



Capacity vs. Potential to Emit

Plant Site Emission Limits are established based on the “capacity” of the facility or the “potential to emit.” These terms are defined in [OAR 340 Div 200](#):

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

What this really means

Capacity is calculated assuming 8,760 hours/year of operation at 100% of maximum throughput or 100% of the equipment rating. Add-on controls or limits on hours of operation are not included when calculating emission at capacity.

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

- (a) The regulated pollutant emissions capacity of a stationary source; or
- (b) The maximum allowable regulated pollutant emissions taking into consideration any physical or operational limitation, including use of control devices and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, if the limitation is enforceable by the Administrator.
- (c) This definition does not alter or affect the use of this term for any other purposes under the FCAA or the term "capacity factor" as used in Title IV of the FCAA and the regulations promulgated thereunder. Secondary emissions are not considered in determining the potential to emit.

Notice that in the definition of PTE, it says “capacity” **OR** maximum allowable emissions taking into consideration any physical or operational limitation, including use of control devices and restrictions on hour or operation or “throughput.”

Most sources are not permitted at capacity because they can probably never operate at 100% of maximum throughput or 100% of the equipment rating for 8,760 hours/year. They need to shut down for annual maintenance or maybe there just isn't demand for that much of their product. Or maybe they have taken limits to avoid triggering New Source Review or being a major source for Title V. So PTE can be established at whatever level the source wants to be permitted. For example, this could be requested permit conditions that limit the source to two shifts instead of three, or conditions that limit the source to 80% instead of 90% of capacity). These limitations can be used in the determination of PTE as long as there are clearly enforceable permit conditions which support these limits and as long as the source complies with all applicable requirements and conditions.

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What this really means

PTE = Capacity OR less than capacity if the source requests enforceable limiting conditions in their permit. Keep in mind that Plant Site Emission Limits are federally enforceable limits on PTE, so when someone says "PTE," they typically mean PSEL. PTE does not equal actual emissions. If actual emissions were used to set the PSEL, sources would be out of compliance if they produced more than they actually did for the year that actual emissions were used to calculate the PSEL.

Implementation after November 2022 rulemaking

There is an important distinction between capacity and PTE because of the AQ Permitting updates that were adopted by the EQC in November 2022 (effective 03/01/23). Since Generic PSELs were eliminated in that rulemaking, DEQ is giving sources the choice of setting PTE at capacity or at any level below that. Permitting a source at capacity will reduce the number of permit modifications that may be needed in the future, since the source would have to do some type of construction (e.g., adding new equipment, debottlenecking, etc.) in order to increase emissions above capacity. That construction would require at least a notice of intent to construct (NC), if not a permit modification depending on the exact nature of the change.

Change	NC	Permit Modification
Add equipment	If no PSEL increase is requested or no new applicable requirements must be added to the permit.	PSEL increase requested or new equipment has applicable requirements that are not included in the permit.

If the source chooses to be permitted at their potential to emit and then requests an increase to their PSEL, it will require a permit modification with applicable fees (PSEL increases always require a permit modification instead of an NC). The choice of being permitted at capacity or some level of PTE also requires the source to comply with all applicable requirements. If permitting at capacity triggers Title V applicability, the source may want to consider taking a limit on PTE to be a synthetic minor, rather than being permitted at capacity.

Contact

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