

DIVISION 224/TITLE 38
MAJOR NEW SOURCE REVIEW

340-224 Section 38-0010 Applicability and General Prohibitions

1. Within designated Nonattainment and Maintenance areas, this ~~division title~~ applies to owners and operators of proposed major sources and major modifications of air contaminant sources. Within attainment and unclassifiable areas, this title applies to owners and operators of proposed Federal Major sources. This ~~division title~~ does not apply to owners or operators of proposed non-major sources or non-major modifications and does not apply in attainment areas to major sources or major modifications that are not Federal Major sources. Such owners or operators are subject to other ~~Department LRAPA~~ rules, including Highest and Best Practicable Treatment and Control Required (~~OAR 340-226~~Section 32-0100-0005 through 340-22632-01400009), Notice of Construction and Approval of Plans (~~OAR 340-210~~Section 34-0200-010 and 34-034through 340-21034-0250038), ACDPs (~~OAR 340 division 216~~LRAPA Title 37, Sections 37-0025-1. and 37-0052), Emission Standards for Hazardous Air Contaminants (~~OAR 340 division 244~~LRAPA Title 44), and Standards of Performance for New Stationary Sources (~~OAR 340 division 238~~LRAPA Title 46).
2. No owner or operator may begin construction of a major source or a major modification of an air contaminant source without having received an air contaminant discharge permit (ACDP) from the ~~Department LRAPA~~ and having satisfied the requirements of this ~~division title~~.

~~[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]~~
~~Stat. Auth.: ORS 468.020~~
~~Stats. Implemented: ORS 468A.025~~
~~Hist.: DEQ 25-1981, f. & cert. ef. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0220; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 14-1999, f. & cert. ef. 10-14-99; Renumbered from 340-028-1900~~

340-224 Section 38-0020 Definitions

The definitions in ~~OAR 340-200-0020, 340-204-0010~~LRAPA Title 12 and this rule apply to this ~~division title~~. If the same term is defined in this rule and ~~OAR 340-200-0020~~LRAPA Title 12 or ~~340-204-0010~~, the definition in this rule applies to this ~~division title~~.

~~[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]~~
~~Stat. Auth.: ORS 468.020~~
~~Stats. Implemented: ORS 468A.025~~
~~Hist.: DEQ 14-1999, f. & cert. ef. 10-14-99~~

340-224 Section 38-0030 Procedural Requirements

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1. Information Required. The owner or operator of a proposed major source or major modification must submit all information ~~the Department~~LRAPA needs to perform any analysis or make any determination required under this ~~division title~~ and ~~OAR 340 division 225~~LRAPA Title 40. The information must be in writing on forms supplied by ~~the Department~~LRAPA and include the information for a standard ACDP as detailed in ~~OAR 340 division 216~~LRAPA Title 37.
2. Other Obligations:
 - A. Approval to construct becomes invalid if construction is not commenced within 18 months after ~~the Department~~LRAPA issues such approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed within 18 months of the scheduled time. ~~The Department~~LRAPA may extend the 18-month period for good cause. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within 18 months of the projected and approved commencement date;
 - B. Approval to construct does not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the State Implementation Plan and any other requirements under local, state or federal law;
 - C. Approval to construct a source under an ACDP issued under paragraph ~~(3)(B)~~3.B. of this rule authorizes construction and operation of the source, except as prohibited in subsection ~~(D)~~D. of this rule, until the later of:
 - 1) One year from the date of initial startup of operation of the major source or major modification; or
 - 2) If a timely and complete application for an ~~Oregon~~LRAPA Title V Operating Permit is submitted, the date of final action by ~~the Department~~LRAPA on the ~~Oregon~~LRAPA Title V Operating Permit application.
 - D. Where an existing ~~Oregon~~LRAPA Title V Operating Permit would prohibit construction or change in operation, the owner or operator must obtain a permit revision before commencing construction or operation.
3. Application Processing:
 - A. Within 30 days after receiving an application to construct, or any addition to such application, ~~the Department~~LRAPA will advise the applicant of any deficiency in

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the application or in the information submitted. For purposes of this section, the date the ~~Department~~LRAPA received a complete application is the date on which the ~~Department~~LRAPA received all required information;

B. Notwithstanding the requirements of ~~OAR 340-216~~Section 37-0040 or OAR 340-218-0040, concerning permit application requirements, the ~~Department~~LRAPA will make a final determination on the application within six months after receiving a complete application. This involves performing the following actions in a timely manner:

- 1) Making a preliminary determination whether construction and/or modification should be approved, approved with conditions, or disapproved;
- 2) Making the proposed permit available in accordance with the public participation procedures required by LRAPA Title 14 for Category IV. Extension of Construction Permits beyond the 18-month time period in paragraph ~~(2)~~(A)2.A. of this rule are available in accordance with the public participation procedures required by Category II in lieu of Category IV.

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 18-1984, f. & ef. 10-16-84; DEQ 13-1988, f. & cert. ef. 6-17-88; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0230; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 24-1994, f. & cert. ef. 10-28-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1910

340-224Section 38-0040 Review of New Sources and Modifications for Compliance With Regulations

The owner or operator of a proposed major source or major modification must demonstrate the ability of the proposed source or modification to comply with all applicable air quality requirements of the ~~Department~~LRAPA.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0235; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1920

340-224Section 38-0050 Requirements for Sources in Nonattainment Areas

Proposed major sources and major modifications that would emit a nonattainment pollutant within a designated nonattainment area, including VOC or NO_x in a designated Ozone Nonattainment Area must meet the requirements listed below:

1. Lowest Achievable Emission Rate (LAER). The owner or operator must demonstrate that the source or modification will comply with the LAER for each nonattainment pollutant emitted at or above the significant emission rate- (SER).

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- A. For a major modification, the requirement for LAER applies only to each emissions unit that emits the pollutant in question and was installed since the baseline period or the most recent New Source Review construction approval for that pollutant, and to each modified emission unit that increases actual emissions of the pollutant in question above the netting basis.
- B. For phased construction projects, the LAER determination must be reviewed at the latest reasonable time before commencing construction of each independent phase.
- C. When determining LAER for a change that was made at a source before the current NSR application, ~~the Department~~ LRAPA will consider technical feasibility of retrofitting required controls provided:
 - 1) The change was made in compliance with NSR requirements in effect when the change was made, and
 - 2) No limit will be relaxed that was previously relied on to avoid NSR.
- D. Individual modifications with potential to emit less than 10 percent of the SER are exempt from this section unless:
 - 1) They are not constructed yet;
 - 2) They are part of a discrete, identifiable, larger project that was constructed within the previous 5 years and is equal to or greater than 10 percent of the SER; or
 - 3) They were constructed without, or in violation of, the ~~Department's~~ LRAPA's approval.

2. Offsets and Net Air Quality Benefit. The owner or operator must obtain offsets and demonstrate that a net air quality benefit will be achieved as specified in ~~OAR 340-225~~ Section 40-0090.

~~2.3.~~

~~3. Additional Requirements for Federal Major Sources:~~

- A. The owner or operator of a source that emits or has the potential to emit 100 tons per year of any regulated NSR pollutant must evaluate alternative sites, sizes, production processes, and environmental control techniques for the proposed source or modification and demonstrate that benefits of the proposed source or modification will significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification.

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~~a.~~B. The owner or operator of a source that emits or has the potential to emit 100 tons per year of any regulated NSR pollutant must demonstrate that all major sources owned or operated by such person (or by an entity controlling, controlled by, or under common control with such person) in the state are in compliance, or are on a schedule for compliance, with all applicable emission limitations and standards under the Act.

~~d.~~C. The owner or operator of a federal major source must meet the visibility impact requirements in ~~ÖAR 340-225~~Section 40-0070.

~~(4) Special Exemption for the Salem Ozone Nonattainment area. Proposed major sources and major modifications located in or that impact the Salem Ozone Nonattainment Area are exempt from ÖAR 340-225-0090 and section (2) of this rule for VOC and NO_x emissions with respect to ozone formation in the Salem Ozone Nonattainment area. [NOTE: this rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under ÖAR 340-200-0040.]~~
Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A.025
Hist.: DEQ 25 1981, f. & ef. 9-8-81; DEQ 5 1983, f. & ef. 4-18-83; DEQ 27 1992, f. & cert. ef. 11-12-92; DEQ 4 1993, f. & cert. ef. 3-10-93; DEQ 12 1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0240; DEQ 19 1993, f. & cert. ef. 11-4-93; DEQ 10 1995, f. & cert. ef. 5-1-95; DEQ 22 1995, f. & cert. ef. 10-6-95; DEQ 26 1996, f. & cert. ef. 11-26-96; DEQ 16 1998, f. & cert. ef. 9-23-98; DEQ 1 1999, f. & cert. ef. 1-25-99; DEQ 14 1999, f. & cert. ef. 10-14-99; Renumbered from 340-028-1930

340-224Section 38-0060 Requirements for Sources in Maintenance Areas

Proposed major sources and major modifications that would emit a maintenance pollutant within a designated ozone or carbon monoxide maintenance area, including VOC or NO_x in a designated ozone maintenance area, must meet the requirements listed below:

1. Best Available Control Technology (BACT). Except as provided in section ~~4.5.~~5. of this rule, the owner or operator must apply BACT for each maintenance pollutant emitted at a SER.

A. For a major modification, the requirement for BACT applies only to:

- 1) Each new emissions unit that emits the pollutant in question and was installed since the baseline period or the most recent New Source Review construction approval for that pollutant; and
- 2) Each modified emissions unit that increases the actual emissions of the pollutant in question above the netting basis.

B. For phased construction projects, the BACT determination must be reviewed at the latest reasonable time before commencement of construction of each independent phase.

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- C. When determining BACT for a change that was made at a source before the current NSR application, the technical and economic feasibility of retrofitting required controls may be considered provided:
- 1) The change was made in compliance with NSR requirements in effect at the time the change was made, and
 - 2) No limit is being relaxed that was previously relied on to avoid NSR.
- D. Individual modifications with potential to emit less than 10 percent of the significant emission rate are exempt from this section unless:
- 1) They are not constructed yet;
 - 2) They are part of a discrete, identifiable larger project that was constructed within the previous 5 years and that is equal to or greater than 10 percent of the significant emission rate; or
 - 3) They were constructed without, or in violation of, ~~the Department's~~ LRAPA's approval.

2. Air Quality Protection:

- A. Offsets and Net Air Quality Benefit. Except as provided in subsections ~~B., C., and D.~~ of this section, the owner or operator must obtain offsets and demonstrate that a net air quality benefit will be achieved in the area as specified in ~~OAR 340-225~~ Section 40-0090.
- ~~b. Growth Allowance. The requirements of this section may be met in whole or in part in an ozone or carbon monoxide maintenance area with an allocation by the Department~~ LRAPA ~~from a growth allowance, if available, in accordance with the applicable maintenance plan in the SIP adopted by the Commission~~ LRAPA ~~and approved by EPA. An allocation from a growth allowance used to meet the requirements of this section is not subject to OAR 340-225~~ Section 40-0090. ~~Procedures for allocating the growth allowances for the Oregon portion of the Portland-Vancouver Interstate Maintenance Area for Ozone and the Portland Maintenance Area for Carbon Monoxide are contained in OAR 340-242-0430 and 340-242-0440.~~
- ~~e.B.~~ B. In a carbon monoxide maintenance area, a proposed carbon monoxide major source or major modification is exempt from subsections ~~A. and B.~~ of this section if

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the owner or operator can demonstrate that the source or modification will not cause or contribute to an air quality impact equal to or greater than 0.5 mg/m³ (8 hour average) and 2 mg/m³ (1-hour average). The demonstration must comply with the requirements of ~~OAR 340-225~~Section 40-0045.

~~d. In a PM₁₀ maintenance area, a proposed PM₁₀ major source or major modification is exempt from subsection A. of this section if the owner or operator can demonstrate, pursuant to the requirements of OAR 340-225~~Section 40-0045, that the source or modification will not cause or contribute to an air quality impact in excess of:

1) ~~120 µg/m³ (24-hour average) or 40 µg/m³ (annual average) in the Grants Pass PM₁₀ maintenance area;~~ **OAKRIDGE or EUGENE/SPRINGFIELD?????**

2) ~~140 µg/m³ (24-hour average) or 47 µg/m³ (annual average) in the Klamath Falls PM₁₀ maintenance area; or~~

3) ~~140 µg/m³ (24-hour average) or 45 µg/m³ (annual average) in the Lakeview PM₁₀ maintenance area. In addition, a single source impact is limited to an increase of 5 µg/m³ (24-hour average) in the Lakeview PM₁₀ maintenance area.~~

3. The owner or operator of a source subject to this rule must provide an air quality analysis in accordance with ~~OAR 340-225~~Section 40-0050-1 and 2, and ~~340-225~~Section 40-0060.

4. Additional Requirements for Federal Major Sources: The owner or operator of a federal major source subject to this rule must provide an analysis of the air quality impacts for the proposed source or modification in accordance with ~~OAR 340-225~~Section 40-0050-3 and ~~340-225~~40-0070. In addition to the provisions of this section, provisions of ~~section 340-224~~Section 38-0070 also apply to federal major sources.

5. Contingency Plan Requirements. If the contingency plan in an applicable maintenance plan is implemented due to a violation of an ambient air quality standard, this section applies in addition to other requirements of this rule until ~~the Commission~~LRAPA adopts a revised maintenance plan and EPA approves it as a SIP revision.

A. The requirement for BACT in section (1) of this rule is replaced by the requirement for LAER contained in ~~OAR 340-224~~Section 38-0050-1.

~~b. An allocation from a growth allowance may not be used to meet the requirement for offsets in section 2. of this rule.~~

~~e.B.~~ The exemption provided in section 2.~~e.B.~~ of this rule for major sources or major modifications within a carbon monoxide maintenance area no longer applies.

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~~6. Medford-Ashland AQMA: Proposed major sources and major modifications that would emit PM10 within the Medford-Ashland AQMA must meet the LAER emission control technology requirements in OAR 340-224-0050.~~

~~7.6. Pending Redesignation Requests. This rule does not apply to a proposed major source or major modification for which a complete application to construct was submitted to the Department LRAPA before the maintenance area was redesignated from nonattainment to attainment by EPA. Such a source is subject to OAR 340-224-Section 38-0050.~~

~~[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]
[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the office of the Department.]
Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A.025
Hist.: DEQ 26 1996, f. & cert. ef. 11 26 96; DEQ 15 1998, f. & cert. ef. 9 23 98; DEQ 1 1000, f. & cert. ef. 1 25 99; DEQ14 1999, f. & cert. ef. 10 14 99, Renumbered from 340-028-1935~~

340-224-Section 38-0070 Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas

Proposed new federal major sources or major modifications at federal major sources locating in areas designated attainment or unclassifiable must meet the following requirements:

1. Best Available Control Technology (BACT). The owner or operator of the proposed federal major source or major modification at a federal major source must apply BACT for each pollutant emitted at a SER over the netting basis. ~~In the Medford-Ashland AQMA, t~~The owner or operator of any proposed new Federal Major PM10 source, or proposed major modification of a Federal Major PM10 source must comply with the LAER emission control technology requirement in 340-224-Section 38-0050(1), and is exempt from the BACT provision of this section.

A. For a major modification, the requirement for BACT applies only to:

- 1) Each new emissions unit that emits the pollutant in question and was installed since the baseline period or the most recent New Source Review construction approval for that pollutant; and
- 2) Each modified emissions unit that increases the actual emissions of the pollutant in question above the netting basis.

B. For phased construction projects, the BACT determination must be reviewed at the latest reasonable time before commencement of construction of each independent phase.

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- C. When determining BACT for a change that was made at a source before the current NSR application, any additional cost of retrofitting required controls may be considered provided:
- 1) The change was made in compliance with NSR requirements in effect at the time the change was made, and
 - 2) No limit is being relaxed that was previously relied on to avoid NSR.
- D. Individual modifications with potential to emit less than 10 percent of the significant emission rate are exempt from this section unless:
- 1) They are not constructed yet;
 - 2) They are part of a discrete, identifiable larger project that was constructed within the previous 5 years and that is equal to or greater than 10 percent of the significant emission rate; or
 - 3) They were constructed without, or in violation of, ~~the Department's~~ LRAPA's approval.

- ~~1.2.~~ Air Quality Analysis: The owner of operator of a source subject to this rule must provide an analysis of the air quality impacts for the proposed source or modification in accordance with ~~OAR 340-225~~ Section 40-0050 through 340-22540-0070. The owner or operator or any source subject to this rule that significantly affects air quality in a designated nonattainment or maintenance area must meet the requirements of net air quality benefit in ~~OAR 340-225-0090~~ Section 40-0090.
3. Air Quality Monitoring: The owner or operator of a source subject to this rule must conduct ambient air quality monitoring in accordance with the requirements in ~~OAR 340-225~~ Section 40-0050.
4. The owner or operator of a source subject to this rule and significantly impacting a PM10 maintenance area (significant air quality impact is defined in ~~OAR 340-200-0020~~ LRAPA Title 12), must comply with the requirements of ~~OAR 340-224~~ Section 38-0060(2)-2.

~~[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]~~
~~[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]~~
~~Stat. Auth.: ORS 468.020~~
~~Stats. Implemented: ORS 468A.025~~
~~Hist.: DEQ 25 1981, f. & ef. 9 8 81; DEQ 5 1983, f. & ef. 4 18 83; DEQ 18 1984, f. & ef. 10 16 84; DEQ 14 1985, f. & ef. 10 16 85; DEQ 5 1986, f. & ef. 2 21 86; DEQ 8 1988, f.~~

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~~& cert. ef. 5-19-88 (and corrected 5-31-88); DEQ 27-1992, f. & cert. ef. 11-12-92; Section (8) renumbered from 340-020-0241; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0245; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1940~~

340-224Section 38-0080 Exemptions

Temporary emission sources that would be in operation at a site for less than two years, such as pilot plants and portable facilities, and emissions resulting from the construction phase of a new source or modification must comply with ~~OAR 340-224Section 38-0050(1)-1, 340-22438-0060(1)-1~~ or ~~340-22438-0070(1)-1~~, whichever is applicable, but are exempt from the remaining requirements of ~~OAR 340-224Section 38-0050, 340-22438-0060 and 340-22438-0070~~ provided that the source or modification would not impact a Class I area or an area with a known violation of a National Ambient Air Quality Standard (NAAQS) or an applicable increment as defined in ~~OAR 340 division 202LRAPA Title 50.~~

~~[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-020-047.]
Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468 & ORS 468A
Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0250; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1950~~

340-224-0090

Requirements for Net Air Quality Benefit

~~Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; DEQ 8-1988, f. & cert. ef. 5-19-88 (and corrected 5-31-88); DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0260; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1970 renumbered to 340-225-0090~~

340-224Section 38-0100 Fugitive and Secondary Emissions

Fugitive emissions are included in the calculation of emission rates of all air contaminants. Fugitive emissions are subject to the same control requirements and analyses required for emissions from identifiable stacks or vents. Secondary emissions are not included in calculations of potential emissions that are made to determine if a proposed source or modification is major. Once a source or modification is identified as being major, secondary emissions are added to the primary emissions and become subject to the air quality impact analysis requirements in this ~~division title and OAR 340 division 225LRAPA Title 40.~~

~~[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]
Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468 & ORS 468
Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0270; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1990~~

340-224-0110

~~Visibility Impact [NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]
Stat. Auth.: ORS 468, 020
Stats. Implemented: ORS 468A.025~~

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Hist.: ~~DEQ 18 1984, f. & ef. 10 16 84; DEQ 14 1985, f. & ef. 10 16 85; DEQ 4 1993, f. & cert. ef. 3 10 93; DEQ 12 1993, f. & cert. ef. 9 24 93; Renumbered from 340 020 0276; DEQ 19 1993, f. & cert. ef. 11 4 93; DEQ 26 1996, f. & cert. ef. 11 26 96; DEQ 14 1999, f. & cert. ef. 10 14 99, Renumbered from 340 028 2000~~