

Current		Proposed		Suggested change	Reason/Issues
Division	Rule	Division	Rule		
ALL	ALL	NA	NA	Replace “pursuant to” with “under”	Simplification
ALL	ALL	NA	NA	Change the SIP note to: NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040 with the exception of all references to air toxics and OAR 340 division 245.	Regulation of air toxics is not part of the State Implementation Plan. SIPs only regulate “regulated air pollutants” excluding air toxics.
ALL	ALL	NA	NA	Replace “should” with “must”	Clarification
ALL	ALL	NA	NA	Correct spelling errors	Correction
012				Enforcement procedure and Civil Penalties	
012	0030(24)	NA	NA	Add “permit attachment” to definition of “violation”	Division 12 will apply to Cleaner Air Oregon permit attachments
012	0053(1)(a)	NA	NA	Add “permit attachment” to Class I violations	Division 12 will apply to Cleaner Air Oregon permit attachments
012	0053(1)(d)	NA	NA	Add “permit attachment” to Class I violations	Division 12 will apply to Cleaner Air Oregon permit attachments
NA	NA	012	0054(1)(b)	Add “(b) Constructing a new source, as defined in OAR 340-245-0020, without first obtaining a required Air Contaminant Discharge Permit required under OAR 340-245-0005 through 340-245-8060 and an Air Toxics Permit Attachment required under OAR 340-245-0005 through 340-245-8060;” to Class I violations	New sources that are currently not required to obtain a permit under existing air quality rules will be required to obtain an Air Contaminant Discharge Permit and an Air Toxics Permit Attachment for Cleaner Air Oregon.
NA	NA	012	0054(1)(d)	Add “(d) Operating an existing source, as defined in OAR 340-245-0020, after a submittal deadline under OAR 340-245-0050 without having submitted a complete application the Air Toxics Permit Attachment required under OAR 340-245-0005 through 340-245-8060;” to Class I violations	Existing sources will be required to obtain an Air Toxics Permit Attachment for Cleaner Air Oregon. Failure to do so would be a Class I violation.
NA	NA	012	0054(1)(f)	Add “(f) Exceeding a Source Risk Limit included in an Air Toxics Permit Attachment and established under OAR 340-245-0310;” to Class I violations	Exceedances of Cleaner Air Oregon source risk limits are Class I violations
012	0054(1)(d)	012	0054(1)(g)	Add “emission limits or” to performance standards	Clarification
NA	NA	012	0054(1)(l)	Add “(l) Exceeding an emission limit or violating an operational or process limit that was established in an Air Toxics Permit Attachment to limit risk or emissions to avoid exceeding an applicable Risk Action Level or other requirement under OAR 340-245-0005 through 340-245-8060;”	Exceeding an emissions limit or other standard established to avoid exceeding a Risk Action Level would be a Class I violation
012	0054(1)(j)	012	0054(1)(n)	Add “permit attachment” and “Best Available Control Technology for air toxics.” Delete acronyms	Permit attachments may also require testing or monitoring. Best Available Control Technology for air toxics may set emission limitations or performance

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					standards. Failure to perform the required testing or monitoring would be a Class I violation.
NA	NA	012	0054(1)(o)	Add "(o) Failing to hold community engagement meetings required under OAR 340-245-0005 through 340-245-8060, or failing to provide notification to the community in the area of impact as required under OAR 340-245-0005 through 340-245-8060;"	Failing to hold community engagement meetings or provide notification to the community required under Cleaner Air Oregon would be a Class I violation
012	0054(2)(b)	NA	NA	Add "permit attachment"	Violating terms of conditions of an permit sttachment would be a Class II violation unless otherwise classified
012	0054(2)(c)	NA	NA	Add "modification or permit attachment"	Modifying a source that would require an permit attachment without obtaining prior approval would be a Class II violation unless otherwise classified
012	0054(2)(f)	NA	NA	Add "permit attachment annual report"	Failing to timely submit a complete permit attachment annual report would be a Class II violation
012	0054(2)(g)	NA	NA	Add "permit attachment"	Failing to timely submit a certification, report, or plan as required by an permit attachment, unless otherwise classified; would be a Class II violation
NA	NA	012	0054(2)(i)	Add "(i) Failing to submit a timely and complete air toxics emissions inventory as required under OAR 340-245-0005 through 340-245-8060;"	Failing to submit a timely and complete air toxics emissions inventory as required by OAR 340 division 245 would be a Class II violation
NA	NA	012	0054(2)(j)	Add "(j) Failing to comply with any requirement of a community engagement plan as required under OAR 340-245-0005 through 340-245-8060, unless otherwise classified;"	Failing to comply with any requirement of a community engagement plan as required by OAR 340 division 245, would be a Class II violation unless otherwise classified
012	0054(3)(a)	NA	NA	Add "permit attachment"	Failing to perform testing or monitoring required by an permit attachment would be a Class III violation
012	0135(1)(b)	NA	NA	Change "Achievable" to "Available"	Correction
NA	NA	012	0135(1)(e)	Add "(e) Major — Exceeding a cancer or chronic noncancer Source Risk Limit established under OAR 340-245-0005 through 340-245-8060."	Exceeding an cancer or chronic noncancer Source Risk Limit established pursuant to OAR 340 division 245 would have a major magnitude
012	0140(2)(a)(A)	NA	NA	Add "permit attachment"	Any violation of an permit attachment would be in the \$12,000 penalty matrix
012	0140(3)(a)(A)	NA	NA	Add "permit attachment"	Clarification. Any violation of a permit attachment for both criteria pollutants or air toxics would be in the \$8,000 penalty matrix unless listed under another penalty matrix
012	0140(4)(a)(B)	NA	NA	Add "permit attachment"	Clarification. DEQ issues permit attachments for both criteria pollutants and air toxics
012	0140(4)(a)(C)	NA	NA	Add "permit attachment"	Clarification. DEQ issues permit attachments for both criteria pollutants and air toxics
200				General Air Pollution Procedures and Definitions	

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NA	NA	200	0020(10)	Add "(10) "Air toxics" means the air pollutants listed in OAR 340-245-8020 Table 2. Such pollutants are known to cause adverse health effects when present at high enough concentrations in ambient air and when people inhale them for a sufficient length of time with sufficient frequency."	Define "air toxics" for Cleaner Air Oregon
200	0020(63)	200	0020(64)	Add "or risk" to the definition of excess emissions	Permit attachment limits for Cleaner Air Oregon may be expressed in terms of risk so excess emissions could be in terms of risk rather than emissions.
200	0020(134)(a)(G)	200	0020(135)(a)(G)	Add "(G) Air Toxics."	Add air toxics to the definition of regulated air pollutant
200	0020(135)(d)	NA	NA	Add "(d) As used in OAR 340 division 202 Ambient Air Quality Standards And PSD Increments through division 210 Stationary Source Notification Requirements; division 215 Greenhouse Reporting Requirements; division 222 Stationary Source Plant Site Emission Limits through division 244 Oregon Federal Hazardous Air Pollutant Program; and division 248 Asbestos Requirements through division 268 Emission Reduction Credits; regulated pollutant does not include air toxics."	Exempt air toxics from other air quality rules that regulate other regulated air pollutants
200	0035(1)	NA	NA	Change the Code of Federal Regulations edition date from 2014 to 2017.	Update
200	0035(2)	NA	NA	Change to "(2) The DEQ Source Sampling Manual refers to the July 2018 edition."	DEQ is updating the Source Sampling Manual to include source test procedures for air toxics in addition to making clarifications
200	0035(4)	NA	NA	Add "(4) The Cleaner Air Oregon Monitoring Plan Template refers to the July 2018 edition."	Adopt the The Cleaner Air Oregon Monitoring Plan Template by reference.
200	0040(2)	NA	NA	Change the State Implementation Plan modification date	Even though Cleaner Air Oregon will not be part of the State Implementation Plan, the changes made to existing rules to incorporate Cleaner Air Oregon rules are SIP changes. Examples of these changes that require SIP approval are renumbering the definitions in division 200 and the e-notice provision in division 209.
209				Public Participation	
209	0020	NA	NA	Add division 245 to the applicability of this division	Public notice is required for Air Toxics Permit Attachments issued under division 245.
209	0040(1)	NA	NA	Change to "(1) The following information is required in public notices for all proposed ACDP, draft Oregon Title V Operating Permit actions, and Air Toxics Permit Attachments issued under division 245, except for General Permit actions:"	Public notice is required for Air Toxics Permit Attachments issued under division 245.

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NA	NA	209	0040(1)(t)	Add "(t) For Air Toxics Permit Attachments, a list of estimated air toxics emissions and, if applicable, a summary of the results of any risk assessment."	Add information about air toxics and risk assessments to the list of required information in public notices
209	0050(2)(a)	NA	NA	Add "electronic noticing (termed e-notice)"	Process improvement
210				Stationary Source Notification Requirements	
NA	NA	210	0010(2)	Add "(2) This division does not apply to air contaminant sources that are subject to OAR 340-245-0005 through 340-245-8060. Sources that are subject to this division may also be subject to notification and other requirements under OAR 340-245-0005 through 340-245-8060."	Division 210 does not apply to Cleaner Air Oregon sources because the Notice of Construction requirements were added to division 245.
216				Air Contaminant Discharge Permits [Table 1 and Table 2]	
216	0020(3)	NA	NA	Correct cross references and add "denied"	Correction and clarification
216	0030	NA	NA	Add division 245 as another division that has definitions that would apply to this division	Add reference to division 245 definitions
216	0030(2)	NA	NA	Add "or permit attachment"	Complex technical modifications under division 216 can also apply to Cleaner Air Oregon Air Toxics Permit Attachments
216	0030(3)	NA	NA	Add "or permit attachment"	Moderate technical modifications under division 216 can also apply to Cleaner Air Oregon Air Toxics Permit Attachments
NA	NA	216	0069(1)	Add "(1) Purpose and Intent. DEQ may implement requirements pertaining to air toxics under OAR 340 division 245 for new and existing sources required to obtain an ACDP by attaching an Air Toxics Permit Attachment to the source's ACDP."	DEQ will issue Air Toxics Permit Attachments to implement division 245 for new and existing sources required to obtain an Air Contaminant Discharge Permit
NA	NA	216	0069(2)	Add "(2) A source must obtain an Air Toxics Permit Attachment if required to do so under OAR 340-245-0005 through 340-245-8060."	Sources must obtain an Air Toxics Permit Attachment if required to do so
NA	NA	216	0069(3)	Add "(3) The criteria, requirements and procedures to issue, deny, modify, cancel or revoke an Air Toxics Permit Attachment are specified in OAR 340-245-0080 and 340-245-0300."	OAR 340-245-0080 and 340-245-0300 contains the criteria, requirements and procedures to issue, modify, cancel or revoke an Air Toxics Permit Attachment
NA	NA	216	0069(4)	Add "(4) An Air Toxics Permit Attachment may not be incorporated into a source's ACDP."	Air Toxics Permit Attachments will always stand alone from Air Contaminant Discharge Permits
NA	NA	216	0069(5)	Add "(5) Air Toxics Permit Attachment fees are specified in OAR 340-216-8030 Table 3."	Fees for Air Toxics Permit Attachments are in OAR 340-216-8030 Table 3
NA	NA	216	0069(6)	Add "(6) OAR 340-216-0062 and 340-216-0068 do not apply to Air Toxics Permit Attachments."	OAR 340-216-0062, General ACDP Attachments, does not apply to Air Toxics Permit Attachments because these attachments are generic attachments that are issued to source categories.

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					OAR 340-216-0068, Simple and Standard ACDP Attachments, does not apply to Air Toxics Permit Attachments because these attachments would contain new requirements for sources on Simple of Standard Air Contaminant Discharge Permits that are not related to air toxics.
NA	NA	216	0090(2)	Add “(2) A source that is required to obtain an Air Toxics Permit Attachment under OAR 340-245-0005 through 340-245-8060 must pay the fees specified in OAR 340-216-8030.”	Fees for Cleaner Air Oregon are in OAR 340-216-8030
216	8010 Part A	NA	NA	Add “8 Sources required to obtain an Air Toxics Permit Attachment under OAR 340-245-0005 through 340-245-8060, and that are not required to obtain an ACDP under any other provisions of this division.”	Some sources may only be required to obtain a permit because of Cleaner Air Oregon. If so, these sources must obtain a Basic Air Contaminant Discharge Permit, to which the Air Toxics Permit Attachment will be attached
216	8020 Table 2	NA	NA	Add Part 3. Cleaner Air Oregon Annual Fees: (Due date 12/1 for 1/1 to 12/31 of the following year)	Add the annual Cleaner Air Oregon program fees for all categories of Air Contaminant Discharge permittees
216	8020 Part 3 a through e	216	8020 Part 4 a through e	Add “or Air Toxics Permit Attachment Modification” to each type of modification	Cleaner Air Oregon sources will pay the same permit modification fees as Air Contaminant Discharge permittees
216	8030 Table 3	NA	NA	Add Table 3	OAR 340-216-8030 Table 3 contains the specific activity fees for Cleaner Air Oregon
218				Oregon Title V Operating Permits	
218	0010(3)(b)	NA	NA	Change to “(b) Air Contaminant Discharge Permits and attachments, OAR 340 division 216, unless required by 340-216-0020(2) or (4), OAR 340 division 245 or 340-224-0010(1).”	Exempts Title V sources from Air Contaminant Discharge Permit attachments unless required by division 245
NA	NA	218	0010(4)	Add “(4) DEQ may implement requirements pertaining to air toxics based on OAR 340-245-0005 through 340-245-8060 for new and existing Oregon Title V Operating Permit sources by attaching an Air Toxics Permit Attachment to the source’s Oregon Title V Operating Permit. (a) Air Toxics Permit Attachments may be attached to Oregon Title V Operating Permits but are otherwise not subject to this division. (b) The criteria, requirements and procedures to issue, deny, modify, cancel or revoke Air Toxics Permit Attachments are specified in OAR 340-245-0080 and 340-245-0300.”	Specifies how Air Toxics Permit Attachments will attach to Title V Operating permits
NA	NA	218	0020(5)	Add “(5) Sources subject to this division may also be subject to OAR 340-245-0005 through 340-245-8060.”	Points sources to division 245 if applicable
218	0020(5)	218	0020(6)	Change to “(6) Emissions units and Oregon Title V Operating Permit program sources. (a) Except as provided in subsection (b), DEQ will include in the permit all applicable requirements for all relevant	Clarifies that conditions and requirements established under division 245 will be in Air Toxics Permit Attachments, not Title V permits

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				emissions units in the Oregon Title V Operating Permit, including any equipment used to support the major industrial group at the site. (b) Conditions and requirements that are based on OAR 340-245-0005 through 340-245-8060 for all relevant Toxics Emissions Units will not be included in the Oregon Title V Operating Permit but will instead be included in an Air Toxics Permit Attachment.”	
218	0030	NA	NA	Add division 245 as another division that has definitions that would apply to this division	Add reference to division 245 definitions
NA	NA	218	0110(5)	Add “(5) The permit shield does not apply to conditions and requirements in an Air Toxics Permit Attachment.”	Clarify that the permit shield does not apply to an Air Toxics Permit Attachment
218	0190(1)	NA	NA	Add “and OAR 340-245-0070 when applicable”	Notice of Approval may be required under OAR 340-245-0070 for air toxics
NA	NA	218	0200(3)	Add “(3) This rule does not apply to conditions and requirements established under OAR 340-245-0005 through 340-245-8060.”	Reopenings do not apply to Air Toxics Permit Attachments
220				Oregon Title V Operating Permit Fees	
220	0010(5)	NA	NA	Change “user fees” to “specific activity fees”	Correction
220	0020	NA	NA	Add division 245 as another division that has definitions that would apply to this division	Add reference to division 245 definitions
220	0050(3)(a)	NA	NA	Add “under OAR 340-220-0030”	Clarification
220	0050(3)(b)	NA	NA	Add “under OAR 340-220-0040”	Clarification
NA	NA	220	0050(4)	Add: “(4) DEQ will assess the following specific activity fee for an Oregon Title V Operating Permit program source for annual Cleaner Air Oregon program implementation, as required by OAR 340-245-0500 – 24.6 percent of the following: (a) The applicable annual base fee under OAR 340-220-0030 (for the period of November 15 of the current year to November 14 of the following year); and (b) The applicable annual emission fee under OAR 340-220-0040 (for emissions during the previous calendar year).”	Add the Cleaner Air Oregon specific activity fee that will be assessed on the same basis as the greenhouse gas reporting fees.
244				Oregon Federal Hazardous Air Pollutant Program	
NA	NA	244	8990(1)	Add “(1) The owner or operator of a source that meets the applicability requirements of either the Revised Colored Art Glass Manufacturing Facility Rules, OAR 340-245-9000 through 340-245-9080 or the Colored Art Glass Manufacturing Facility Rules, OAR 340-244-9000 through 340-244-9090 must comply with OAR 340-245-9000 through 340-245-9080 and is subject to Cleaner Air Oregon rules,	Sources subject to the Colored Art Glass Manufacturing Facility Rules or the Revised Colored Art Glass Manufacturing Facility Rules are also subject to Cleaner Air Oregon unless otherwise proved in section (2) or (3)

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				OAR 340-245-0005 through 340-245-8060, except as provided in sections (2) or (3)."	
NA	NA	244	8990(2)	Add "(2) In the event that Cleaner Air Oregon rules, OAR 340-245-0005 through 340-245-8060 are subject to judicial challenge and a court order or injunction is issued that stays any rule or rules in OAR 340-245-0005 through 340-245-8060, then the owner or operator must comply with the Colored Art Glass Manufacturing Facility Rules, OAR 340-244-9000 through 340-244-9090 for so long as the court order or injunction that stays any rule or rules in OAR 340-245-0005 through 340-245-8060 remains in effect."	If the Cleaner Air Oregon rules are judicially challenged and stayed, owners/operators of Colored Art Glass Manufacturing Facilities must comply with the rules in effect
NA	NA	244	8990(3)	Add "(3) In the event that a court issues an order that invalidates or repeals Cleaner Air Oregon rules, OAR 340-245-0005 through 340-245-8060, in whole or in part, then the owner or operator must comply with the Colored Art Glass Manufacturing Facility Rules, OAR 340-244-9000 through 340-244-9090."	If the Cleaner Air Oregon rules are invalidated or repealed, owners/operators of Colored Art Glass Manufacturing Facilities must comply with the rules in effect
245				CLEANER AIR OREGON	
244	9000 through 9090	245	9000 through 9080	Add: "Revised Colored Art Glass Manufacturing Facility Rules [NOTE: These are new rules based on OAR 340-244-9000 through 340-244-9090. Rules OAR 340-244-9000 through 340-244-9090 have been copied here and amended, except that OAR 340-244-9040 and 340-244-9090 have been omitted. Although these are new rules, they are shown in redline/strikeout to show the differences from the original rules in OAR 340-244-9000 through 9090.] [NOTE: Application of these rules is subject to OAR 340-244-8990.]"	The Colored Art Glass Manufacturing Facility Rules have been moved from division 244 to division 245 because they apply to sources that emit air toxics.
244	9000 through 9090	245	9000 through 9080	Change references to new rule numbers	Correction
244	9000 through 9090	245	9000 through 9080	Add " NOTE: This rule was moved verbatim from OAR 340-244-90XX and renumbered and amended."	Clarification
244	9040	NA	NA	This rule was not moved to OAR chapter 340, division 245.	OAR 340-244-9040 states that Tier 2 CAGMs may use raw materials containing chromium in glassmaking furnaces only if DEQ has established annual and daily maximum allowable chromium usage rates. The Cleaner Air Oregon rules supercede this requirement and make it unnecessary.
244	9050	245	9050	Deleted OAR 340-244-9050(3) and references to OAR 340-244-9050(3).	OAR 340-244-9050(3) provided an exemption option for Tier 1 CAGMs if the CAGM can show that metals emissions do not cause ambient impacts in excess of

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					concentrations listed in the rule. The Cleaner Air Oregon rules supercede this requirement and make it unnecessary.
244	9070	244	9070	Removed a cross-reference to OAR 340-244-9040.	OAR 340-244-9040 was not moved to OAR chapter 340, division 245.
244	9090	NA	NA	This rule was not moved to OAR chapter 340, division 245.	This rule required DEQ to set a limit on glassmaking HAP emissions if DEQ determined that ambient concentrations of a glassmaking HAP in the area of a CAGM pose an unacceptable risk to human health. The Cleaner Air Oregon rules supercede this requirement and make it unnecessary.
246				Oregon State Air Toxics Program	
246	0010	NA	NA	Change to “The purpose of Oregon's state air toxics program is to address threats to public health and the environment from toxic air pollutants that remain after implementing the state delegated technology-based strategies of the federal air toxics program in OAR 340-244-0010 through 340-244-0252, Cleaner Air Oregon in OAR 340-245-0005 through 340-245-8060 and OAR 340-244-9000 through 340-244-9090. Oregon's program meets the goals of the federal Urban Air Toxics Strategy by using a community-based effort that focuses on geographic areas of concern. It also addresses cases of elevated health risks from air toxics emissions at stationary sources and source categories of air toxics emissions.”	Add rule citations. Add reference to Oregon’s Federal Hazardous Air Pollution Program, Cleaner Air Oregon, and the Colored Art Glass Manufacturing Facility Rules.
246	0090(1)	NA	NA	Change to “(1) Purpose. Ambient benchmarks are concentrations of air toxics that serve as goals in the Oregon Air Toxics Program. They are based on human health risk and hazard levels considering sensitive populations. Ambient benchmarks are not regulatory standards, but reference values by which air toxics problems can be identified, addressed and evaluated. DEQ will use ambient benchmarks as indicated in these rules, to implement the Geographic, Source Category, and Safety Net Programs. Ambient benchmarks set by the procedures described in this rule apply throughout Oregon, including that area within the jurisdiction of the Lane Regional Air Protection Agency. In OAR 340-245-0400, ambient benchmarks may also be considered in the risk-based concentration hierarchy used to determine risk-based concentrations for purposes of Cleaner Air Oregon regulations in OAR 340-245-0005 through 240-245-9060. Ambient benchmarks are subject to public notice and comment before adoption by the Commission as	Add that ambient benchmarks may be considered in the risk-based concentration hierarchy used to determine risk-based concentrations for OAR 340 division 245.

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				administrative rules.”	
NA	NA	246	0190(3)(d)	Add “(d) The source is not subject to the permitting requirements under OAR 340 division 245.”	Clarify that sources subject to OAR 340 division 245 are not subject to the Safety Net Program.