

TITLE 46

NEW SOURCE PERFORMANCE STANDARDS

The existing title 46 was rescinded in its entirety on November 10, 1994, and this new title 46 was adopted in its place. Subsequent updates and modifications were adopted on October 14, 2008 and November 12, 2015. These sections are the same as DEQ's Standards of Performance for New Stationary Sources contained in OAR chapter 340, division 238.

Section 46-505 Statement of Purpose

The U. S. Environmental Protection Agency has adopted in Title 40, Code of Federal Regulations, Part 60, Standards of Performance for certain new stationary sources. It is the intent of title 46 to specify requirements and procedures necessary for LRAPA to implement and enforce the aforementioned Federal Regulations.

Section 46-510 Definitions

The definitions in title 12 and this section apply to this title. If the same term is defined in this section and title 12, the definition in this section applies to this title.

- (1) "Administrator" means the Administrator of the EPA or authorized representative.
- (2) "Affected facility" means, with reference to a stationary source, any apparatus to which a standard is applicable.
- (3) "Capital expenditure" means an expenditure for a physical or operational change to an existing facility which exceeds the product of the applicable "annual asset guideline repair allowance percentage" specified in the December 1984 edition of Internal Revenue Service (IRS) Publication 534 and the existing facility's basis, as defined by section 1012 of the Internal Revenue Code. However, the total expenditure for a physical or operational change to an existing facility must not be reduced by any "excluded additions" as defined in IRS Publication 534, as would be done for tax purposes.
- (4) "CFR" means the July 1, 2020 edition of the Code of Federal Regulations unless otherwise identified.
- (5) "Closed municipal solid waste landfill" (closed landfill) means a landfill in which solid waste is no longer being placed, and in which no additional solid wastes will be placed without first filing a notification of modification as prescribed under 40 CFR 60.7(a)(4). Once a notification of modification has been filed, and additional solid waste is placed in the landfill, the landfill is no longer closed.
- (6) "Commenced", with respect to the definition of "new source" in section 111(a)(2) of the FCAA, means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual

obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

- (7) "Existing municipal solid waste landfill" (existing landfill) means a municipal solid waste landfill that began construction, reconstruction or modification before May 30, 1991 and has accepted waste at any time since November 8, 1987 or has additional design capacity available for future waste deposition.
- (8) "Existing facility" means, with reference to a stationary source, any apparatus of the type for which a standard is promulgated in 40 CFR part 60, and the construction or modification of which commenced before the date of proposal by EPA of that standard; or any apparatus which could be altered in such a way as to be of that type.
- (9) "Fixed capital cost" means the capital needed to provide all the depreciable components.
- (10) "Large municipal solid waste landfill" (large landfill) means a municipal solid waste landfill with a design capacity greater than or equal to 2.5 million megagrams or 2.5 million cubic meters.
- (11) "Modification"
 - (a) Except as provided in paragraph (b), means any physical change in, or change in the method of operation of, an existing facility that increases the amount of any air pollutant (to which a standard applies) emitted into the atmosphere by that facility or that results in the emission of any air pollutant (to which a standard applies) into the atmosphere not previously emitted;
 - (b) As used in section 46-900 means an action that results in an increase in the design capacity of a landfill.
- (12) "Municipal solid waste landfill" (landfill) means an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. A municipal solid waste landfill may also receive other types of RCRA Subtitle D wastes such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of a municipal solid waste landfill may be separated by access roads and may be publicly or privately owned. A municipal solid waste landfill may be a new municipal solid waste landfill, an existing municipal solid waste landfill, or a lateral expansion (modification).
- (13) "New municipal solid waste landfill" (new landfill) means a municipal solid waste landfill that began construction, reconstruction or modification or began accepting waste on or after May 30, 1991.
- (14) "Reconstruction" means the replacement of components of an existing facility to such an extent that:
 - (a) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility;

and

- (b) It is technologically and economically feasible to meet the applicable standards set forth in 40 CFR part 60.
- (15) "Reference method" means any method of sampling and analyzing for an air pollutant as specified in 40 CFR part 60.
- (16) "Small municipal solid waste landfill" (small landfill) means a municipal solid waste landfill with a design capacity less than 2.5 million megagrams or 2.5 million cubic meters.
- (17) "Standard" means a standard of performance proposed or promulgated under 40 CFR part 60.
- (18) "State Plan" means a plan developed for the control of a designated pollutant provided under 40 CFR part 60.

Section 46-515 Statement of Policy

It is the policy of the Board to consider the performance standards for new and existing stationary sources contained in this title to be minimum standards; and as technology advances, conditions warrant, and LRAPA rules require or permit, additional rules may be adopted.

Section 46-520 Delegation

- (1) The EQC authorizes LRAPA to implement and enforce, within its boundaries, the provisions of OAR chapter 340, division 238.
- (2) The EQC may authorize LRAPA to implement and enforce its own provisions upon a finding that such provisions are at least as strict as a corresponding provision in OAR chapter 340, division 238. LRAPA may implement and enforce provisions authorized by the EQC in place of any or all of OAR chapter 340, division 238 upon receipt of delegation from EPA. Delegation may be withdrawn for cause by the EQC.

Section 46-525 Applicability

This title applies to stationary sources subject to 40 CFR part 60 as adopted under section 46-535.

PERFORMANCE STANDARDS

Section 46-535 Federal Regulations Adopted by Reference

- (1) Except as provided in subsection (2), 40 CFR part 60, subparts A, D through EE, GG, HH, KK through NN, PP through XX, BBB, DDD, FFF through LLL, NNN through XXX, AAAA, CCCC, EEEE, KKKK, LLLL, OOOO, and TTTT are by this reference adopted and incorporated herein, 40 CFR part 60 subpart OOO is by this reference adopted and incorporated herein for major sources only, 40 CFR part 60, subpart IIII and

JJJJ are by this reference adopted and incorporated herein only for sources required to have a Title V or ACDP permit and excluding the requirements for engine manufacturers.

- (2) Where "Administrator" or "EPA" appears in 40 CFR part 60, "LRAPA" is substituted, except in any section of 40 CFR part 60 for which a federal rule or delegation specifically indicates that authority will not be delegated to the state or regional authority.
- (3) 40 CFR part 60 Subparts adopted by this section are titled as follows:
 - (a) Subpart A – General Provisions;
 - (b) Subpart D – Fossil-fuel-fired steam generators;
 - (c) Subpart Da – Electric utility steam generating units;
 - (d) Subpart Db – Industrial-commercial-institutional steam generating units;
 - (e) Subpart Dc – Small industrial-commercial-institutional steam generating units;
 - (f) Subpart E – Incinerators;
 - (g) Subpart Ea – Municipal waste combustors for which construction is commenced after December 20, 1989 and on or before September 20, 1994;
 - (h) Subpart Eb – Large municipal waste combustors for which construction is commenced after September 20, 1994 or for which modification or reconstruction is commenced after June 19, 1996;
 - (i) Subpart Ec – Hospital/Medical/Infectious waste incinerators that commenced construction after June 20, 1996, or for which modification is commenced after March 16, 1998;
 - (j) Subpart F – Portland cement plants;
 - (k) Subpart G – Nitric acid plants;
 - (l) Subpart Ga – Nitric acid plants for which construction, reconstruction, or modification commenced after October 14, 2011;
 - (m) Subpart H – Sulfuric acid plants;
 - (n) Subpart I – Hot mix asphalt facilities;
 - (o) Subpart J – Petroleum refineries;
 - (p) Subpart K – Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after June 11, 1973, and prior to May 19, 1978;

- (q) Subpart Ka – Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after May 18, 1978, and prior to July 23, 1984;
- (r) Subpart Kb – Volatile organic liquid storage vessels (including petroleum liquid storage vessels) for which construction, reconstruction, or modification commenced after July 23, 1984;
- (s) Subpart L – Secondary lead smelters;
- (t) Subpart M – Secondary brass and bronze production plants;
- (u) Subpart N – Primary emissions from basic oxygen process furnaces for which construction is commenced after June 11, 1973;
- (v) Subpart Na – Secondary emissions from basic oxygen process steelmaking facilities for which construction is commenced after January 20, 1983;
- (w) Subpart O – Sewage treatment plants;
- (x) Subpart P – Primary copper smelters;
- (y) Subpart Q – Primary Zinc smelters;
- (z) Subpart R – Primary lead smelters;
- (aa) Subpart S – Primary aluminum reduction plants;
- (bb) Subpart T – Phosphate fertilizer industry: wet-process phosphoric acid plants;
- (cc) Subpart U – Phosphate fertilizer industry: superphosphoric acid plants;
- (dd) Subpart V – Phosphate fertilizer industry: diammonium phosphate plants;
- (ee) Subpart W – Phosphate fertilizer industry: triple superphosphate plants;
- (ff) Subpart X – Phosphate fertilizer industry: granular triple superphosphate storage facilities;
- (gg) Subpart Y – Coal preparation and processing plants;
- (hh) Subpart Z – Ferroalloy production facilities;
- (ii) Subpart AA – Steel plants: electric arc furnaces constructed after October 21, 1974 and on or before August 17, 1983;
- (jj) Subpart AAa – Steel plants: electric arc furnaces and argon-oxygen decarburization vessels constructed after August 17, 1983;

- (kk) Subpart BB – Kraft pulp mills;
- (ll) Subpart BBa – Kraft pulp mill affected sources for which construction, reconstruction, or modification commences after May 23, 2013.
- (mm) Subpart CC – Glass manufacturing plants;
- (nn) Subpart DD – Grain elevators;
- (oo) Subpart EE – Surface coating of metal furniture;
- (pp) Subpart GG – Stationary gas turbines;
- (qq) Subpart HH – Lime manufacturing plants;
- (rr) Subpart KK – Lead-acid battery manufacturing plants for which construction, reconstruction, or modification commenced after January 14, 1980, and on or before February 23, 2022;
- (ss) Subpart LL – Metallic mineral processing plants;
- (tt) Subpart MM – Automobile and light-duty truck surface coating operations;
- (uu) Subpart NN – Phosphate rock plants;
- (vv) Subpart PP – Ammonium sulfate manufacture;
- (ww) Subpart QQ – Graphic arts industry: publication rotogravure printing;
- (xx) Subpart RR – Pressure sensitive tape and label surface coating operations;
- (yy) Subpart SS – Industrial surface coating: large appliances;
- (zz) Subpart TT – Metal coil surface coating;
- (aaa) Subpart UU – Asphalt processing and asphalt roofing manufacture;
- (bbb) Subpart VV – Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry for which construction, reconstruction, or modification commenced after January 5, 1981, and on or before November 7, 2006;
- (ccc) Subpart VVa – Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry for which construction, reconstruction, or modification commenced after November 7, 2006;
- (ddd) Subpart WW – Beverage can surface coating industry;
- (eee) Subpart XX – Bulk gasoline terminals;

- (fff) Subpart BBB – Rubber tire manufacturing industry;
- (ggg) Subpart DDD – Volatile organic compound (VOC) emissions from the polymer manufacture industry;
- (hhh) Subpart FFF – Flexible vinyl and urethane coating and printing;
- (iii) Subpart GGG – Equipment leaks of VOC in petroleum refineries for which construction, reconstruction, or modification commenced after January 4, 1983, and on or before November 7, 2006;
- (jjj) Subpart GGGa-- Equipment leaks of VOC in petroleum refineries for which construction, reconstruction, or modification commenced after November 7, 2006;
- (kkk) Subpart HHH – Synthetic fiber production facilities;
- (lll) Subpart III – Volatile organic compound (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) air oxidation unit processes;
- (mmm) Subpart JJJ – Petroleum dry cleaners;
- (nnn) Subpart KKK – Equipment leaks of VOC from onshore natural gas processing plants for which construction, reconstruction, or modification commenced after January 20, 1984, and on or before August 23, 2011;
- (ooo) Subpart LLL – SO₂ emissions from onshore natural gas processing for which construction, reconstruction, or modification commenced after January 20, 1984, and on or before August 23, 2011;
- (ppp) Subpart NNN – Volatile organic compound (VOC) emissions from synthetic organic chemical manufacturing industry (SOCMI) distillation operations;
- (qqq) Subpart OOO – Nonmetallic mineral processing plants (adopted by reference for major sources only);
- (rrr) Subpart PPP – Wool fiberglass insulation manufacturing plants;
- (sss) Subpart QQQ – VOC emissions from petroleum refinery wastewater systems;
- (ttt) Subpart RRR – Volatile organic compound emissions from synthetic organic chemical manufacturing industry (SOCMI) reactor processes;
- (uuu) Subpart SSS – Magnetic tape coating facilities;
- (vvv) Subpart TTT – Industrial surface coating: surface coating of plastic parts for business machines;
- (www) Subpart UUU – Calciners and dryers in mineral industries;

- (xxx) Subpart VVV – Polymeric coating of supporting substrates facilities;
- (yyy) Subpart WWW – Municipal solid waste landfills that commenced construction, reconstruction, or modification on or after May 30, 1991, but before July 18, 2014, as clarified by section 46-900;
- (zzz) Subpart XXX – Municipal solid waste landfills that commenced construction, reconstruction, or modification after July 17, 2014;
- (aaaa) Subpart AAAA – Small municipal waste combustion units for which construction is commenced after August 30, 1999 or for which modification or reconstruction is commenced after June 6, 2001;
- (bbbb) Subpart CCCC – Commercial and industrial solid waste incineration units;
- (cccc) Subpart EEEE – Other solid waste incineration units for which construction is commenced after December 9, 2004, or for which modification or reconstruction is commenced on or after June 16, 2006;
- (dddd) Subpart IIII – Stationary compression ignition internal combustion engines (adopted only for sources required to have a Title V or ACDP permit), excluding the requirements for engine manufacturers (40 CFR 60.4201 through 60.4203, 60.4210, 60.4215, and 60.4216);
- (eeee) Subpart JJJJ – Stationary spark ignition internal combustion engines (adopted only for sources required to have a Title V or ACDP permit), excluding the requirements for engine manufacturers (40 CFR 60.4231 through 60.4232, 60.4238 through 60.4242, and 60.4247);
- (ffff) Subpart KKKK – Stationary combustion turbines;
- (gggg) Subpart LLLL – New sewage sludge incineration units;
- (hhhh) Subpart OOOO – Crude oil and natural gas facilities for which construction, modification, or reconstruction commenced after August 23, 2011, and on or before September 18, 2015;
- (iiii) Subpart OOOOa – Crude oil and natural gas facilities for which construction, modification, or reconstruction commenced after September 18, 2015; and
- (jjjj) Subpart TTTT – Greenhouse gas emissions for electric generating units.

Section 46-800 Compliance

Compliance with standards set forth in LRAPA section 46-535 will be determined by performance tests and monitoring methods as set forth in the Federal Regulation adopted by reference in section 46-530.

Section 46-805 More Restrictive Regulations

If at any time there is a direct conflict between LRAPA or DEQ rules and the Federal Regulations (40 CFR part 60), the federal regulation applies. Direct conflict means that compliance with the LRAPA or DEQ rule creates noncompliance with a federal regulation.

Section 46-900 Municipal Solid Waste Landfills

- (1) Applicability. The following small and large municipal solid waste landfills must comply with 40 CFR part 60, subpart WWW:
 - (a) Landfills constructed after May 30, 1991;
 - (b) Existing landfills with modifications after May 30, 1991;
 - (c) Landfills that closed after November 8, 1987 with modifications after May 30, 1991.

- (2) Permitting requirements. Landfills subject to 40 CFR part 60, subpart WWW must comply with Oregon Title V Operating Permit Program Requirements as specified in OAR chapter 340, divisions 218 and 220:
 - (a) Existing large landfills with modifications after May 30, 1991 must submit a complete Federal Operating Permit application by March 12, 1997;
 - (b) Existing large landfills with modifications after March 12, 1997 must submit a complete Federal Operating Permit application the earliest of one (1) year from the date EPA approves the 111(d) State Plan for this section, or within one (1) year of the modification;
 - (c) New large landfills, which includes newly constructed large landfills after March 12, 1996 and existing small landfills that become large landfills after March 12, 1996 must submit a complete Federal Operating Permit application within one (1) year of becoming subject to this requirement;
 - (d) New and modified existing small landfills that are major sources as defined in title 12 must submit a complete Federal Operating Permit application within one (1) year of becoming a major source.

- (3) Reporting requirements. Landfills subject to 40 CFR part 60, subpart WWW must comply with the following:
 - (a) Large landfills listed in paragraphs (1)(a) through (c) of this section must:
 - (A) Submit an Initial Design Capacity Report and an Initial Nonmethane Organic Compound Report within 30 days of the effective date of this section; and

- (B) Submit an annual Nonmethane Organic Compound Report until nonmethane emissions are 50 mg/yr.
- (b) Small landfills listed in paragraphs (1)(a) through (c) of this section must submit an Initial Design Capacity Report and an Initial Nonmethane Organic Compound Report within 30 days of the effective date of this section;
- (c) Landfills subject to this section after the effective date of this section must submit an Initial Design Capacity Report and an Initial Nonmethane Organic Compound Report within 30 days of becoming subject to this section.