



Permit Elections for Simple and Standard Air Contaminant Discharge Permits

This document is intended to help DEQ permit writers consistently and objectively interpret the rules and decide what type of permit should be used to regulate a source. The rules regarding the criteria on whether a source should be on a Simple or a Standard ACDP ([OAR 340-216-0025](#)) apply to all types of ACDPs as of 03/01/23. This document can be used for any type of source and any type of ACDP but focuses on Simple and Standard ACDPs.

As can be seen from the fee table below, permittees on Standard ACDPs pay approximately twice the amount of fees as a Simple ACDP. Therefore, fees should be kept in mind when deciding whether a source should be on a Simple or Standard ACDP. The fees are intended to provide DEQ the necessary revenue to write the permit and provide regulatory oversight in an ongoing capacity; the more work that is required by DEQ staff in terms of the criteria listed in this document, then the more likely it is that the source should be on a Standard ACDP.

Table 2 – 340-216-8020 Air Contaminant Discharge Permits		
Part 1. Initial Permitting Application Fees:		
a. Simple ACDP		\$9,000.00
b. Standard ACDP		\$18,000.00
Part 2. Annual Fees: Due date 12/1 (for 1/1 to 12/31 of the following year)		
a. Simple ACDP	(A) Low Fee	\$3,917.00
	(B) High Fee	\$7,834.00
b. Standard ACDP		\$15,759.00
Part 3. Cleaner Air Oregon Annual Fees: Due date 12/1 (for 1/1 to 12/31 of the following year)		
a. Simple ACDP	(A) Low Fee	\$806.00
	(B) High Fee	\$1,612.00
b. Standard ACDP		\$3,225.00
Table 3. Cleaner Air Oregon Call-In Fees		
Existing Source Standard ACDP		\$10,000
Existing Source Simple ACDP		\$1,000
New Source Standard ACDP		\$12,000
New Source Simple ACDP		\$1,900

Translation or other formats

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Sources required to be on a Standard ACDP

[OAR 340-216-8010, Table 1 Part C](#)

- Incinerators for PCBs, other hazardous wastes, or both.
- All sources that DEQ determines have emissions that constitute a nuisance.
- All sources electing to maintain the source's netting basis.
- All sources that request a PSEL equal to or greater than the SER for a regulated pollutant.
- All sources having the potential to emit 100 tons or more of any regulated pollutant, except GHG, in a year.
- All sources having the potential to emit 10 tons or more of a single hazardous air pollutant in a year.
- All sources having the potential to emit 25 tons or more of all hazardous air pollutants combined in a year.

Owners and operators of sources in the last three bullets above (Categories 5, 6, or 7 in Table 1 [Part C of OAR 340-216-8010](#)) are required to submit an application for a Title V permit under [OAR 340 218](#) twelve (12) months after commencing operation under the air permit that allows construction (Air Contaminant Discharge Permit), unless the owner or operator requests or accepts limits to keep from becoming a major source. air permit that allows construction (Air Contaminant Discharge Permit), unless the owner or operator requests or accepts limits to keep it from becoming a major source.

Considerations that support issuing a Simple ACDP

[OAR 340-216-0025\(5\)\(a\)](#)

- The source is listed in Table 1, Part B, which applies to General, Simple and Standard ACDPs;
- There is no General ACDP for which the source qualifies to be assigned;
- Potential to emit is less than the Significant Emission Rate because Generic PSELs were eliminated in a November, 2022 EQC rulemaking; and
- The source did not want to keep baseline emission rates or netting basis because use of Generic PSELs, prior to November, 2022, sets the netting basis to zero.

Considerations for determining if a source is ineligible for a Simple ACDP

[OAR 340-216-0025\(7\)\(b\)\(A\) through \(E\)](#)

- The nature, extent, toxicity and impact on human health and the environment of the source's emissions;
- The complexity of the source and the rules applicable to that source;
- The complexity of the emission controls, potential threat to human health and the environment if the emission controls fail, and the source's capacity;
- The location of the source and its proximity to places where people live and work; and
- The compliance history of the source.

One of the primary considerations is the staff time required to permit, inspect and assure compliance. Simple ACDPs are not appropriate for sources that require inordinate work to determine compliance status. More staff time is required for sources that have complex regulations or monitoring requirements, add-on controls, or a history of compliance or complaint problems.

The considerations described above, and additional considerations are included in the table below. Those labeled with a * indicate the considerations that could determine that a source be on a Standard ACDP, notwithstanding any other considerations. The considerations that are unlabeled indicate those that should be analyzed with other unlabeled considerations when determining when a source should be on a Standard ACDP.

Considerations for Standard ACDP
NEW and EXISTING SOURCES
*Continuous emissions monitoring for criteria pollutants
Located within 1.5 kilometers of sensitive receptors (school, hospital, daycare, nursing home, etc. locations are available in Google maps)
*Complex modeling for criteria pollutants submitted with permit application and permit conditions are required to protect the short-term NAAQS
*More than four (4) different kinds of devices/processes (i.e., boiler, dryers, kilns, engines), excluding insignificant activities and exempt Toxic Emissions Units
*More than one (1) type of control device or four (4) or more of the same type of control device that needs operation and maintenance conditions (i.e., baghouse and ESP, 5 baghouses)
*More than two (2) different federal rule requirements (NSPS, NESHAP, etc.) [excluding Gasoline Dispensing Facility NESHAP and Reciprocating Internal Combustion Engine NESHAP]
*Significant past (hearing previously requested) or anticipated public interest (discuss with public affairs specialist)
*Requires separate Cleaner Air Oregon permit conditions, beyond emissions inventory and annual reporting based on: <ul style="list-style-type: none"> • Risk above Source Permit Levels; • Level of risk based on toxicity; or • Risk limits rather than emission or production limits
*Complex emission factor (i.e., bakery VOC emission factor = $0.95 Y_i + 0.195t_i - 0.51S - 0.86t_s + 1.90$) or complex material balance (includes reductions for material transfer efficiencies, product retention factors or add-on control devices) used to calculate emissions
*PSEL equal to or greater than any Significant Emission Rate
*Source testing requirements (more than one test every five years)
*Any synthetic minor 80 (SM-80) source
Semi-annual or quarterly reporting required
EXISTING SOURCES
*Keep Baseline Emission Rate or Netting Basis
*Formal enforcement action (civil penalty assessment and order that requires a compliance schedule) since last renewal
*Odor investigation triggered and/or suspected nuisance (i.e., odors or particulate matter)

*Considerations that could result in putting a source on a Standard ACDP, notwithstanding other considerations.

‡ CAO permit conditions are not determined until the risk assessment has been approved and after the application has been submitted, so a change from Simple to Standard or vice versa may be required.

Procedures for permit elections for new sources

1. Permit writers/managers should use the above considerations when determining permit type for new sources under the rules, using as much information as possible from conversations with the applicant.
2. After receiving the application, the permit writer should re-evaluate the considerations based on the information in the application and include analysis of the considerations and determination of permit type in the Review Report. An example is shown below:

PERMITTING ACTION

2. The proposed permit is a renewal of an existing Simple Air Contaminant Discharge Permit (ACDP) that was issued on 09/04/14 to RUSCO, Inc. dba Dura Industries (RUSCO) and was originally scheduled to expire on 08/01/19. The permittee is on a Simple ACDP because the facility:
 - Has less than four (4) different kinds of devices/processes;
 - Has no control devices that need operation and maintenance conditions; and
 - Has had little past public interest.

3. If the permit writer concludes that the original assessment for a Simple or Standard ACDP is incorrect, the permit writer should notify the permittee as soon as possible and provide an explanation.
4. Fees will be invoiced and/or refunded as specified in the [Invoicing Guidance for ACDP and Title V Permits](#).

Procedures for Permit Elections for Existing Sources

1. At permit renewal, permit writers should use the above considerations to evaluate whether the source is on the most appropriate permit type and include analysis of the considerations in the Review Report.
2. If the permit writer concludes that the original issuance of a Simple or Standard ACDP is incorrect, the permit writer will notify the permittee and provide an explanation.
3. Fees will be invoiced and/or refunded as specified in the [Invoicing Guidance for ACDP and Title V Permits](#).

Contact

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