



AQ104B Toxics Reporting Fact Sheet

Type 1 & Type 2 NCs

This fact sheet clarifies when an [AQ104B Toxics](#) reporting form is required for facilities submitting a Type 1 or Type 2 Notice of Intent to Construct (NC) application or a Title V Notice of Approval (NOA), and is meant to supplement the [AQ104 Instructions](#).

Rule updates in November 2021 updated the definition of regulated pollutants [[OAR 340-200-0020\(133\)](#)] to include Toxic Air Contaminants (TACs) under Division 210. This means that facilities must provide information on all TAC emissions for pollutants listed in OAR 340-247-8010(1) Table 1, that may result from a proposed change to facility operations. To meet this requirement, a completed AQ104B Toxics reporting form is necessary for most submissions unless a qualifying exemption is met.

New or existing facilities that have been issued Cleaner Air Oregon Permit Conditions or a Toxic Air Contaminant Permit Addendum (TACPA) may be required to apply for a permit modification for any construction or modifications, which could include a reevaluation of risk instead of an AQ104B form. Please contact cleanerair@deq.oregon.gov with questions.

Type 1 & Type 2 NC

NC and NOA permitting actions are required for scenarios where the owner or operator is not required to apply for a permit or permit modification because regulated air pollutant emissions from the new, modified, or replaced device or activity are less than or equal to the *de minimis* emission levels (Type 1 NC) or the Significant Emission Rates (Type 2 NC) defined in [OAR 340-200-0020\(39\)&\(160\)](#). However, TAC emissions from these activities must still be quantified on AQ104B Toxics Reporting form for a complete NC submission if the construction or modification has the potential to increase TAC emissions by any amount unless a qualifying exemption is met.

Exemptions

Certain construction projects or changes are exempt from requiring an AQ104B Toxics reporting form submission. Be sure to check the appropriate box for question #11 on [Form AQ104](#), as applicable.

- The project is located at a facility with a General or Basic ACDP.
- The project proposes to only replace like-for-like equipment or processes and the change does not emit more or new TACs than are currently emitted.
- The project proposes to only install equipment that solely combusts natural gas, propane, liquified petroleum gas, pretreated landfill gas and pretreated digester gas or biogas, and qualifies for the gas combustion exemption under OAR 340-245-0050(5).
- The project proposes to install pollution control device(s) that do not emit new TACs other than those covered by the gas combustion exemption.
- The project proposes to install an exempt toxics emissions unit under OAR 340-245-0060(3), and DEQ has approved this designation.
- The project is on the list of equipment in OAR 340-226-0130(1)(b) Notice-and-Go list.
- The project proposes to decommission a fuel-burning TEU and/or replace a TEU with an electric device/activity.
- The project is for an emergency generator less than 150 hp that operates for a maximum of 100 hours/year.

Translation or other formats

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Permitted vs. Unpermitted Facilities

Owners/operators that already hold an air quality permit need only report TAC emissions for the new, replaced, or modified emissions unit(s) identified in the NC. In contrast, DEQ needs estimated emissions from all activities on-site at unpermitted facilities.

About the AQ104B Toxics Reporting Form

The [AQ104B Toxics](#) reporting form is an Excel based spreadsheet that is separate from the AQ104 Notice of Intent to Construct application form. It calculates emissions using two different strategies: 1) process emissions utilizing emission factors and 2) material balance emissions utilizing material usage information. Use the strategy that best describes the proposed operations. Instructions for the form can be found on the first tab of the spreadsheet.

Find emission factor tools and material balance guidance documents on [Air Toxics Emissions Reporting](#).

Submission Process

The completed AQ104B Toxics reporting forms should be emailed to cleanerair@deq.oregon.gov. A paper copy of the form is not required. Note that review of the TAC information will occur independent of AQ104 submission and should not delay an NC approval.

Claiming Confidential Business Information

Owners/operators wishing to prevent disclosure of certain aspects of their reported information may claim Information Exempt from Disclosure, pursuant to Oregon Administrative Rule OAR 340-214-0130. Contact cleanerair@deq.oregon.gov for more information and instructions.

FAQs

Q: Is it necessary to complete an AQ104B Toxics reporting form if I already reported HAP emissions on question #34 of Form AQ104?

A: Yes. Question #34 is aimed at evaluating HAP emissions against relevant PSEs and NESHAP applicability standards. The AQ104B Toxics Reporting form is necessary for CAO to screen for risk associated with the new, replaced, or modified emissions unit or devices/activities.

Q: Should the AQ104B be used to estimate actual emissions, potential to emit (PTE), or capacity operations?

A: Calculate estimated actual annual emissions and maximum daily emissions only.

Q: I am confused about what I need to submit and/or how to complete the AQ104B Toxics reporting form. Who can I contact for assistance?

A: Facilities are encouraged to email questions to cleanerair@deq.oregon.gov.

Q: Why is it necessary to submit an AQ104B Toxics form for diesel emergency generators over 150 hp?

A: CAO has determined that diesel emergency generators less than 150 hp do not exceed the source permit risk action levels. Generators greater than this size may contribute higher risk so more information is required to evaluate the risk.

Q: I am installing equipment that will run on natural gas with fuel oil backup. How do I complete the AQ104B Toxics form?

A: Complete the AQ104B Toxics form for the fuel oil backup only, as it does not qualify for the natural gas exemption.

Non-discrimination statement

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