



Permit Category 85

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The [Category 85 Internal Management Directive \(IMD\)](#) was developed to provide consistent interpretation of permit applicability under [Part B, Category 85, of OAR 340-216-8010 Table 1](#) (referred to simply as 'Category 85'). The new 'Category 85 Basic Air Contaminant Discharge Permit' (OAR 340-216-8010 Table 1, Part A, #8, shown below), adopted by the Environmental Quality Commission in September 2020, will be issued to sources with emissions that require permitting under Category 85 but that can request a small number of enforceable limits and conditions such that a Simple or Standard ACDP is not required.

The sources that would qualify for a Category 85 Basic ACDP may emit low levels of criteria pollutants that do not significantly contribute to exceedances of the National Ambient Air Quality Standards but may emit toxic air contaminants as well. Regulatory oversight is needed to ensure monitoring, recordkeeping, and reporting activities are conducted to ensure compliance with the permit limit(s) and prevent adverse air quality impacts.

OAR 340-216-8010 Table 1

Activities and Sources

Part A: Basic ACDP

8 Sources subject to permitting under Part B of this table, number 85 if all of the following criteria are met:

- a. The source is not subject to any category listed on this table other than Part B number 85;
- b. The source has requested an enforceable limit on their actual emissions, if the source were to operate uncontrolled, to below Part B number 85 of this table as applicable depending on the source's location through one or both of the following:
 - i. A limit on hours of operation;
 - ii. A limit on production;
- c. Control devices are not required to be used or otherwise accounted for to maintain emissions levels compliant with 8.b above;
- d. The source is not subject to and does not have any affected emissions units subject to a 40 C.F.R. part 60, part 61, or part 63 standard (NSPS or NESHAP);
- e. The source is not subject to any specific industry or operation standard in OAR chapter 340, divisions 232, 234, or 236.
- f. DEQ has determined that the source is not required to conduct source testing and source testing for emission factor verification will not be required.

Translation or other formats

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Directive

To determine if Category 85 requires a source to obtain a permit, staff must do the following:

- Evaluate potential to emit using the definition in OAR 340-200-0020(124)(a), assuming 8,760 hours/year of operation without add-on controls or limits on hours of operation (i.e., capacity). Secondary emissions are not considered in determining PTE.
 - If emissions are less than the Category 85 thresholds, and enforceable conditions are not required to keep a source under those permitting thresholds, a permit is not required. A Notice of Intent to Construct (NC) application ([Division 210](#)) is often required.
 - If emissions are greater than the Category 85 thresholds:
 - If the source has submitted a Notice of Intent to Construct (NC) application, staff must notify the source within the time deadlines described in [OAR 340-210-0240](#) (depending on the type of NC submitted) that the NC is denied, and that they must apply for a permit; and
 - If the source meets the criteria for a Category 85 Basic ACDP, they can submit a Category 85 Basic ACDP application that will result in enforceable conditions on operation that limit emissions to less than the Category 85 thresholds. In addition, the permit will include recordkeeping and annual reporting requirements, (e.g., limiting annual fuel usage, requiring recording of monthly fuel usage, and reporting annual fuel usage); or
 - If the source is not willing or able to take enforceable limits as listed in the Category 85 Basic ACDP to stay under Category 85 permitting thresholds, the source must apply for a Simple or Standard ACDP.

Contact

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