of Internal Revenue Service (IRS) Publication 534 and the existing facility's basis, as defined by section 1012 of the Internal Revenue Code. However, the total expenditure for a physical or operational change to an existing facility must not be reduced by any "excluded additions" as defined in IRS Publication 534, as would be done for tax purposes.
- (4) "C.F.R." means the July 1, 2020 edition Code of Federal Regulations unless otherwise identified.
- (5) "Closed municipal solid waste landfill" (closed landfill) means a landfill in which solid waste is no longer being placed, and in which no additional solid wastes will be placed without first filing a notification of modification as prescribed under 40 C.F.R. 60.7(a)(4). Once a notification of modification has been filed, and additional solid waste is placed in the landfill, the landfill is no longer closed.
- (6) "Commenced", with respect to the definition of "new source" in section 111(a)(2) of the federal Clean Air Act, means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual

obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

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

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

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

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

(11) "Modification:"

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

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

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

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

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

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

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

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

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

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

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

**Statutory/Other Authority:** ORS 468.020

**Statutes/Other Implemented:** ORS 468A.025

**History:**

DEQ 1-2021, amend filed 01/21/2021, effective 01/21/2021

DEQ 18-2019, amend filed 07/19/2019, effective 07/19/2019

DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019

DEQ 6-2017, f. & cert. ef. 7-13-17

DEQ 8-2015, f. & cert. ef. 4-17-15

DEQ 4-2013, f. & cert. ef. 3-27-13

DEQ 1-2011, f. & cert. ef. 2-24-11

DEQ 8-2009, f. & cert. ef. 12-16-09

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

DEQ 13-2006, f. & cert. ef. 12-22-06

DEQ 2-2006, f. & cert. ef. 3-14-06

DEQ 2-2005, f. & cert. ef. 2-10-05

DEQ 4-2003, f. & cert. ef. 2-06-03

DEQ 22-2000, f. & cert. ef. 12-18-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0510

DEQ 22-1998, f. & cert. ef. 10-21-98

DEQ 8-1997, f. & cert. ef. 5-6-97

DEQ 27-1996, f. & cert. ef. 12-11-96

DEQ 22-1995, f. & cert. ef. 10-6-95

DEQ 17-1993, f. & cert. ef. 11-4-93

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 24-1989, f. & cert. ef. 10-26-89

DEQ 17-1987, f. & ef. 8-24-87

DEQ 19-1986, f. & ef. 11-7-86

DEQ 15-1985, f. & ef. 10-21-85

DEQ 16-1984, f. & ef. 8-21-84  
DEQ 17-1983, f. & ef. 10-19-83  
DEQ 22-1982, f. & ef. 10-21-82  
DEQ 97, f. 9-2-75, ef. 9-25-75

### **340-238-0060**

#### **Federal Regulations Adopted by Reference**

(1) Except as provided in section (2) of this rule, 40 C.F.R. Part 60 Subparts A, D through EE, GG, HH, KK through NN, PP through XX, BBB, DDD, FFF through LLL, NNN through XXX, AAAA, CCCC, EEEE, KKKK, LLLL, OOOO, and TTTT are by this reference adopted and incorporated herein, 40 C.F.R. Part 60 Subpart OOO is by this reference adopted and incorporated herein for major sources only, 40 C.F.R. Part 60 Subpart IIII and JJJJ are by this reference adopted and incorporated herein only for sources required to have a Title V or ACDP permit and excluding the requirements for engine manufacturers.

(2) The definitions in OAR 340-200-0020 and 340-238-0040 do not apply to the Subparts of 40 C.F.R. Part 60 incorporated by reference in this rule, except for the definition of 'C.F.R.' in OAR 340-238-0040. Where "Administrator" or "EPA" appears in 40 C.F.R. Part 60, "DEQ" is substituted, except in any section of 40 C.F.R. Part 60 for which a federal rule or delegation specifically indicates that authority must not be delegated to the state.

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

(a) Subpart A — General Provisions;

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

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

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

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

(f) Subpart E — Incinerators;

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

(h) Subpart Eb — 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 Ga — Nitric acid plants for which construction, reconstruction, or modification commenced after October 14, 2011;
- (m) Subpart H — Sulfuric acid plants;
- (n) Subpart I — Hot mix asphalt facilities;
- (o) Subpart J — Petroleum refineries;
- (p) Subpart K — Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after June 11, 1973, and before May 19, 1978;
- (q) Subpart Ka — Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after May 18, 1978, and before July 23, 1984;
- (r) Subpart Kb — Volatile organic liquid storage vessels (including petroleum liquid storage vessels) for which construction, reconstruction, or modification commenced after July 23, 1984;
- (s) Subpart L — Secondary lead smelters;
- (t) Subpart M — Secondary brass and bronze production plants;
- (u) Subpart N — Primary emissions from basic oxygen process furnaces for which construction is commenced after June 11, 1973;
- (v) Subpart Na — Secondary emissions from basic oxygen process steelmaking facilities for which construction is commenced after January 20, 1983;
- (w) Subpart O — Sewage treatment plants;
- (x) Subpart P — Primary copper smelters;
- (y) Subpart Q — Primary Zinc smelters;
- (z) Subpart R — Primary lead smelters;
- (aa) Subpart S — Primary aluminum reduction plants;
- (bb) Subpart T — Phosphate fertilizer industry: wet-process phosphoric acid plants;
- (cc) Subpart U — Phosphate fertilizer industry: superphosphoric acid plants;

- (dd) Subpart V — Phosphate fertilizer industry: diammonium phosphate plants;
- (ee) Subpart W — Phosphate fertilizer industry: triple superphosphate plants;
- (ff) Subpart X — Phosphate fertilizer industry: granular triple superphosphate storage facilities;
- (gg) Subpart Y — Coal preparation plants;
- (hh) Subpart Z — Ferroalloy production facilities;
- (ii) Subpart AA — Steel plants: electric arc furnaces constructed after October 21, 1974 and on or before August 17, 1983;
- (jj) Subpart AAa — Steel plants: electric arc furnaces and argon-oxygen decarburization vessels constructed after August 7, 1983;
- (kk) Subpart BB — Kraft pulp mills;
- (ll) Subpart BBa — Kraft pulp mills affected sources for which construction, reconstruction, or modification commences after May 23, 2013;
- (mm) Subpart CC — Glass manufacturing plants;
- (nn) Subpart DD — Grain elevators;-
- (oo) Subpart EE — Surface coating of metal furniture;
- (pp) Subpart GG — Stationary gas turbines;
- (qq) Subpart HH — Lime manufacturing plants;
- (rr) Subpart KK — Lead-acid battery manufacturing plants;
- (ss) Subpart LL — Metallic mineral processing plants;
- (tt) Subpart MM — Automobile and light-duty truck surface coating operations;
- (uu) Subpart NN — Phosphate rock plants;
- (vv) Subpart PP — Ammonium sulfate manufacture;
- (ww) Subpart QQ — Graphic arts industry: publication rotogravure printing;
- (xx) Subpart RR — pressure sensitive tape and label surface coating operations;
- (yy) Subpart SS — Industrial surface coating: large appliances;

- (zz) Subpart TT — Metal coil surface coating;
- (aaa) Subpart UU — Asphalt processing and asphalt roofing manufacture;
- (bbb) Subpart VV — Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry;
- (ccc) Subpart VVa — Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry;
- (ddd) Subpart WW — Beverage can surface coating industry;
- (eee) Subpart XX — Bulk gasoline terminals;
- (fff) Subpart BBB — Rubber tire manufacturing industry;
- (ggg) Subpart DDD — Volatile organic compound (VOC) emissions for the polymer manufacture industry;
- (hhh) Subpart FFF — Flexible vinyl and urethane coating and printing;
- (iii) Subpart GGG — Equipment leaks of VOC in petroleum refineries;
- (jjj) Subpart GGGa — Equipment leaks of VOC in petroleum refineries;
- (kkk) Subpart HHH — Synthetic fiber production facilities;
- (lll) Subpart III — Volatile organic compound (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) air oxidation unit processes;
- (mmm) Subpart JJJ — Petroleum dry cleaners;
- (nnn) Subpart KKK — Equipment leaks of VOC from onshore natural gas processing plants;
- (ooo) Subpart LLL — Onshore natural gas processing; SO<sub>2</sub> emissions;
- (ppp) Subpart NNN — Volatile organic compound (VOC) emissions from synthetic organic chemical manufacturing industry (SOCMI) distillation operations;
- (qqq) Subpart OOO — Nonmetallic mineral processing plants (adopted by reference for major sources only);
- (rrr) Subpart PPP — Wool fiberglass insulation manufacturing plants;
- (sss) Subpart QQQ — VOC emissions from petroleum refinery wastewater systems;

- (ttt) Subpart RRR — Volatile organic compound emissions from synthetic organic chemical manufacturing industry (SOCMI) reactor processes;
- (uuu) Subpart SSS — Magnetic tape coating facilities;
- (vvv) Subpart TTT — Industrial surface coating: surface coating of plastic parts for business machines;
- (www) Subpart UUU — Calciners and dryers in mineral industries;
- (xxx) Subpart VVV — Polymeric coating of supporting substrates facilities;
- (yyy) Subpart WWW — Municipal solid waste landfills, as clarified by OAR 340-238-0100;
- (zzz) Subpart XXX — Municipal solid waste landfills that commenced construction, reconstruction, or modification after July 17, 2014;
- (aaaa) Subpart AAAA — Small municipal waste combustion units;
- (bbbb) Subpart CCCC — Commercial and industrial solid waste incineration units;
- (cccc) Subpart EEEE — Other solid waste incineration units;
- (dddd) Subpart IIII — Stationary compression ignition internal combustion engines (adopted only for sources required to have a Title V or ACDP permit), excluding the requirements for engine manufacturers (40 C.F.R. 60.4201 through 60.4203, 60.4210, 60.4215, and 60.4216);
- (eeee) Subpart JJJJ — Stationary spark ignition internal combustion engines (adopted only for sources required to have a Title V or ACDP permit), excluding the requirements for engine manufacturers (40 C.F.R. 60.4231 through 60.4232, 60.4238 through 60.4242, and 60.4247);
- (ffff) Subpart KKKK — Stationary combustion turbines;
- (gggg) Subpart LLLL — Sewage sludge incineration units;
- (hhhh) Subpart OOOO — Crude oil and natural gas production, transmission and distribution;
- (iiii) Subpart OOOOa — Crude oil and natural gas facilities for which construction, modification, or reconstruction commenced after September 18, 2015;
- (jjjj) Subpart TTTT — Greenhouse gas emissions for electric generating units.

**Statutory/Other Authority:** ORS 468.020

**Statutes/Other Implemented:** ORS 468A.025

**History:**

DEQ 18-2019, amend filed 07/19/2019, effective 07/19/2019

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

### **340-238-0100**

#### **Municipal Solid Waste Landfills**

(1) Applicability. The following small and large municipal solid waste landfills must comply with 40 CFR Part 60, Subpart WWW:

- (a) Landfills constructed after 5/30/91;
- (b) Existing landfills with modifications after 5/30/91;
- (c) Landfills that closed after 11/08/87 with modifications after 5/30/91.

(2) Permitting requirements. Landfills subject to 40 CFR Part 60, Subpart WWW must comply with Oregon Title V Operating Permit Requirements as specified in OAR 340 divisions 218 and 220:

- (a) Existing large landfills with modifications after 5/30/91 must submit a complete Federal Operating Permit application by 3/12/97;

(b) Existing large landfills with modifications after 3/12/97 must submit a complete Federal Operating Permit application the earliest of one year from the date EPA approves the 111(d) State Plan for this rule, or within one year of the modification;

(c) New large landfills, which includes newly constructed large landfills after 3/12/96 and existing small landfills that become large landfills after 3/12/96 must submit a complete Federal Operating Permit application within one year of becoming subject to this requirement;

(d) New and modified existing small landfills that are major sources as defined in OAR 340-200-0020 must submit a complete Federal Operating Permit application within one year of becoming a major source.

(3) Reporting requirements. Landfills subject to 40 CFR Part 60, Subpart WWW must comply with the following:

(a) Large landfills listed in subsection (1)(a)–(c) of this rule must:

(A) Submit an Initial Design Capacity Report and an Initial Non-methane Organic Compound Report within 30 days of the effective date of this rule; and

(B) Submit an annual Non-methane Organic Compound Report until nonmethane emissions are 50 mg/yr.

(b) Small landfills listed in subsection (1)(a)–(c) of this rule must submit an Initial Design Capacity Report and an Initial Non-methane Organic Compound Report within 30 days of the effective date of this rule;

(c) Landfills subject to this rule after the effective date of this rule must submit an Initial Design Capacity Report and an Initial Non-methane Organic Compound Report within 30 days of becoming subject to this rule.

**Statutory/Other Authority:** ORS 468.020 & 468A.025

**Statutes/Other Implemented:** ORS 468A.040

**History:**

DEQ 147-2018, minor correction filed 04/11/2018, effective 04/11/2018

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0740

DEQ 22-1998, f. & cert. ef. 10-21-98

DEQ 8-1997, f. & cert. ef. 5-6-97

**Division 244**  
**OREGON FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM**

**340-244-0030**

**General Provisions for Stationary Sources: Definitions**

Except as provided in OAR 340-244-0220, 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 340-200-0020 or 340-218-0030, the definition in this rule applies to this division.

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

(2) "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) "C.F.R." means the July 1, 2020 edition Code of Federal Regulations unless otherwise identified.

(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 C.F.R. Part 63, Subpart B will be controlled by emission control equipment which was previously installed at the same site as the process or production unit;

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

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

(d) DEQ has provided notice and an opportunity for public comment concerning its determination that criteria in paragraphs (a), (b), and (c) of this definition apply and concerning

the continued adequacy of any prior LAER, BACT, T-BACT, or State air toxic rule MACT determination;

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

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

(6) "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.

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

(8) "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.

(9) "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.

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

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

(12) "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.

(13) "Gasoline dispensing facility (GDF)" means any stationary facility which dispenses gasoline into the fuel tank of a motor vehicle, motor vehicle engine, nonroad vehicle, or nonroad engine, including a nonroad vehicle or nonroad engine used solely for competition. These facilities include, but are not limited to, facilities that dispense gasoline into on- and off-road, street, or highway motor vehicles, lawn equipment, boats, test engines, landscaping equipment, generators, pumps, and other gasoline fueled engines and equipment. In Clackamas,

Multnomah and Washington Counties, the Medford-Ashland Air Quality Maintenance Area, and the Salem-Keizer Area Transportation Study area, "gasoline dispensing facility" includes any stationary facility which dispenses gasoline into the fuel tank of an airplane.

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

(15) "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.

(16) "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.

(17) "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.

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

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

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

(21) "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.

(22) "Potential to Emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, must be treated as part of its design if the limitation is enforceable by the EPA. This section does not alter or affect the use of this section for any other purposes under the Act, or

the term "capacity factor" as used in Title IV of the Act or the regulations promulgated thereunder. Secondary emissions shall not be considered in determining the potential to emit of a source.

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

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

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

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

(25) "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.

(26) "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.

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

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

(29) "Submerged filling" means the filling of a gasoline storage tank through a submerged fill pipe whose discharge is no more than the applicable distance specified in OAR 340-244-0240(3) from the bottom of the tank. Bottom filling of gasoline storage tanks is included in this definition.

(30) "Topping off" means, in the absence of equipment malfunction, continuing to fill a gasoline tank after the nozzle has clicked off.

(31) "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.

(32) "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.

(33) "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 C.F.R. 63.11092(f).

[Publications: Publications referenced are available from DEQ.]

**Statutory/Other Authority:** ORS 468.020 & 468A.025

**Statutes/Other Implemented:** ORS 468A.040

**History:**

DEQ 1-2021, amend filed 01/21/2021, effective 01/21/2021

DEQ 18-2019, amend filed 07/19/2019, effective 07/19/2019

DEQ 6-2017, f. & cert. ef. 7-13-17

DEQ 8-2015, f. & cert. ef. 4-17-15

DEQ 4-2013, f. & cert. ef. 3-27-13

DEQ 1-2011, f. & cert. ef. 2-24-11

DEQ 8-2009, f. & cert. ef. 12-16-09

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

DEQ 13-2006, f. & cert. ef. 12-22-06

DEQ 2-2006, f. & cert. ef. 3-14-06

DEQ 2-2005, f. & cert. ef. 2-10-05

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-0120

DEQ 18-1998, f. & cert. ef. 10-5-98

DEQ 20-1997, f. & cert. ef. 9-25-97

DEQ 26-1996, f. & cert. ef. 11-26-96

DEQ 22-1995, f. & cert. ef. 10-6-95

DEQ 24-1994, f. & cert. ef. 10-28-94

DEQ 18-1993, f. & cert. ef. 11-4-93

DEQ 13-1993, f. & cert. ef. 9-24-93

**340-244-0220**

**Emission Standards: Federal Regulations Adopted by Reference**

(1) Except as provided in sections (2) and (3) of this rule, 40 C.F.R. Part 61, Subparts A, C through F, J, L, N through P, V, Y, BB, and FF and 40 C.F.R. Part 63, Subparts A, F through J, L through O, Q through U, W through Y, AA through EE, GG through YY, CCC through EEE, GGG through JJJ, LLL through RRR, TTT through VVV, XXX, AAAA, CCCC through KKKK, MMMM through YYYY, AAAAA through NNNNN, PPPPP through UUUUU, WWWWW, YYYYYY, ZZZZZ, BBBBBB, DDDDDD through HHHHHH, LLLLLL through TTTTTT, VVVVVV through EEEEEEE, and HHHHHHHH are adopted by reference and incorporated herein, and 40 C.F.R. Part 63, Subparts ZZZZ and JJJJJ are by this reference adopted and incorporated herein only for sources required to have a Title V or ACDP permit.

(2) The definitions in OAR 340-200-0020 and 340-244-0030 do not apply to the Subparts of 40 C.F.R. Parts 61 and 63 incorporated by reference in this rule, except for the definition of 'C.F.R.' in OAR 340-244-0030. Where "Administrator" or "EPA" appears in 40 C.F.R. Part 61 or 63, "DEQ" is substituted, except in any section of 40 C.F.R. Part 61 or 63, for which a federal rule or delegation specifically indicates that authority will not be delegated to the state.

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

(4) 40 C.F.R. Part 61 Subparts adopted by this rule are titled as follows:

(a) Subpart A — General Provisions;

(b) Subpart C — Beryllium;

(c) Subpart D — Beryllium Rocket Motor Firing;

(d) Subpart E — Mercury;

(e) Subpart F — Vinyl Chloride;

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

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

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

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

(j) Subpart P — Inorganic Arsenic Emissions from Arsenic Trioxide and 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 C.F.R. 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, Sulfite and Stand-Alone Semi-Chemical Pulp Mills;
- (ee) Subpart NN — Area Sources: Wool Fiberglass Manufacturing;
- (ff) Subpart OO — Tanks — Level 1;
- (gg) Subpart PP — Containers;
- (hh) Subpart QQ — Surface Impoundments;
- (ii) Subpart RR — Individual Drain Systems;
- (jj) Subpart SS — Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process;
- (kk) Subpart TT — Equipment Leaks — Control Level 1;
- (ll) Subpart UU — Equipment Leaks — Control Level 2;
- (mm) Subpart VV — Oil-Water Separators and Organic-Water Separators;
- (nn) Subpart WW — Storage Vessels (Tanks) — Control Level 2;
- (oo) Subpart XX — Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations;
- (pp) Subpart YY — Generic Maximum Achievable Control Technology Standards;
- (qq) Subpart CCC — Steel Pickling — HCl Process Facilities and Hydrochloric Acid Regeneration Plants;
- (rr) Subpart DDD — Mineral Wool Production;
- (ss) Subpart EEE — Hazardous Waste Combustors;

- (tt) Subpart GGG — Pharmaceuticals Production;
- (uu) Subpart HHH — Natural Gas Transmission and Storage Facilities;
- (vv) Subpart III — Flexible Polyurethane Foam Production;
- (ww) Subpart JJJ — Group IV Polymers and Resins;
- (xx) Subpart LLL — Portland Cement Manufacturing Industry;
- (yy) Subpart MMM — Pesticide Active Ingredient Production;
- (zz) Subpart NNN — Wool Fiberglass Manufacturing;
- (aaa) Subpart OOO — Manufacture of Amino/Phenolic Resins. The standards adopted by reference replaces the language of §63.1405(b)(2)(i) with: The owner or operator of a back-end continuous process vent shall reduce total organic HAP emissions to less than or equal to 0.95 kilograms of total organic HAP per megagram of resin produced (1.9 pounds of total organic HAP per ton of resin produced);
- (bbb) Subpart PPP — Polyether Polyols Production;
- (ccc) Subpart QQQ — Primary Copper Smelting;
- (ddd) Subpart RRR — Secondary Aluminum Production;
- (eee) Subpart TTT — Primary Lead Smelting;
- (fff) Subpart UUU — Petroleum Refineries — Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units;
- (ggg) Subpart VVV — Publicly Owned Treatment Works;
- (hhh) Subpart XXX — Ferroalloys Production: Ferromanganese and Silicomanganese;
- (iii) Subpart AAAA — Municipal Solid Waste Landfills;
- (jjj) Subpart CCCC — Manufacturing of Nutritional Yeast;
- (kkk) Subpart DDDD — Plywood and Composite Wood Products. Standards adopted include final rule promulgations through August 13, 2020 of the C.F.R.;
- (lll) Subpart EEEE — Organic Liquids Distribution (non-gasoline);
- (mmm) Subpart FFFF — Miscellaneous Organic Chemical Manufacturing;

- (nnn) Subpart GGGG — Solvent Extraction for Vegetable Oil Production;
- (ooo) Subpart HHHH — Wet Formed Fiberglass Mat Production;
- (ppp) Subpart IIII — Surface Coating of Automobiles and Light-Duty Trucks;
- (qqq) Subpart JJJJ — Paper and Other Web Coating;
- (rrr) Subpart KKKK — Surface Coating of Metal Cans;
- (sss) Subpart MMMM — Surface Coating of Miscellaneous Metal Parts and Products;
- (ttt) Subpart NNNN — Surface Coating of Large Appliances;
- (uuu) Subpart OOOO — Printing, Coating, and Dyeing of Fabrics and Other Textiles;
- (vvv) Subpart PPPP — Surface Coating of Plastic Parts and Products;
- (www) Subpart QQQQ — Surface Coating of Wood Building Products;
- (xxx) Subpart RRRR — Surface Coating of Metal Furniture;
- (yyy) Subpart SSSS — Surface Coating of Metal Coil;
- (zzz) Subpart TTTT — Leather Finishing Operations;
- (aaa) Subpart UUUU — Cellulose Production Manufacturing;
- (bbb) Subpart VVVV — Boat Manufacturing;
- (ccc) Subpart WWWW — Reinforced Plastics Composites Production;
- (ddd) Subpart XXXX — Rubber Tire Manufacturing;
- (eee) Subpart YYYYY — Stationary Combustion Turbines;
- (fff) Subpart ZZZZ — Reciprocating Internal Combustion Engines (adopted only for sources required to have a Title V or ACDP permit);
- (ggg) Subpart AAAAA — Lime Manufacturing;
- (hhh) Subpart BBBB — Semiconductor Manufacturing;
- (iii) Subpart CCCCC — Coke Ovens: Pushing, Quenching & Battery Stacks;
- (jjj) Subpart DDDDD — Industrial, Commercial, and Institutional Boilers and Process Heaters;

- (kkkk) Subpart EEEEE — Iron and Steel Foundries;
- (llll) Subpart FFFFF — Integrated Iron and Steel Manufacturing Facilities;
- (mmmm) Subpart GGGGG — Site Remediation;
- (nnnn) Subpart HHHHH — Misc. Coating Manufacturing;
- (oooo) Subpart IIII — Mercury Cell Chlor-Alkali Plants;
- (pppp) Subpart JJJJ — Brick and Structural Clay Products Manufacturing;
- (qqqq) Subpart KKKKK — Clay Ceramics Manufacturing;
- (rrrr) Subpart LLLLL — Asphalt Processing & Asphalt Roofing Manufacturing;
- (ssss) Subpart MMMMM — Flexible Polyurethane Foam Fabrication Operations;
- (tttt) Subpart NNNNN — Hydrochloric Acid Production;
- (uuuu) Subpart PTTTT — Engine Tests Cells/Stands;
- (vvvv) Subpart QQQQQ — Friction Materials Manufacturing Facilities;
- (wwww) Subpart RRRRR — Taconite Iron Ore Processing;
- (xxxx) Subpart SSSSS — Refractory Products Manufacturing;
- (yyyy) Subpart TTTTT — Primary Magnesium Refining;
- (zzzz) Subpart UUUUU — Coal- and Oil-Fired Electric Utility Steam Generating Units. Standards adopted include final rule promulgations through July 1, 2018 of the C.F.R.;
- (aaaa) Subpart WWWW — Area Sources: Hospital Ethylene Oxide Sterilization;
- (bbbb) Subpart YYYYY — Area Sources: Electric Arc Furnace Steelmaking Facilities;
- (cccc) Subpart ZZZZZ — Area Sources: Iron and Steel Foundries;
- (dddd) Subpart BBBBB — Area Sources: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities;
- (eeee) Subpart DDDDD — Area Sources: Polyvinyl Chloride and Copolymers Production;
- (ffff) Subpart EEEEE — Area Sources: Primary Copper Smelting;

- (ggggg) Subpart FFFFFFFF — Area Sources: Secondary Copper Smelting;
- (hhhhh) Subpart GGGGGG — Area Sources: Primary Nonferrous Metals — Zinc, Cadmium, and Beryllium;
- (iiii) Subpart HHHHHH — Area Sources: Paint Stripping and Miscellaneous Surface Coating Operations;
- (jjjj) Subpart JJJJJ — Area Sources: Industrial, Commercial, and Institutional Boilers (adopted only for sources required to have a Title V or ACDP permit);
- (kkkkk) Subpart LLLLLL — Area Sources: Acrylic and Modacrylic Fibers Production;
- (llll) Subpart MMMMMM — Area Sources: Carbon Black Production;
- (mmmmm) Subpart NNNNNN — Area Sources: Chemical Manufacturing: Chromium Compounds;
- (nnnnn) Subpart OOOOOO — Area Sources: Flexible Polyurethane Foam Production;
- (oooo) Subpart PPPPPP — Area Sources: Lead Acid Battery Manufacturing;
- (ppppp) Subpart QQQQQQ — Area Sources: Wood Preserving;
- (qqqqq) Subpart RRRRRR — Area Sources: Clay Ceramics Manufacturing;
- (rrrrr) Subpart SSSSSS — Area Sources: Glass Manufacturing;
- (sssss) Subpart TTTTTT — Area Sources: Secondary Nonferrous Metals Processing;
- (tttt) Subpart VVVVVV — Area Sources: Chemical Manufacturing;
- (uuuuu) Subpart WWWWWW — Area Source: Plating and Polishing Operations;
- (vvvvv) Subpart XXXXXX — Area Source: Nine Metal Fabrication and Finishing Source Categories;
- (wwwww) Subpart YYYYYY — Area Sources: Ferroalloys Production Facilities;
- (xxxxx) Subpart ZZZZZZ — Area Sources: Aluminum, Copper, and Other Nonferrous Foundries;
- (yyyyy) Subpart AAAAAA — Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing;
- (zzzzz) Subpart BBBBBB — Area Sources: Chemical Preparations Industry;

(aaaaaa) Subpart CCCCCCC — Area Sources: Paints and Allied Products Manufacturing;

(bbbbbb) Subpart DDDDDDD — Area Sources: Prepared Feeds Manufacturing;

(ccccc) Subpart EEEEEEE — Area Sources: Gold Mine Ore Processing and Production;

(dddddd) Subpart HHHHHHH — Polyvinyl Chloride and Copolymers Production.

**Statutory/Other Authority:** ORS 468.020

**Statutes/Other Implemented:** ORS 468A.025

**History:**

DEQ 1-2021, amend filed 01/21/2021, effective 01/21/2021

DEQ 18-2019, amend filed 07/19/2019, effective 07/19/2019

DEQ 6-2017, f. & cert. ef. 7-13-17

DEQ 8-2015, f. & cert. ef. 4-17-15

DEQ 4-2013, f. & cert. ef. 3-27-13

DEQ 1-2011, f. & cert. ef. 2-24-11

DEQ 8-2009, f. & cert. ef. 12-16-09

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

DEQ 2-2006, f. & cert. ef. 3-14-06

DEQ 2-2005, f. & cert. ef. 2-10-05

DEQ 4-2003, f. & cert. ef. 2-06-03

DEQ 15-2001, f. & cert. ef. 12-26-01

DEQ 11-2000, f. & cert. ef. 7-27-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-0510, 340-032-5520

DEQ 32-1994, f. & cert. ef. 12-22-94

DEQ 18-1993, f. & cert. ef. 11-4-93

DEQ 18-1998, f. & cert. ef. 10-5-98

DEQ 28-1996, f. & cert. ef. 12-19-96

DEQ 16-1995, f. & cert. ef. 6-21-95



State of Oregon Department of Environmental Quality

# Draft Rules – Edits Incorporated

Federal Definitions Corrections 2022

## Division 238

### NEW SOURCE PERFORMANCE STANDARDS

#### 340-238-0040

##### Definitions

Except as provided in OAR 340-238-0060, the definitions in OAR 340-200-0020 and this rule apply to this division. If the same term is defined in this rule and 340-200-0020, the definition in this rule applies to this division.

- (1) "Administrator" means the Administrator of the EPA or authorized representative.
- (2) "Affected facility" means, with reference to a stationary source, any apparatus to which a standard is applicable.
- (3) "Capital expenditures" means an expenditure for a physical or operational change to an existing facility that exceeds the product of the applicable "annual asset guideline repair allowance percentage" specified in the latest edition of Internal Revenue Service (IRS) Publication 534 and the existing facility's basis, as defined by section 1012 of the Internal Revenue Code. However, the total expenditure for a physical or operational change to an existing facility must not be reduced by any "excluded additions" as defined in IRS Publication 534, as would be done for tax purposes.
- (4) "C.F.R." means the July 1, 2020 edition Code of Federal Regulations unless otherwise identified.
- (5) "Closed municipal solid waste landfill" (closed landfill) means a landfill in which solid waste is no longer being placed, and in which no additional solid wastes will be placed without first filing a notification of modification as prescribed under 40 C.F.R. 60.7(a)(4). Once a notification of modification has been filed, and additional solid waste is placed in the landfill, the landfill is no longer closed.
- (6) "Commenced", with respect to the definition of "new source" in section 111(a)(2) of the federal Clean Air Act, means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

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

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

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

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

(11) "Modification:"

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

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

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

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

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

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

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

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

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

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

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

**Statutory/Other Authority:** ORS 468.020

**Statutes/Other Implemented:** ORS 468A.025

**History:**

DEQ 1-2021, amend filed 01/21/2021, effective 01/21/2021

DEQ 18-2019, amend filed 07/19/2019, effective 07/19/2019

DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019

DEQ 6-2017, f. & cert. ef. 7-13-17

DEQ 8-2015, f. & cert. ef. 4-17-15

DEQ 4-2013, f. & cert. ef. 3-27-13

DEQ 1-2011, f. & cert. ef. 2-24-11

DEQ 8-2009, f. & cert. ef. 12-16-09

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

DEQ 13-2006, f. & cert. ef. 12-22-06

DEQ 2-2006, f. & cert. ef. 3-14-06

DEQ 2-2005, f. & cert. ef. 2-10-05

DEQ 4-2003, f. & cert. ef. 2-06-03

DEQ 22-2000, f. & cert. ef. 12-18-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0510

DEQ 22-1998, f. & cert. ef. 10-21-98

DEQ 8-1997, f. & cert. ef. 5-6-97

DEQ 27-1996, f. & cert. ef. 12-11-96

DEQ 22-1995, f. & cert. ef. 10-6-95

DEQ 17-1993, f. & cert. ef. 11-4-93

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 24-1989, f. & cert. ef. 10-26-89

DEQ 17-1987, f. & ef. 8-24-87

DEQ 19-1986, f. & ef. 11-7-86

DEQ 15-1985, f. & ef. 10-21-85

DEQ 16-1984, f. & ef. 8-21-84

DEQ 17-1983, f. & ef. 10-19-83

DEQ 22-1982, f. & ef. 10-21-82

DEQ 97, f. 9-2-75, ef. 9-25-75

### **340-238-0060**

#### **Federal Regulations Adopted by Reference**

(1) Except as provided in section (2) of this rule, 40 C.F.R. Part 60 Subparts A, D through EE, GG, HH, KK through NN, PP through XX, BBB, DDD, FFF through LLL, NNN through XXX, AAAA, CCCC, EEEE, KKKK, LLLL, OOOO, and TTTT are by this reference adopted and incorporated herein, 40 C.F.R. Part 60 Subpart OOO is by this reference adopted and incorporated herein for major sources only, 40 C.F.R. Part 60 Subpart IIII and JJJJ are by this reference adopted and incorporated herein only for sources required to have a Title V or ACDP permit and excluding the requirements for engine manufacturers.

(2) The definitions in OAR 340-200-0020 and 340-238-0040 do not apply to the Subparts of 40 C.F.R. Part 60 incorporated by reference in this rule, except for the definition of 'C.F.R.' in OAR 340-238-0040. Where "Administrator" or "EPA" appears in 40 C.F.R. Part 60, "DEQ" is substituted, except in any section of 40 C.F.R. Part 60 for which a federal rule or delegation specifically indicates that authority must not be delegated to the state.

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

(a) Subpart A — General Provisions;

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

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

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

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

(f) Subpart E — Incinerators;

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

(h) Subpart Eb — 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 Ga — Nitric acid plants for which construction, reconstruction, or modification commenced after October 14, 2011;
- (m) Subpart H — Sulfuric acid plants;
- (n) Subpart I — Hot mix asphalt facilities;
- (o) Subpart J — Petroleum refineries;
- (p) Subpart K — Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after June 11, 1973, and before May 19, 1978;
- (q) Subpart Ka — Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after May 18, 1978, and before July 23, 1984;
- (r) Subpart Kb — Volatile organic liquid storage vessels (including petroleum liquid storage vessels) for which construction, reconstruction, or modification commenced after July 23, 1984;
- (s) Subpart L — Secondary lead smelters;
- (t) Subpart M — Secondary brass and bronze production plants;
- (u) Subpart N — Primary emissions from basic oxygen process furnaces for which construction is commenced after June 11, 1973;
- (v) Subpart Na — Secondary emissions from basic oxygen process steelmaking facilities for which construction is commenced after January 20, 1983;
- (w) Subpart O — Sewage treatment plants;
- (x) Subpart P — Primary copper smelters;
- (y) Subpart Q — Primary Zinc smelters;
- (z) Subpart R — Primary lead smelters;
- (aa) Subpart S — Primary aluminum reduction plants;
- (bb) Subpart T — Phosphate fertilizer industry: wet-process phosphoric acid plants;
- (cc) Subpart U — Phosphate fertilizer industry: superphosphoric acid plants;
- (dd) Subpart V — Phosphate fertilizer industry: diammonium phosphate plants;

- (ee) Subpart W — Phosphate fertilizer industry: triple superphosphate plants;
- (ff) Subpart X — Phosphate fertilizer industry: granular triple superphosphate storage facilities;
- (gg) Subpart Y — Coal preparation plants;
- (hh) Subpart Z — Ferroalloy production facilities;
- (ii) Subpart AA — Steel plants: electric arc furnaces constructed after October 21, 1974 and on or before August 17, 1983;
- (jj) Subpart AAa — Steel plants: electric arc furnaces and argon-oxygen decarburization vessels constructed after August 7, 1983;
- (kk) Subpart BB — Kraft pulp mills;
- (ll) Subpart BBa — Kraft pulp mills affected sources for which construction, reconstruction, or modification commences after May 23, 2013;
- (mm) Subpart CC — Glass manufacturing plants;
- (nn) Subpart DD — Grain elevators;
- (oo) Subpart EE — Surface coating of metal furniture;
- (pp) Subpart GG — Stationary gas turbines;
- (qq) Subpart HH — Lime manufacturing plants;
- (rr) Subpart KK — Lead-acid battery manufacturing plants;
- (ss) Subpart LL — Metallic mineral processing plants;
- (tt) Subpart MM — Automobile and light-duty truck surface coating operations;
- (uu) Subpart NN — Phosphate rock plants;
- (vv) Subpart PP — Ammonium sulfate manufacture;
- (ww) Subpart QQ — Graphic arts industry: publication rotogravure printing;
- (xx) Subpart RR — pressure sensitive tape and label surface coating operations;
- (yy) Subpart SS — Industrial surface coating: large appliances;
- (zz) Subpart TT — Metal coil surface coating;

- (aaa) Subpart UU — Asphalt processing and asphalt roofing manufacture;
- (bbb) Subpart VV — Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry;
- (ccc) Subpart VVa — Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry;
- (ddd) Subpart WW — Beverage can surface coating industry;
- (eee) Subpart XX — Bulk gasoline terminals;
- (fff) Subpart BBB — Rubber tire manufacturing industry;
- (ggg) Subpart DDD — Volatile organic compound (VOC) emissions for the polymer manufacture industry;
- (hhh) Subpart FFF — Flexible vinyl and urethane coating and printing;
- (iii) Subpart GGG — Equipment leaks of VOC in petroleum refineries;
- (jjj) Subpart GGGa — Equipment leaks of VOC in petroleum refineries;
- (kkk) Subpart HHH — Synthetic fiber production facilities;
- (lll) Subpart III — Volatile organic compound (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) air oxidation unit processes;
- (mmm) Subpart JJJ — Petroleum dry cleaners;
- (nnn) Subpart KKK — Equipment leaks of VOC from onshore natural gas processing plants;
- (ooo) Subpart LLL — Onshore natural gas processing; SO<sub>2</sub> emissions;
- (ppp) Subpart NNN — Volatile organic compound (VOC) emissions from synthetic organic chemical manufacturing industry (SOCMI) distillation operations;
- (qqq) Subpart OOO — Nonmetallic mineral processing plants (adopted by reference for major sources only);
- (rrr) Subpart PPP — Wool fiberglass insulation manufacturing plants;
- (sss) Subpart QQQ — VOC emissions from petroleum refinery wastewater systems;
- (ttt) Subpart RRR — Volatile organic compound emissions from synthetic organic chemical manufacturing industry (SOCMI) reactor processes;

- (uuu) Subpart SSS — Magnetic tape coating facilities;
- (vvv) Subpart TTT — Industrial surface coating: surface coating of plastic parts for business machines;
- (www) Subpart UUU — Calciners and dryers in mineral industries;
- (xxx) Subpart VVV — Polymeric coating of supporting substrates facilities;
- (yyy) Subpart WWW — Municipal solid waste landfills, as clarified by OAR 340-238-0100;
- (zzz) Subpart XXX — Municipal solid waste landfills that commenced construction, reconstruction, or modification after July 17, 2014;
- (aaaa) Subpart AAAA — Small municipal waste combustion units;
- (bbbb) Subpart CCCC — Commercial and industrial solid waste incineration units;
- (cccc) Subpart EEEE — Other solid waste incineration units;
- (dddd) Subpart IIII — Stationary compression ignition internal combustion engines (adopted only for sources required to have a Title V or ACDP permit), excluding the requirements for engine manufacturers (40 C.F.R. 60.4201 through 60.4203, 60.4210, 60.4215, and 60.4216);
- (eeee) Subpart JJJJ — Stationary spark ignition internal combustion engines (adopted only for sources required to have a Title V or ACDP permit), excluding the requirements for engine manufacturers (40 C.F.R. 60.4231 through 60.4232, 60.4238 through 60.4242, and 60.4247);
- (ffff) Subpart KKKK — Stationary combustion turbines;
- (gggg) Subpart LLLL — Sewage sludge incineration units;
- (hhhh) Subpart OOOO — Crude oil and natural gas production, transmission and distribution;
- (iiii) Subpart OOOOa — Crude oil and natural gas facilities for which construction, modification, or reconstruction commenced after September 18, 2015;
- (jjjj) Subpart TTTT — Greenhouse gas emissions for electric generating units.

**Statutory/Other Authority:** ORS 468.020

**Statutes/Other Implemented:** ORS 468A.025

**History:**

DEQ 18-2019, amend filed 07/19/2019, effective 07/19/2019

DEQ 6-2017, f. & cert. ef. 7-13-17

DEQ 8-2015, f. & cert. ef. 4-17-15

DEQ 4-2013, f. & cert. ef. 3-27-13

DEQ 1-2011, f. & cert. ef. 2-24-11  
DEQ 15-2008, f. & cert. ef. 12-31-08  
DEQ 13-2006, f. & cert. ef. 12-22-06  
DEQ 2-2006, f. & cert. ef. 3-14-06  
DEQ 2-2005, f. & cert. ef. 2-10-05  
DEQ 4-2003, f. & cert. ef. 2-06-03  
DEQ 22-2000, f. & cert. ef. 12-18-00  
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0535  
DEQ 22-1998, f. & cert. ef. 10-21-98  
DEQ 27-1996, f. & cert. ef. 12-11-96  
DEQ 22-1995, f. & cert. ef. 10-6-95  
DEQ 17-1993, f. & cert. ef. 11-4-93  
DEQ 24-1989, f. & cert. ef. 10-26-89  
DEQ 17-1987, f. & cert. ef. 8-24-87  
DEQ 19-1986, f. & cert. ef. 11-7-86  
DEQ 15-1985, f. & cert. ef. 10-21-85  
DEQ 16-1984, f. & cert. ef. 8-21-84  
DEQ 17-1983, f. & cert. ef. 10-19-83  
DEQ 22-1982, f. & cert. ef. 10-21-82  
DEQ 16-1981, f. & cert. ef. 5-6-81; Sec. (1) thru (12) Renumbered to 340-025-0550 thru 340-025-0605  
DEQ 97, f. 9-2-75, cert. ef. 9-25-75

### **340-238-0100**

#### **Municipal Solid Waste Landfills**

(1) Applicability. The following small and large municipal solid waste landfills must comply with 40 CFR Part 60, Subpart WWW:

- (a) Landfills constructed after 5/30/91;
- (b) Existing landfills with modifications after 5/30/91;
- (c) Landfills that closed after 11/08/87 with modifications after 5/30/91.

(2) Permitting requirements. Landfills subject to 40 CFR Part 60, Subpart WWW must comply with Oregon Title V Operating Permit Requirements as specified in OAR 340 divisions 218 and 220:

- (a) Existing large landfills with modifications after 5/30/91 must submit a complete Federal Operating Permit application by 3/12/97;
- (b) Existing large landfills with modifications after 3/12/97 must submit a complete Federal Operating Permit application the earliest of one year from the date EPA approves the 111(d) State Plan for this rule, or within one year of the modification;

(c) New large landfills, which includes newly constructed large landfills after 3/12/96 and existing small landfills that become large landfills after 3/12/96 must submit a complete Federal Operating Permit application within one year of becoming subject to this requirement;

(d) New and modified existing small landfills that are major sources as defined in OAR 340-200-0020 must submit a complete Federal Operating Permit application within one year of becoming a major source.

(3) Reporting requirements. Landfills subject to 40 CFR Part 60, Subpart WWW must comply with the following:

(a) Large landfills listed in subsection (1)(a)–(c) of this rule must:

(A) Submit an Initial Design Capacity Report and an Initial Non-methane Organic Compound Report within 30 days of the effective date of this rule; and

(B) Submit an annual Non-methane Organic Compound Report until nonmethane emissions are 50 mg/yr.

(b) Small landfills listed in subsection (1)(a)–(c) of this rule must submit an Initial Design Capacity Report and an Initial Non-methane Organic Compound Report within 30 days of the effective date of this rule;

(c) Landfills subject to this rule after the effective date of this rule must submit an Initial Design Capacity Report and an Initial Non-methane Organic Compound Report within 30 days of becoming subject to this rule.

**Statutory/Other Authority:** ORS 468.020 & 468A.025

**Statutes/Other Implemented:** ORS 468A.040

**History:**

DEQ 147-2018, minor correction filed 04/11/2018, effective 04/11/2018

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-025-0740

DEQ 22-1998, f. & cert. ef. 10-21-98

DEQ 8-1997, f. & cert. ef. 5-6-97

**Division 244**  
**OREGON FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM**

**340-244-0030**

**General Provisions for Stationary Sources: Definitions**

Except as provided in OAR 340-244-0220, 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 340-200-0020 or 340-218-0030, the definition in this rule applies to this division.

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

(2) "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) "C.F.R." means the July 1, 2020 edition Code of Federal Regulations unless otherwise identified.

(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 C.F.R. Part 63, Subpart B will be controlled by emission control equipment which was previously installed at the same site as the process or production unit;

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

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

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

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

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

(6) "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.

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

(8) "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.

(9) "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.

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

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

(12) "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.

(13) "Gasoline dispensing facility (GDF) " means any stationary facility which dispenses gasoline into the fuel tank of a motor vehicle, motor vehicle engine, nonroad vehicle, or nonroad engine, including a nonroad vehicle or nonroad engine used solely for competition. These facilities include, but are not limited to, facilities that dispense gasoline into on- and off-road, street, or highway motor vehicles, lawn equipment, boats, test engines, landscaping equipment, generators, pumps, and other gasoline fueled engines and equipment. In Clackamas, Multnomah and Washington Counties, the Medford-Ashland Air Quality Maintenance Area, and the Salem-Keizer Area Transportation Study area, "gasoline dispensing facility" includes any stationary facility which dispenses gasoline into the fuel tank of an airplane.

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

(15) "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.

(16) "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.

(17) "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.

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

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

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

(21) "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.

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

(23) "Reconstruct a Major Source" means the replacement of components at an existing process or production unit that in and of itself emits or has the potential to emit 10 tons per year of any HAP or 25 tons per year of any combination of HAP, whenever: the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to

construct a comparable process or production unit; and; it is technically and economically feasible for the reconstructed major source to meet the applicable maximum achievable control technology emission limitation for new sources established under 40 C.F.R. Part 63 Subpart B.

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

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

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

(25) "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.

(26) "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.

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

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

(29) "Submerged filling" means the filling of a gasoline storage tank through a submerged fill pipe whose discharge is no more than the applicable distance specified in OAR 340-244-0240(3) from the bottom of the tank. Bottom filling of gasoline storage tanks is included in this definition.

(30) "Topping off" means, in the absence of equipment malfunction, continuing to fill a gasoline tank after the nozzle has clicked off.

(31) "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.

(32) "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.

(33) "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 C.F.R. 63.11092(f).

[Publications: Publications referenced are available from DEQ.]

**Statutory/Other Authority:** ORS 468.020 & 468A.025

**Statutes/Other Implemented:** ORS 468A.040

**History:**

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

**340-244-0220**

**Emission Standards: Federal Regulations Adopted by Reference**

(1) Except as provided in sections (2) and (3) of this rule, 40 C.F.R. Part 61, Subparts A, C through F, J, L, N through P, V, Y, BB, and FF and 40 C.F.R. Part 63, Subparts A, F through J, L through O, Q through U, W through Y, AA through EE, GG through YY, CCC through EEE, GGG through JJJ, LLL through RRR, TTT through VVV, XXX, AAAA, CCCC through KKKK, MMMM through YYYY, AAAAA through NNNNN, PPPP through UUUUU, WWWWW, YYYYYY, ZZZZZ, BBBBBB, DDDDDD through HHHHHH, LLLLLL through TTTTTT, VVVVVV through EEEEEEE, and HHHHHHH are adopted by reference and incorporated herein, and 40 C.F.R. Part 63, Subparts ZZZZ and JJJJJ are by this reference adopted and incorporated herein only for sources required to have a Title V or ACDP permit.

(2) The definitions in OAR 340-200-0020 and 340-244-0030 do not apply to the Subparts of 40 C.F.R. Parts 61 and 63 incorporated by reference in this rule, except for the definition of 'C.F.R.' in OAR 340-244-0030. Where "Administrator" or "EPA" appears in 40 C.F.R. Part 61 or 63, "DEQ" is substituted, except in any section of 40 C.F.R. Part 61 or 63, for which a federal rule or delegation specifically indicates that authority will not be delegated to the state.

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

(4) 40 C.F.R. Part 61 Subparts adopted by this rule are titled as follows:

- (a) Subpart A — General Provisions;
- (b) Subpart C — Beryllium;
- (c) Subpart D — Beryllium Rocket Motor Firing;
- (d) Subpart E — Mercury;
- (e) Subpart F — Vinyl Chloride;
- (f) Subpart J — Equipment Leaks (Fugitive Emission Sources) of Benzene;
- (g) Subpart L — Benzene Emissions from Coke By-Product Recovery Plants;
- (h) Subpart N — Inorganic Arsenic Emissions from Glass Manufacturing Plants;
- (i) Subpart O — Inorganic Arsenic Emissions from Primary Copper Smelters;
- (j) Subpart P — Inorganic Arsenic Emissions from Arsenic Trioxide and 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 C.F.R. 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, Sulfite and Stand-Alone Semi-Chemical Pulp Mills;
- (ee) Subpart NN — Area Sources: Wool Fiberglass Manufacturing;
- (ff) Subpart OO — Tanks — Level 1;
- (gg) Subpart PP — Containers;
- (hh) Subpart QQ — Surface Impoundments;
- (ii) Subpart RR — Individual Drain Systems;
- (jj) Subpart SS — Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process;
- (kk) Subpart TT — Equipment Leaks — Control Level 1;
- (ll) Subpart UU — Equipment Leaks — Control Level 2;
- (mm) Subpart VV — Oil-Water Separators and Organic-Water Separators;
- (nn) Subpart WW — Storage Vessels (Tanks) — Control Level 2;
- (oo) Subpart XX — Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations;
- (pp) Subpart YY — Generic Maximum Achievable Control Technology Standards;
- (qq) Subpart CCC — Steel Pickling — HCl Process Facilities and Hydrochloric Acid Regeneration Plants;
- (rr) Subpart DDD — Mineral Wool Production;
- (ss) Subpart EEE — Hazardous Waste Combustors;
- (tt) Subpart GGG — Pharmaceuticals Production;
- (uu) Subpart HHH — Natural Gas Transmission and Storage Facilities;
- (vv) Subpart III — Flexible Polyurethane Foam Production;
- (ww) Subpart JJJ — Group IV Polymers and Resins;

- (xx) Subpart LLL — Portland Cement Manufacturing Industry;
- (yy) Subpart MMM — Pesticide Active Ingredient Production;
- (zz) Subpart NNN — Wool Fiberglass Manufacturing;
- (aaa) Subpart OOO — Manufacture of Amino/Phenolic Resins. The standards adopted by reference replaces the language of §63.1405(b)(2)(i) with: The owner or operator of a back-end continuous process vent shall reduce total organic HAP emissions to less than or equal to 0.95 kilograms of total organic HAP per megagram of resin produced (1.9 pounds of total organic HAP per ton of resin produced);
- (bbb) Subpart PPP — Polyether Polyols Production;
- (ccc) Subpart QQQ — Primary Copper Smelting;
- (ddd) Subpart RRR — Secondary Aluminum Production;
- (eee) Subpart TTT — Primary Lead Smelting;
- (fff) Subpart UUU — Petroleum Refineries — Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units;
- (ggg) Subpart VVV — Publicly Owned Treatment Works;
- (hhh) Subpart XXX — Ferroalloys Production: Ferromanganese and Silicomanganese;
- (iii) Subpart AAAA — Municipal Solid Waste Landfills;
- (jjj) Subpart CCCC — Manufacturing of Nutritional Yeast;
- (kkk) Subpart DDDD — Plywood and Composite Wood Products. Standards adopted include final rule promulgations through August 13, 2020 of the C.F.R.;
- (lll) Subpart EEEE — Organic Liquids Distribution (non-gasoline);
- (mmm) Subpart FFFF — Miscellaneous Organic Chemical Manufacturing;
- (nnn) Subpart GGGG — Solvent Extraction for Vegetable Oil Production;
- (ooo) Subpart HHHH — Wet Formed Fiberglass Mat Production;
- (ppp) Subpart IIII — Surface Coating of Automobiles and Light-Duty Trucks;
- (qqq) Subpart JJJJ — Paper and Other Web Coating;

- (rrr) Subpart KKKK — Surface Coating of Metal Cans;
- (sss) Subpart MMMM — Surface Coating of Miscellaneous Metal Parts and Products;
- (ttt) Subpart NNNN — Surface Coating of Large Appliances;
- (uuu) Subpart OOOO — Printing, Coating, and Dyeing of Fabrics and Other Textiles;
- (vvv) Subpart PPPP — Surface Coating of Plastic Parts and Products;
- (www) Subpart QQQQ — Surface Coating of Wood Building Products;
- (xxx) Subpart RRRR — Surface Coating of Metal Furniture;
- (yyy) Subpart SSSS — Surface Coating of Metal Coil;
- (zzz) Subpart TTTT — Leather Finishing Operations;
- (aaa) Subpart UUUU — Cellulose Production Manufacturing;
- (bbb) Subpart VVVV — Boat Manufacturing;
- (ccc) Subpart WWWW — Reinforced Plastics Composites Production;
- (ddd) Subpart XXXX — Rubber Tire Manufacturing;
- (eee) Subpart YYYYY — Stationary Combustion Turbines;
- (fff) Subpart ZZZZ — Reciprocating Internal Combustion Engines (adopted only for sources required to have a Title V or ACDP permit);
- (ggg) Subpart AAAAA — Lime Manufacturing;
- (hhh) Subpart BBBB — Semiconductor Manufacturing;
- (iii) Subpart CCCCC — Coke Ovens: Pushing, Quenching & Battery Stacks;
- (jjj) Subpart DDDDD — Industrial, Commercial, and Institutional Boilers and Process Heaters;
- (kkk) Subpart EEEEE — Iron and Steel Foundries;
- (lll) Subpart FFFFF — Integrated Iron and Steel Manufacturing Facilities;
- (mmm) Subpart GGGGG — Site Remediation;
- (nnn) Subpart HHHHH — Misc. Coating Manufacturing;

- (oooo) Subpart IIIII — Mercury Cell Chlor-Alkali Plants;
- (pppp) Subpart JJJJJ — Brick and Structural Clay Products Manufacturing;
- (qqqq) Subpart KKKKK — Clay Ceramics Manufacturing;
- (rrrr) Subpart LLLLL — Asphalt Processing & Asphalt Roofing Manufacturing;
- (ssss) Subpart MMMMM — Flexible Polyurethane Foam Fabrication Operations;
- (tttt) Subpart NNNNN — Hydrochloric Acid Production;
- (uuuu) Subpart PPPPP — Engine Tests Cells/Stands;
- (vvvv) Subpart QQQQQ — Friction Materials Manufacturing Facilities;
- (wwww) Subpart RRRRR — Taconite Iron Ore Processing;
- (xxxx) Subpart SSSSS — Refractory Products Manufacturing;
- (yyyy) Subpart TTTTT — Primary Magnesium Refining;
- (zzzz) Subpart UUUUU — Coal- and Oil-Fired Electric Utility Steam Generating Units. Standards adopted include final rule promulgations through July 1, 2018 of the C.F.R.;
- (aaaa) Subpart WWWW — Area Sources: Hospital Ethylene Oxide Sterilization;
- (bbbb) Subpart YYYYY — Area Sources: Electric Arc Furnace Steelmaking Facilities;
- (cccc) Subpart ZZZZZ — Area Sources: Iron and Steel Foundries;
- (dddd) Subpart BBBBB — Area Sources: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities;
- (eeee) Subpart DDDDD — Area Sources: Polyvinyl Chloride and Copolymers Production;
- (ffff) Subpart EEEEE — Area Sources: Primary Copper Smelting;
- (gggg) Subpart FFFFF — Area Sources: Secondary Copper Smelting;
- (hhhh) Subpart GGGGG — Area Sources: Primary Nonferrous Metals — Zinc, Cadmium, and Beryllium;
- (iiii) Subpart HHHHH — Area Sources: Paint Stripping and Miscellaneous Surface Coating Operations;

- (jjjjj) Subpart JJJJJJ — Area Sources: Industrial, Commercial, and Institutional Boilers (adopted only for sources required to have a Title V or ACDP permit);
- (kkkkk) Subpart LLLLLL — Area Sources: Acrylic and Modacrylic Fibers Production;
- (lllll) Subpart MMMMMM — Area Sources: Carbon Black Production;
- (mmmmm) Subpart NNNNNN — Area Sources: Chemical Manufacturing: Chromium Compounds;
- (nnnnn) Subpart OOOOOO — Area Sources: Flexible Polyurethane Foam Production;
- (ooooo) Subpart PPPPPP — Area Sources: Lead Acid Battery Manufacturing;
- (ppppp) Subpart QQQQQQ — Area Sources: Wood Preserving;
- (qqqqq) Subpart RRRRRR — Area Sources: Clay Ceramics Manufacturing;
- (rrrrr) Subpart SSSSSS — Area Sources: Glass Manufacturing;
- (sssss) Subpart TTTTTT — Area Sources: Secondary Nonferrous Metals Processing;
- (ttttt) Subpart VVVVVV — Area Sources: Chemical Manufacturing;
- (uuuuu) Subpart WWWWWW — Area Source: Plating and Polishing Operations;
- (vvvvv) Subpart XXXXXX — Area Source: Nine Metal Fabrication and Finishing Source Categories;
- (wwwww) Subpart YYYYYY — Area Sources: Ferroalloys Production Facilities;
- (xxxxx) Subpart ZZZZZZ — Area Sources: Aluminum, Copper, and Other Nonferrous Foundries;
- (yyyyy) Subpart AAAAAA — Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing;
- (zzzzz) Subpart BBBBBB — Area Sources: Chemical Preparations Industry;
- (aaaaa) Subpart CCCCCC — Area Sources: Paints and Allied Products Manufacturing;
- (bbbbb) Subpart DDDDDD — Area Sources: Prepared Feeds Manufacturing;
- (ccccc) Subpart EEEEEEE — Area Sources: Gold Mine Ore Processing and Production;
- (dddddd) Subpart HHHHHH — Polyvinyl Chloride and Copolymers Production.

**Statutory/Other Authority:** ORS 468.020

**Statutes/Other Implemented:** ORS 468A.025

**History:**

DEQ 1-2021, amend filed 01/21/2021, effective 01/21/2021

DEQ 18-2019, amend filed 07/19/2019, effective 07/19/2019

DEQ 6-2017, f. & cert. ef. 7-13-17

DEQ 8-2015, f. & cert. ef. 4-17-15

DEQ 4-2013, f. & cert. ef. 3-27-13

DEQ 1-2011, f. & cert. ef. 2-24-11

DEQ 8-2009, f. & cert. ef. 12-16-09

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

DEQ 2-2006, f. & cert. ef. 3-14-06

DEQ 2-2005, f. & cert. ef. 2-10-05

DEQ 4-2003, f. & cert. ef. 2-06-03

DEQ 15-2001, f. & cert. ef. 12-26-01

DEQ 11-2000, f. & cert. ef. 7-27-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-0510, 340-032-5520

DEQ 32-1994, f. & cert. ef. 12-22-94

DEQ 18-1993, f. & cert. ef. 11-4-93

DEQ 18-1998, f. & cert. ef. 10-5-98

DEQ 28-1996, f. & cert. ef. 12-19-96

DEQ 16-1995, f. & cert. ef. 6-21-95