

## DEPARTMENT OF ENVIRONMENTAL QUALITY

### DIVISION 242

#### RULES APPLICABLE TO THE PORTLAND AREA

##### Employee Commute Options Program

###### 340-242-0010

###### What is the Employee Commute Options Program?

(1) The Employee Commute Options or "ECO" Program requires larger employers to provide commute options to encourage employees to reduce auto trips to the work site.

(2) ECO is one of several strategies included in the Ozone Maintenance Plan for the Portland Air Quality Maintenance Area. The Ozone Maintenance Plan will keep the area in compliance with the federal ozone standard.

**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.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0800; DEQ 3-2007, f. & cert. ef. 4-12-07

###### 340-242-0020

###### Who is Subject to ECO?

ECO applies to employers within the Portland Air Quality Maintenance Area (AQMA) with more than 100 employees at a work site. The Portland Air Quality Maintenance Area is defined in Oregon Administrative Rules (OAR) 340-204-0010 and is illustrated in **Figure 1**.

**NOTE:** The term "employer," and several other terms, are used throughout these rules as defined in Definitions of Terms, OAR 340-242-0050.

**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.

[ED. NOTE: Figures referenced are available from the agency.]

Stat. Auth.: ORS 468.020

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Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0810; DEQ 3-2007, f. & cert. ef. 4-12-07

###### 340-242-0030

###### What Does ECO Require?

Employers must provide commute options that have the potential to reduce employee commute auto trips by ten percent within three years of its baseline survey. Employers must continue to provide commute options that have the potential to achieve and maintain the reduced auto trip rate. Options are available for alternative emission reduction measures, credits for past actions, and exemptions.

**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.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0820; DEQ 3-2007, f. & cert. ef. 4-12-07

### **340-242-0040**

#### **How Does the Department Enforce ECO?**

Enforcement procedures and civil penalties in OAR, chapter 340, division 12 apply. Under 340-012-0053(2) and 340-012-0054(2)(g), violations of the ECO rules are Class Two violations. Failure to achieve a ten percent trip reduction is not a violation; failure to make a good faith effort toward, or prepare and implement a plan designed to achieve, a ten percent trip reduction is a violation. Civil penalties are determined under 340-012-0045

**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

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Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0830; DEQ 3-2007, f. & cert. ef. 4-12-07

### **340-242-0050**

#### **Definitions of Terms Used in These Rules**

The definitions in OAR 340-200-0020, 340-204-0010 and this rule apply to 340-242-0010 through 340-242-0290. If the same term is defined in this rule and 340-200-0020 or 340-204-0010, the definition in this rule applies to 340-242-0010 through 340-242-0290.

(1) "AQMA" means the Portland Air Quality Maintenance Area.

(2) "Auto Trip" means a commute trip taken by vehicle to a work site.

(3) "Auto Trip Rate" means the number of commute vehicles arriving at a work site divided by the number of employees that report to the work site.

(4) "Baseline Auto Trip Rate" means the daily average auto trip rate established by the baseline survey.

(5) "Baseline Survey" means the employee survey administered at the beginning of the ECO program, or when a new or expanding employer becomes subject to the ECO rules, or when an employer relocates.

(6) "Car/Vanpool" means a motor vehicle occupied by two or more people traveling together for their commute trip that results in the reduction of a minimum of one auto trip.

(7) "Compressed Work Week" means a schedule in which employees work their regularly-scheduled number of hours in fewer days per week or over a number of weeks (for example, a 40-hour, 8 hours per day, Monday through Friday work week is compressed into a 40-hour, 10 hours a day, Monday through Thursday work week.).

(8) "Department" means the Oregon Department of Environmental Quality.

(9) "ECO Program" or "ECO Rules" means OAR 340-242-0010 through 340-242-0290.

(10) "Employee" means any person on the employer's payroll, full or part-time (part time is 80 or more hours per 28-day period), for at least six consecutive months at the same work site, including business owners, associates, partners, and partners classified as professional corporations.

(11) "Employer" means any person, business, educational institution, non-profit agency or corporation, government department or agency or other entity that employs more than 100 employees at a single work site.

(12) "Equivalent Emission Reduction" means a reduction of vehicle emissions, or other sources of volatile organic compounds (VOC) and nitrogen oxides (NOx) emissions, that results in a reduction of VOC and NOx emissions equal to the emission reduction resulting from one eliminated auto trip.

(13) "Metro" means the regional government agency that serves the Portland metropolitan area.

(14) "New Employer" means any employer establishing a work site within the Portland AQMA, or any employer within the Portland AQMA that expands employment at a single work site to more than 100 employees, after the effective date of the ECO rules.

(15) "Non-Scheduled Work Week" means a work week with no regular daily scheduled starting or ending time, no scheduled work days, or employees are on-call. This does not include employees working a traditional "8 to 5" job who may work on a flexible schedule.

(16) "Target Auto Trip Rate" means a rate ten percent less than the baseline auto trip rate.

(17) "Target Compliance Deadline" means the date by which employers must demonstrate progress toward achieving and maintaining their target auto trip rate. The initial target compliance deadline is three years following registration.

(18) "Telecommuting" means the employees perform regular work duties at home, or at a work center closer to home than to work, rather than commuting to work. The employees may telecommute full time, or commute to work on some days and telecommute on others.

(19) "Vehicle" or "Auto" means a highway vehicle powered by a gasoline or diesel internal combustion engine with fewer than sixteen adult passenger seating positions.

(20) "Work site" means a property that is owned or leased by an employer or employers under common control, including a temporary or permanent building, or grouping of buildings that are in actual physical contact or separated only by a private or public roadway or other right-of-way.

**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.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0840; DEQ 3-2007, f. & cert. ef. 4-12-07

### **340-242-0060**

#### **Should All Employees at a Work Site Be Counted?**

The count of employees at a work site must include:

(1) Employees from all shifts, Monday through Friday, during a 24-hour period, averaged over a 12-month period;

(2) Employees on the employer's payroll for at least six consecutive months at one work site; and

(3) Part-time employees assigned to a work site 80 or more hours per 28-day-period; but

(4) Excludes volunteers, disabled employees (as defined under the Americans with Disabilities Act), employees working on a **non-scheduled work week**, and employees required to use a personal **vehicle** as a condition of employment.

**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.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0850

### **340-242-0070**

## What are the Major Requirements of ECO?

To comply with ECO, employers must:

(1) Conduct a baseline survey of employees to establish a baseline auto trip rate (or provide documentation of the current auto trip rate that is at least as accurate as a survey would provide);

(2) Calculate a target auto trip rate by reducing the baseline auto trip rate by 10 percent;

(3) Submit a registration form as supplied by the Department;

(4) Design and implement a trip reduction strategy that has the potential to achieve the target auto trip rate by the target compliance deadline and the potential to maintain the target auto trip rate;

(5) Either:

(a) Prepare and implement an auto trip reduction plan for each work site and submit the plan to the Department for approval; or

**NOTE:** Enforcement will be based upon implementing the approved plan, see OAR 340-242-0110.

(b) Provide written notice to the Department of participation in an equivalent commute trip reduction program.

**NOTE:** Enforcement will be based on good faith effort, see OAR 340-242-0180 and special requirements in OAR 340-242-0110.

(6) Survey employees every two years, report survey findings to the Department; and

(7) Continue to implement strategies to achieve or maintain the target auto trip rate.

**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.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0860; DEQ 3-2007, f. & cert. ef. 4-12-07

### 340-242-0080

## What are the Registration Requirements?

(1) Employers must submit a registration form to the Department on forms provided by the Department.

(2) Employers with multiple work sites may submit one application for all work sites.

(3) Baseline survey findings must be submitted with the registration form in the format described on the registration form.

**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.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0870; DEQ 3-2007, f. & cert. ef. 4-12-07

### 340-242-0090

## What are the Requirements for an Employee Survey?

(1) Employers may use the survey form provided by the Department or an alternate instrument. Any alternate survey instrument must be approved by the Department before use and must provide an opportunity for employees to indicate an interest in a **carpool** matching program;

(2) The employer must distribute the survey form to all employees and achieve a minimum response rate of 75 percent; If the employer cannot achieve the minimum response rate for follow-up surveys within a reasonable amount of time, the Department will assign a single occupant vehicle mode to the percentage of employees who did not respond up to the 75% rate;

(3) Employers with more than 400 employees at a work site may survey a statistically valid random sample of employees and must follow the Department's guidelines for random sampling;

(4) Survey forms must be distributed during the week following a typical work week for the employer and not bordering a holiday;

(5) The baseline survey must not be distributed to employees earlier than one year before reporting the results to the Department (older baseline surveys can be used to apply for credit, see OAR 340-242-0250);

(6) Follow-up surveys must not be distributed to employees earlier than 90 days before reporting the results to the Department;

(7) Employers must report survey findings to the Department every two years, and;

(8) An alternative method may be substituted for the survey. Alternative methods must be at least as accurate as survey findings and must be approved by the Department (such methods might include counting cars in an employee parking lot or conducting work site entrance verbal surveys).

**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.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0880; DEQ 3-2007, f. & cert. ef. 4-12-07

### **340-242-0110**

#### **What If an Employer Does Not Meet the Target Auto Trip Rate?**

(1) An employer with an approved plan who has fully implemented its plan yet has not achieved its target auto trip rate by the target compliance date, or does not maintain its target rate on biennial basis, must submit a revised plan within 60 days following the target compliance date in any given year. If an employer has not fully implemented its plan, the employer is subject to an enforcement action by the Department.

(2) An employer participating in an equivalent commute trip reduction program who does not achieve its target auto trip rate by the target compliance date must demonstrate that a good faith effort was made to achieve the target rate. Requirements for documenting good faith effort are described in 340-242-0180. The employer must also submit a trip reduction plan within 60 days following the target compliance date. If an employer cannot demonstrate that a good faith effort was made, the employer is subject to an enforcement action by the Department.

(3) An employer will not be required to submit further plan revisions to its initial plan if, after fully implementing two revisions, the target auto trip rate is not reached. The employer must maintain strategies identified in its plan, or revisions to that plan, that resulted in improvements to the auto trip rate.

**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.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0900; DEQ 3-2007, f. & cert. ef. 4-12-07

### **340-242-0120**

## How Will Employers Demonstrate Progress Toward the Target Auto Trip Rate?

Employers must submit employee survey findings, including a calculated auto trip rate, to the Department. The Department will compare the reported auto trip rate with the employer's target auto trip rate.

**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.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0910; DEQ 3-2007, f. & cert. ef. 4-12-07

### 340-242-0140

## How Should Employers Account for Changes in Work Force Size?

The target auto trip rate remains constant regardless of changes in work force size. Employers experiencing an annual increase or decrease in the number of employees reporting to a work site must simply maintain the target auto trip rate.

**NOTE:** For example, an employer has 200 employees and 180 autos arriving at the work site. The employer's baseline auto trip rate is 180 autos/200 employees, or .90. The target auto trip rate is .90 minus 10 percent, or .81. The employer's work force increases to 300 employees. The target auto trip rate remains .81. In order to maintain the target auto trip rate, auto trips to the work site cannot exceed  $(300 \times .81)$ , or 243 trips. Similarly, if the employer's work force decreases to 100 employees, the target auto trip rate remains .81, and auto trips to the work site cannot exceed  $(100 \times .81)$  or 81 trips.

**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.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0930

### 340-242-0150

## How Can an Employer Reduce Auto Commute Trips to a Work Site?

Employee commute option programs include, but are not limited to:

- (1) Promoting carpool and vanpool programs;
- (2) Offering transit subsidies;
- (3) Establishing **telecommuting** opportunities;
- (4) Offering **compressed work week** schedules;
- (5) Providing an emergency ride home program;
- (6) Sponsoring shuttle buses to and from transit terminals and/or during lunch hours for errands;
- (7) Improving facilities to promote bicycle use;
- (8) Establishing on-site amenities to decrease employees' need for a car at the work site;
- (9) Discontinuing parking subsidies and charging all employees for parking.

**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.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0940

### **340-242-0160**

#### **What Should Be Included in an Auto Trip Reduction Plan?**

An auto trip reduction plan must include:

- (1) The results of the baseline survey (or comparable documentation);
- (2) Calculation of baseline and target auto trip rates;
- (3) Any employee commute option programs currently in use at the work site;
- (4) New commute options to be implemented at the work site that have the potential to achieve and maintain the target auto trip rate;
- (5) Empirical evidence that the commute option(s) to be offered or supported by the employer have the potential to achieve and maintain the target auto trip rate (employers may reference the Department's report Alternatives to Single Occupant Vehicle Trips or provide equivalent documentation);
- (6) Any unique aspects of the business or work site influencing the trip reduction strategies selected;
- (7) A schedule for implementing each of the selected commute option measures;
- (8) Any alternative emission reduction proposals prepared by the employer according to OAR 340-242-0240;
- (9) The name, title, telephone number, and business mailing address of the person designated by the employer as the contact for the work site (contact person does not have to be located at the work site); and a signed statement certifying that the documents and information submitted in the plan are true and correct to the best of that person's knowledge.

**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.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0950; DEQ 3-2007, f. & cert. ef. 4-12-07

### **340-242-0170**

#### **When Will the Department Act on a Submitted Auto Trip Reduction Plan?**

The Department will approve or notify the employer of deficiencies in a submitted auto trip reduction plan, based on the criteria in OAR 340-242-0160, within 90 days or the plan will be automatically approved. The employer will have 30 days to correct the deficiencies and resubmit the plan to the Department. Plan approvals will be documented by letter from the Department to the employer. Employers must submit any subsequent plan modifications to the Department for review and approval. If the employer objects to any condition or limitation in the Department's letter, the employer may request a contested case hearing before the Commission or its authorized representative. Such a request for hearing must be made in writing to the Director and received by the Department within 20 days of the date of mailing of the letter. Any subsequent hearing will be conducted pursuant to the provisions of ORS Chapter 183 and OAR 340, division 11.

**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.363  
Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0960

### 340-242-0180

#### What is a Good Faith Effort?

Employers who participate in an equivalent commute trip reduction program and then fail to meet their target auto trip rates must demonstrate that a good faith effort was made to meet the target trip reduction. An employer must demonstrate good faith effort by submitting written documentation of the following:

- (1) Employer established a baseline auto trip rate and corresponding target auto trip rate and conducted follow-up surveys to determine employee commute patterns and progress toward achieving the target trip reduction;
- (2) Employer selected trip reduction strategies that had a reasonable likelihood of success based on documentation in the Department's report Alternatives to Single Occupant Vehicle Trips or equivalent documentation (for example, auto trip reduction experience by employers in a comparable region); and
- (3) Employer fully implemented all selected strategies, or their equivalent, on a schedule that would have reasonably allowed the employer to achieve the target auto trip rate by the target compliance deadline.

**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.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.020  
Stats. Implemented: ORS 468A.363  
Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0970; DEQ 3-2007, f. & cert. ef. 4-12-07

### 340-242-0190

#### How Does the ECO Program Affect New Employers, Expanding Employers and Employers Relocating within the Portland AQMA?

(1) An expanding employer who increases the number of employees at any single work site within the Portland AQMA to more than 100 after the effective date of the ECO rules must comply with the ECO rules. An employer relocating a work site within the Portland AQMA is considered a new employer upon relocation and must set a new baseline and target auto trip rate and comply with the ECO rules. Relocating employers may apply for credit for existing trip reductions that carry over to the new work site. Expanding employers and new employers must meet the requirements of this rule within the following number of days after they become affected employers:

- (a) Survey employees and submit survey findings and a registration form within 90 days;
  - (b) Select strategies that have the potential to meet the target trip reduction and submit a trip reduction plan or notice of intent to reduce trips without an approved plan within 180 days; and
  - (c) Conduct follow-up surveys every two years and report findings to the Department within 90 days of surveying.
- (2) An employer affected by this rule may choose to demonstrate compliance through 340-242-0260(5) (*use of area average rate*).

**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.363  
Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0980; DEQ 3-2007, f. & cert. ef. 4-12-07



### 340-242-0200

#### Can a New or Relocating Employer Comply with ECO Through Restricted Parking Ratios?

An employer locating at a work site within the AQMA after the effective date of the ECO rules will be exempt from the ECO rules for that work site if:

(1) The new work site meets the requirements of the Department's Voluntary Parking Ratio rules (OAR 340-242-0300 through 340-242-0390); or

(2) If the employer provides free or subsidized parking, including leased parking, above the Department's maximum parking ratio to any employees at the work site (except to employees required to have a vehicle at the work site as a condition of employment), then either:

(a) A transportation allowance is offered to those employees provided free or subsidized parking that exceeds the Department's maximum parking ratio. The transportation allowance must be offered in lieu of the free or subsidized parking in an amount equal to or greater than the amount of the subsidy, but not to exceed the maximum allowed for transit by the Internal Revenue Service for the Qualified Transportation Fringe Benefits included under Section 132(F), Notice 94-3 of the tax code; or

(b) All employees at the work site are offered a transit subsidy or its equivalent at least equal to 50 percent of the value of a Tri-Met all-zone transit pass.

(3) An employer must submit this documentation with an exemption application to the Department by the deadline for plan or notice submittal and certify that they continue to meet these requirements every two years. Employers meeting the requirements of this rule do not need to conduct a baseline survey of employees. However, employers whose applications are denied must then conduct a baseline survey and submit the findings to the Department within 90 days of notice by the Department.

**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.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0990; DEQ 3-2007, f. & cert. ef. 4-12-07

### 340-242-0210

#### Can an Existing Employer Comply with ECO Through Restricted Parking Ratios?

An employer will be considered to have met the target trip reduction and is exempt from the ECO rules if the employer provides documentation of the following. An employer must submit this documentation with an exemption application to the Department by the deadline for plan or notice submittal and certify that they continue to meet these requirements every two years. Employers meeting the requirements of this rule do not need to conduct a baseline survey of employees. However, employers whose applications are denied must then conduct a baseline survey and submit the findings to the Department within 90 days of notice by the Department.

(1) Work site is located in an area with maximum parking ratio requirements at least as stringent as the Department's maximum parking ratios (see OAR 340-242-0300 through 340-242-0390);

(2) Free or subsidized all-day parking is generally unavailable within a one-half mile radius of the work site; and

(3) If the employer provides free or subsidized parking, including leased parking, above the Department's maximum parking ratio to any employees at the work site (except to employees required to have a vehicle at the work site as a condition of employment), then either:

(a) A transportation allowance is offered to those employees provided free or subsidized parking that exceeds the Department's maximum parking ratio. The transportation allowance must be offered in lieu of the free or subsidized parking in an amount equal to or greater than the amount of the subsidy, but not to exceed the maximum allowed for transit by the Internal Revenue Service for the Qualified Transportation Fringe Benefits included under Section 132(F), Notice 94-3 of the tax code; or

(b) All employees at the work site are offered a transit subsidy or its equivalent at least equal to 50 percent of the value of a Tri-Met all-zone transit pass.

**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.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1000; DEQ 3-2007, f. & cert. ef. 4-12-07

### **340-242-0220**

#### **What if an Employer Has More Than One Work Site Within the Portland AQMA?**

(1) An employer with more than one work site in the Portland AQMA may average its target trip reduction among those work sites in the AQMA. An employer must survey all included work sites every two years. Survey findings may be reported in aggregate or separately.

(2) One trip reduction plan may be developed for all work sites of an individual employer, but strategies must be selected based on the specific transportation characteristics of each work site.

(3) Work sites with 100 or fewer employees may be included in the interest of averaging trip reductions among all work sites. Those work sites must then survey and findings must be included in the employer's report to the Department.

**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.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1010; DEQ 3-2007, f. & cert. ef. 4-12-07

### **340-242-0230**

#### **Can Employers Submit a Joint Plan?**

Different employers with work sites located near each other and with common transportation needs may develop a joint trip reduction plan for all affected work sites. The plan must address each work site individually and each employer is individually accountable for meeting all ECO requirements. Each employer must report survey findings for each specific work site, and the ten percent trip reduction target applies to each employer's work sites. Trip reductions may not be averaged among employers.

**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.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1020

### **340-242-0240**

#### **Are There Alternatives to Trip Reduction?**

Alternatives to trip reduction include:

(1) Employers may purchase surplus trip reductions from other employers required to comply with ECO to meet part or all of the target trip reduction. Surplus trips must be documented by survey before sale and must be maintained. The Department must approve proposed transactions prior to finalizing. The Department will confirm surplus trip transactions by letter to both employers.

(2) Employers may substitute equivalent emission reductions to meet their target trip reduction. Equivalent emission reduction proposals must be included in the employer's trip reduction plan or submitted with the notice of intent to comply without an approved plan. In order to receive credit as an equivalent emission reduction, the Department must review and approve proposals before an employer implements the strategy. Employers selecting equivalent emission reduction strategies must meet the following requirements:

- (a) Employer sufficiently documented emission calculations so that the Department can quantify and verify the reduction;
- (b) Employer calculated equivalent emissions according to guidelines issued by the Department. The Department must approve any alternate or modified calculation methods;
- (c) Employer submits, on the same schedule as the biennial survey findings, documentation of actual equivalent emissions achieved;
- (d) Equivalent emission reductions may not be bought or sold between employers for the purpose of meeting the target trip reduction.

(3) Employers may contribute to an emission reduction fund at an annual rate of \$100 per employee at the work site (see OAR 340-242-0060 to determine count of employees). An employer making partial progress toward the target trip reduction may choose to contribute proportionate to the percentage of the target trip reduction yet to be achieved. The emission reduction fund will be administered through Metro for new transit service, local jurisdiction alternative mode projects, and business-based Transportation Management Association (TMA) programs that result in trip reductions. Employers must make annual payments over the compliance period. The amount will be adjusted annually according to the Consumer Price Index.

**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.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1030; DEQ 3-2007, f. & cert. ef. 4-12-07

### **340-242-0250**

#### **What Alternatives Qualify as Equivalent Emission Reductions?**

Equivalent emission reduction alternatives at the work site include, but are not limited to, the following:

- (1) Use of alternative fueled vehicles (employer or employee vehicles);
- (2) Vehicle scrappage (older high-emitting employee or employer vehicles);
- (3) Forklift replacement (lower emitting technology);
- (4) Lawn mower replacement (may include lawn mowers employees use at home if home is located within the Portland AQMA);
- (5) Motor boat motor replacement (may include motor boats owned by employees who live within the Portland AQMA);
- (6) Reductions in air pollution emissions from non-vehicle sources at the work site;
- (7) Reductions in non-commute vehicle traffic to the work site or within the work site.

**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.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1040

### **340-242-0260**

#### **Can Employers Get Credit for Existing Trip Reduction Programs?**

The Department may grant credits for documented trip reductions that occurred at an employer's work site any time before establishing a baseline auto trip rate. Credits will be granted upon approval by the Department. The Department will approve or deny the employer's request for credit by letter to the employer. If the employer objects to any condition or limitation in that letter, the employer may request a contested case hearing as described in OAR 340-242-0170.

- (1) Employers must demonstrate that pre-existing trip reduction programs resulted in actual trip reductions by providing:
- (a) A description of the trip reduction programs and how they were implemented;
  - (b) The period of time that the programs have been in place;
  - (c) Survey findings or comparable documentation that demonstrates a ten percent reduction in the auto trip rate for the work site; and
  - (d) Current survey findings or comparable documentation verifying the employer has maintained the reduced auto trip rate.
- (2) Applications for credits must be submitted to the Department with the trip reduction plan or notice of intent to reduce trips through participation in an equivalent commute trip reduction program.
- (3) Credits will not be discounted and will be granted on a one-for-one basis.
- (4) Trips documented for the purpose of receiving credits may not be bought or sold to other employers for the purpose of meeting the target trip reduction.
- (5) Alternately, an employer may choose to provide documentation that its single occupant vehicle commute rate, at the time of registration, is equal to or less than two standard deviations below the mean rate for the Metro transportation zone which includes the employer's work site. Commute data for Metro's transportation zones is available from the Department.

**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.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1050; DEQ 3-2007, f. & cert. ef. 4-12-07

### **340-242-0270**

#### **Are Exemptions Allowed if an Employer is Unable to Reduce Trips or Take Advantage of Alternate Compliance Options?**

- (1) An employer is fully exempt from OAR 340-242-0010 through 340-242-0290 if the employer submits reasonable documentation for each of the following:
- (a) Work site is located in an area for which:
    - (A) Public transit service during work shift changes is less frequent than thirty minute intervals; or
    - (B) The public transit service point is further than one-half mile from employee's usual parking area; or
    - (C) Work shift changes occur between 8:30 p.m. and 5:30 a.m..
  - (b) Upon completing the employee survey and providing reasonable promotion for a carpool matching program, employees indicating a willingness to car/vanpool cannot be matched within the work site or through Tri-Met's carpool matching database or employee turnover rate is greater than 50 percent per year;
  - (c) The nature of employees' work requires them to perform their work at the work site or during specific hours and days, eliminating the possibility of telecommuting or compressed work weeks/hours; and
  - (d) No options exist for the employer to achieve equivalent emission reductions at no net annualized cost to the employer (including both capital and operating costs).
- (2) Partial exemptions.
- (a) The Department will grant a partial exemption for that portion of an employer's work force for which sections (1)(a) through (c) of this rule apply;

(b) The Department will grant a partial exemption for section (1)(d) of this rule in direct proportion to the remaining work trips to be reduced after quantifying all available equivalent emission reductions.

(3) Employers must submit requests for partial or total exemptions to the Department, on application forms provided by the Department, by the deadline for plan or notice submittal. The Department will approve or deny the employer's request for exemption by letter to the employer. If the employer objects to any condition or limitation in that letter, the employer may request a contested case hearing as described in OAR 340-242-0170.

(4) Employers must renew requests for exemptions every three years.

**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.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1060; DEQ 3-2007, f. & cert. ef. 4-12-07

### **340-242-0280**

#### **Participation in the Industrial Emission Management Program**

Employers that donate unused Plant Site Emission Limit (PSEL) to the Department's Industrial Emission Management program (see OAR 340-242-0400 through 340-242-0440) are exempt from the ECO rules.

**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.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1070; DEQ 3-2007, f. & cert. ef. 4-12-07

### **340-242-0290**

#### **What Kind of Records Must Be Kept and for How Long?**

Employers must maintain records at the work site or other central location within the Air Quality Maintenance Area for at least three years, and must make those records available to the Department upon request. Records must include:

- (1) The contents and results of employee surveys or other information gathering efforts;
- (2) A full description of all measures and incentives offered to employees and the associated employee responses;
- (3) Other information associated with the development, implementation, evaluation, or modification of the trip reduction program.

**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.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1080; DEQ 3-2007, f. & cert. ef. 4-12-07

#### **Voluntary Maximum Parking Ratio Program**

### **340-242-0300**

#### **What is the Voluntary Parking Ratio Program?**

The Voluntary Parking Ratio Program encourages property owners to voluntarily locate and design facilities that need less parking by building in a more pedestrian, bicycle and transit friendly manner.

**NOTE:** These rules are 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.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1100

### **340-242-0310**

#### **Who Can Participate in the Voluntary Parking Ratio Program?**

Any property owner constructing a new development or a re-development of an existing site that adds new building floor area and requires new parking spaces in the Portland Air Quality Maintenance Area (AQMA) for the specific land uses defined below in 340-242-0320

**NOTE:** These rules are 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.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1110

### **340-242-0320**

#### **Definitions of Terms and Land Uses**

The definitions in OAR 340-200-0020, 340-204-0010 and this rule apply in 340-242-0300 through 340-242-0390. If the same term is defined in this rule and 340-200-0020 or 340-204-0010, the definition in this rule applies in 340-242-0300 through 340-242-0390.

(1) General Definitions:

(a) "AQMA" means the Portland Air Quality Maintenance Area as defined in OAR 340-204-0010.

(b) "CCTMP" means the Central City Transportation Management Plan as defined by ordinance number 169535 and resolution number 35472, adopted by City of Portland City Council December 6, 1995, effective January 8, 1996.

(c) "Department" means the Department of Environmental Quality.

(d) "Director" means the Director or the Director's designee.

(e) "Employee Commute Options Program" or "Employee Commute Options Rule" means OAR 340-242-0010 through 340-242-0290.

(f) "Gross Floor Area" means the total area expressed in square feet of all floors of a building that include halls, stairwells, elevator shafts, basements, mezzanines or upper floors but excludes structured parking. Gross floor area is measured to the outside surfaces of exterior wall.

(g) "Gross Leasable Area" means total building area expressed in square feet designed for tenant occupancy and exclusive use that includes basements, mezzanines or upper floors, but does not include stairwells, elevator shafts. Gross leasable area is measured to the inside surfaces of exterior walls. Gross leasable area is that area for which tenant pays rent; it is the area that produces income.

(h) "OAR" means Oregon Administrative Rules.

(i) "Parking Ratio Permit" means a permit in letter form issued by the Department, bearing the signature of the Director or designee, that specifies the property owner's requirements under the parking ratio program.

(j) "Parking Ratio Program" means the Voluntary Parking Ratio Program, OAR 340-242-0300 through 340-242-0390.

(k) "Parking Space" means any off-street area of space below, above or at ground level, open or enclosed that is used for parking one motor vehicle at a time. If the property owner intends to stack cars (valet parking) on-site and off-site, the total area or areas used for parking must be calculated as parking spaces, not just the striped parking spaces. This does not include handicapped parking spaces officially designated pursuant to the **Americans with Disabilities Act**.

(l) "Property Owner" means individual, corporation, partnership, limited partnership (reflecting the proposed development), association, government, firm or joint stock company who owns title to real property.

(2) Land Use Definitions:

(a) "Bank with Drive-In and Walk-In" means banking facilities for motorists remaining in a vehicle and for someone walking into the building.

(b) "Commercial Retail" means either a free standing store or an integrated group of retail establishments planned, developed and managed as a unit. These retail facilities offer a variety of products, but do not include a separate grocery store.

(c) "Fast-food Restaurant with Drive-In Window" means a fast food restaurant with motor vehicle drive-in window order service.

(d) "General Office" means an office usually housing single or multiple tenants including, but not limited to, professional services; characterized by landscaped office park or campus-type atmosphere; a group of buildings where the tenant space is flexible to house a variety of uses including, but not limited to, start-up companies or small mature companies that require a variety of space, such as research and development, engineering, or biotechnology; or a facility that houses one or more agencies of city, county, state, federal or other governmental unit. These facilities may also include tenant and support services including, but not limited to, banks, restaurants and other small retail support services.

(e) "Light Industrial, Industrial Park, Manufacturing" means an area containing a number of industrial or related facilities such as office, warehouse, research and associated functions, manufacturing and fabrication; facilities that are diversified which may have a large number of small businesses and others with one or two dominant industries; or facilities with features including, but not limited to, craneways, heavy power, grade and/or dock level doors.

(f) "Medical Clinic/Hospital/Dental Clinic" means a facility that provides diagnostic outpatient care and is equipped to provide prolonged in-patient medical care.

(g) "Movie Theater" means indoor cinemas showing motion pictures. Live stage performances are not included in this land use.

(h) "Other Restaurants" means other establishments serving food for immediate consumption that are not classified as fast food with drive-in.

(i) "Place of Worship" means church, synagogue or other religious facility.

(j) "Schools" means a facility attended by students, including senior high school, junior college, technical college and university levels.

(k) "Sports Club and Recreational Facilities" means a facility offering multiple types of fitness activities including, but not limited to, basketball, tennis, racquetball, volleyball and basketball courts, weight training, aerobics, jazzercise, running. The facility may also include a sauna, swimming pool, game rooms and/or meeting rooms.

(l) "Supermarket" means a retail store selling a complete assortment of food and food preparation materials, household items, and other retail items; may include pharmacies, delicatessens, and snack bars.

(m) "Tennis and Racquetball Courts" means a facility where the predominant activity is tennis courts and/or racquetball courts; it may include exercise facilities.

(n) "Warehouse" means a facility that is primarily devoted to the storage of materials, but may also include some office and maintenance areas.

**NOTE:** These rules are 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.363  
Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1160

### **340-242-0330**

#### **How Does a Property Owner Comply with the Voluntary Parking Ratio Program?**

A property owner complies by building no more than the number of parking spaces specified by maximum parking ratios in OAR 340-242-0390 and obtaining a Parking Ratio Permit from the Department.

**NOTE:** These rules are 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.363  
Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1120

### **340-242-0340**

#### **What are the Incentives for Complying with the Voluntary Parking Ratio Program?**

(1) Employers in the development receive an exemption from the Employee Commute Options program in OAR 340-242-0010 through 340-242-0290.

(2) Property owners who require other air and water permits from the Department receive priority permit processing.

**NOTE:** These rules are 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.363  
Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1130

### **340-242-0350**

#### **Why Do I Need a Parking Ratio Permit?**

(1) The parking ratio permit formally documents the agreement with the Department to construct parking within the maximum parking ratio and it provides an enforcement mechanism if the property owner builds more parking without the Department's approval.

(2) The parking ratio permit formally exempts applicable employers from the Employee Commute Options rule requirements.

(3) The parking ratio permit formally provides priority permit processing for other air and water permits from the Department.

**NOTE:** These rules are 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.363  
Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1140

### **340-242-0360**

#### **What is Required to Obtain a Parking Ratio Permit?**

Any property owner who chooses to limit construction of parking facilities at its site must submit the following information:

(1) A completed permit application form;



- (2) Identification of the proposed land uses in OAR 340-242-0320;
- (3) A map showing the location of the site;
- (4) A site plan showing the location of the parking and the total number of parking spaces proposed;
- (5) Quantification of the gross leasable area and gross floor area of the buildings proposed for the site and the associated parking ratio;
- (6) Facts about design and location features that will allow the facility to meet the trip demand with less parking. This can be documented by completing the Department's Parking Ratio Checklist or providing similar documentation.

**NOTE:** These rules are 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.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1150

### **340-242-0370**

#### **How is the Parking Ratio Program Enforced?**

- (1) A Parking Ratio Permit is a written permit in letter form issued by the Department bearing the signature of the Director or his/her designee.
- (2) The general permitting provisions of Oregon Administrative Rules, chapter 340, division 14 apply (issuance, renewal, denial, suspension), except that OAR 340-014-0025 (public notice requirement) does not apply.
- (3) An employer is no longer exempt from the ECO rule requirements if the property owner fails to comply with the terms of the Parking Ratio letter permit.

**NOTE:** These rules are 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.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1170

### **340-242-0380**

#### **When Will the Department Act on a Submitted Permit Application?**

- (1) The Department will notify the applicant within 15 days of filing an application if further information is needed or if the application is complete.
- (2) The Department will grant or deny a letter permit within 45 days of receiving a complete application.

**NOTE:** These rules are 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.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1180

### **340-242-0390**

#### **What are the Applicable Parking Ratios?**

TABLE 1. [Table not included. See ED. NOTE.]

**NOTE:** These rules are included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.

[ED. NOTE: Table referenced is available from the agency.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.363

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-1190

### **Industrial Emission Management Program**

#### **340-242-0400**

##### **Applicability**

(1) OAR 340-242-0430 through 340-242-0440 apply to all sources of VOC or NOx that are required to provide a net air quality benefit under the provisions of 340-225-0090 for the Portland Air Quality Maintenance Area (AQMA).

(2) OAR 340-242-0430 and 340-242-0440 apply to new major sources and major modifications that emit CO within the Portland Metro Area, including new major sources and major modifications outside the Portland Metro Area that have a significant air quality impact within this area.

**NOTE:** These rules are 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 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0700; DEQ 3-2007, f. & cert. ef. 4-12-07

#### **340-242-0410**

##### **Definition of Terms**

The definitions in OAR 340-200-0020, 340-204-0010 and this rule apply in 340-242-0400 through 340-242-0440. If the same term is defined in this rule and 340-200-0020 or 340-204-0010, the definition in this rule applies in 340-242-0400 through 340-242-0440.

(1) "PSEL" means the Plant Site Emission Limit of an individual air pollutant specified in an Air Contaminant Discharge Permit or Title V permit issued to a source by the Department, pursuant to OAR 340 division 216 or 218.

(2) "Unused PSEL" means the difference between a source's actual emissions and its permitted level or PSEL in 1990 or 1992, whichever is lower, as determined through the Department's emission inventory data.

(3) "Unused PSEL Donation Source" means any source that voluntarily returned to the Department unused PSEL, as part of the Unused PSEL Donation Program in OAR 340-242-0420.

**NOTE:** These rules are 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 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0710; DEQ 3-2007, f. & cert. ef. 4-12-07

#### **340-242-0420**

##### **Unused PSEL Donation Program**

(1) This program encourages owners or operators of VOC and NOx sources identified in OAR 340-242-0400(1) to donate unused PSEL to the Department. Under this program, donations can be either permanent or temporary. For a source to participate in this program it must have entered into an agreement with the Department prior to January 1, 2006.

(2) VOC sources donating at least 35 percent of their unused PSEL and NOx sources donating at least 50 percent of their unused PSEL will receive the following incentives and considerations from the Department for participating in this program:

(a) Exemption from the Employee Commute Options (ECO) Program in OAR 340-242-0010 through 340-242-0290 for the duration of the Portland Ozone Maintenance plan;

(b) Priority permit processing for any required air quality permit;

(c) In accordance with OAR 340-242-0430 and 340-242-0440(1), priority use of up to 50 percent of any remaining growth allowance. This applies only to sources making permanent donations, pursuant to section (3) of this rule; and

(d) Other considerations may be added to the donation agreement on a case-by-case basis, consistent with the Department's rules and statutes.

(3) The Department will adjust the PSEL of sources providing permanent donations to reflect the emissions donated. Permanent donations will result in adjustment to the source's baseline emission rate and PSEL, consistent with the definition of "major modification" under OAR 340-200-0020 and changes to PSELs required by rule under 340-222-0040.

(4) Sources participating in this program must enter into a donation agreement with the Department that identifies the commitments of both parties. Any such agreement is legally binding and enforceable.

**NOTE:** These rules are 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 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0720; DEQ 3-2007, f. & cert. ef. 4-12-07

### **340-242-0430**

#### **Industrial Growth Allowances**

(1) This rule establishes industrial growth allowances for sources identified in OAR 340-242-0400. The amount of each growth allowance is defined in the State Implementation Plan and is on file with the Department.

(2) The owner or operator of a proposed new major source or major modification emitting VOCs, NOx, or CO may obtain a portion of the respective growth allowance pursuant to OAR 340-242-0440.

(3) If no emissions remain in the respective growth allowance, the owner or operator of the proposed major source or major modification shall provide offsets for CO emissions at a 1 to 1 ratio, and for VOC and NOx emissions at a 1.1 to 1 ratio (i.e., demonstrate a 10% new reduction).

**NOTE:** These rules are included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0730; DEQ 3-2007, f. & cert. ef. 4-12-07

### **340-242-0440**

#### **Industrial Growth Allowance Allocation**

(1) The owner or operator of a proposed new major source or major modification emitting VOCs, NOx, or CO, as identified in OAR 340-242-0400, may obtain a portion of any remaining emissions in the respective growth allowance in accordance with procedures described in the State Implementation Plan that is on file with the Department, and based on the following conditions:

(a) Access is on a first-come-first-served basis, based on the submittal date of a complete permit application;

(b) Unused PSEL donation sources that meet the donation criteria specified in OAR 340-242-0420(2) have priority access to their respective growth allowance as a "tie-breaker" over non-donation sources;

(c) Except as provided below, no single source may receive an emissions allocation of more than 1,000 tons of either VOC or NOx or more than 50% of any remaining growth allowance; and

(d) A single source must apply to the Environmental Quality Commission to receive more than 1,000 tons of VOC or NOx, but in no case more than 50% of the remaining growth allowance. To apply, sources must submit air quality and other information as required by the Department justifying its request and must include information on significant economic, employment, or other benefits to the Portland area that will result from the proposed new major source or major modification, and the availability of emissions offsets. DEQ will evaluate ozone levels and expected trends to determine whether the proposed facility poses any risk to maintaining compliance with the ozone air quality standard prior to making a recommendation to the EQC regarding the source application.

(2) The amount of the CO growth allowance that can be allocated is identified in the Portland Area Carbon Monoxide Maintenance Plan, Section 4.58 of Volume 2 of the State Implementation Plan on file with the Department.

**NOTE:** These rules are included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 17-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0740; DEQ 10-2004, f. & cert. ef. 12-15-04; DEQ 3-2007, f. & cert. ef. 4-12-07

### **Gasoline Vapors from Gasoline Transfer and Dispensing Operations**

#### **340-242-0500**

##### **Purpose and Applicability**

(1) Gasoline vapors contribute to the formation of ozone. OAR 340-242-0500 through 340-242-0520 require the control of gasoline vapors from gasoline dispensing operations.

(2) OAR 340-242-0500 through 340-242-0520 apply to gasoline dispensing facilities located within Clackamas, Multnomah and Washington Counties.

**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 & 468A.025

Stats. Implemented: ORS 468A.040

Hist.: DEQ 7-1991, f. & cert. ef. 5-7-91 (and corrected 6-7-91); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 16-1996, f. & cert. ef. 8-14-96; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0400; DEQ 1-2011, f. & cert. ef. 2-24-11

#### **340-242-0510**

##### **Definitions**

The definitions in OAR 340-200-0020, 340-204-0010 and this rule apply in OAR 340-242-0500 through 340-242-0520. If the same term is defined in this rule and OAR 340-200-0020 or 340-204-0010, the definition in this rule applies in OAR 340-242-0500 through 340-242-0520.

(1) "Equivalent control" means the use of alternate operational and/or equipment controls for the reduction of gasoline vapor emissions, that have been approved by the Department, such that the aggregate emissions of gasoline vapor from the facility do not exceed those from the application of defined reasonably available control technology.

(2) "Gasoline" means any petroleum distillate having a Reid vapor pressure of four pounds per square inch (28 kilopascals) or higher, used as a motor fuel.

(3) "Gasoline dispensing facility" means any site where gasoline is dispensed to motor vehicle, boat, or airplane gasoline tanks from stationary storage tanks.

(4) "Annual throughput" means the amount of gasoline transferred into or dispensed from a gasoline dispensing facility during 12 consecutive months.

(5) "Stage I vapor collection system" means a system where gasoline vapors are forced from a tank into a vapor-tight holding system or vapor control system through direct displacement by the gasoline being loaded.

(6) "Stage II vapor collection system" means a system where at least 90 percent, by weight, of the gasoline vapors that are displaced or drawn from a vehicle fuel tank during refueling are transferred to a vapor-tight holding system or vapor control system.

(7) "Substantially modified" means a modification of an existing gasoline-dispensing facility which involves the addition of one or more new stationary gasoline storage tanks or the repair, replacement or reconditioning of an existing tank.

(8) "Vapor control systems" means a system that prevents emissions to the outdoor atmosphere from exceeding 4.7 grains per gallon (80 grams per 1,000 liters) of petroleum liquid loaded.

**[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 & ORS 468A.025

Stats. Implemented: ORS 468A.025

Hist.: DEQ 7-1991, f. & cert. ef. 5-7-91 (and corrected 6-7-91); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 16-1996, f. & cert. ef. 8-14-96; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0401

### **340-242-0520**

#### **General Provisions**

(1) No owner and/or operator of a gasoline-dispensing facility shall transfer or allow the transfer of gasoline into a motor vehicle fuel tank at gasoline-dispensing facilities located in Clackamas, Multnomah or Washington Counties whose annual throughput exceeds 600,000 gallons, unless the gasoline-dispensing facility is equipped with a stage II vapor collection system which must be approved by the Department before it is installed.

[NOTES: -1- Underground piping requirements are described in OAR 340-150-0001 through 340-150-0003 and 40 CFR 280.20(d). Systems installed according to American Petroleum Institute Publication 1615, "Installation of Underground Petroleum Storage System" or Petroleum Equipment Institute Publication RP100, "Recommended Practices for Installation of Underground Liquid Storage Systems" or American National Standards Institute Standard B31.4 "Liquid Petroleum Transportation Piping System" are considered approved systems.

-2- Above-ground stage II equipment requirements are based on systems recently approved in other states with established stage II program. See the Oregon Department of Environmental Quality, Air Quality Division, for the list of approved equipment. Any other proposed equivalent systems must be submitted to the Department of Environmental Quality, Air Quality Division, for approval before installation.]

(2) Owners and/or operators of gasoline-dispensing facilities subject to stage II vapor collection requirements must:

(a) Install all necessary stage II vapor collection and control systems, and make any modifications necessary to comply with the requirements;

(b) Provide adequate training and written instructions to the operator of the affected gasoline-dispensing facility and the gasoline transport vehicle;

(c) Replace, repair or modify any worn or ineffective component or design element to ensure the vapor-tight integrity and efficiency of the stage II vapor collection systems; and

(d) Connect and ensure proper operation of the stage II vapor collection systems whenever gasoline is being loaded, unloaded or dispensed.

(3) Approval of a stage II vapor collection system by the Department does not relieve the owner and/or operator of the responsibility to comply with other applicable codes and regulations pertaining to fire prevention, weights and measures and safety matters.

(4) Regarding installation and testing of piping for stage II vapor collection systems:

(a) Piping shall be installed in accordance with standards in OAR 340 division 150;

(b) Piping shall be installed by a licensed installation service provider pursuant to OAR 340 division 160; and

(c) Piping shall be tested prior to being placed into operation by an installation or tank tightness testing service provider licensed pursuant to OAR 340 division 160.

**NOTE:** Test methods are based on methods used in other states with established stage II programs. See the Oregon Department of Environmental Quality, Air Quality Division, for copies of the approved test methods.

**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.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.020 & 468A.025

Stats. Implemented: ORS 468A.025

Hist.: DEQ 7-1991, f. & cert. ef. 5-7-91 (and corrected 6-7-91); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 25-1994, f. & cert. ef. 11-22-94; DEQ 16-1996, f. & cert. ef. 8-14-96; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0402; DEQ 15-2008, f. & cert. ef. 12-31-08

## **Motor Vehicle Refinishing**

### **340-242-0600**

#### **Applicability**

OAR 340-242-0600 through 340-242-0630 apply to any person who owns, leases, operates or controls a motor vehicle refinishing facility in the Portland AQMA.

**[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 & 468A.035

Stats. Implemented: ORS 468A.035

Hist.: DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 7-1999, f. 5-21-99, cert. ef. 7-12-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0700

### **340-242-0610**

#### **Definitions**

The definitions in OAR 340-200-0020, 340-204-0010 and this rule apply in 340-242-0600 through 340-242-0630. If the same term is defined in this rule and 340-200-0020 or 340-204-0010, the definition in this rule applies in 340-242-0600 through 340-242-0630.

(1) "Department" means the Oregon Department of Environmental Quality.

(2) "High Volume, Low Pressure Spray", or "HVL" means equipment used to apply coatings with a spray device which operates at a nozzle air pressure between 0.1 and 10 pounds per square inch gravity (psig).

(3) "Motor Vehicle" means a vehicle that is self-propelled or designed for self-propulsion as defined in ORS 801.360.

(4) "Motor Vehicle Refinishing" means the application of surface coating to on-road motor vehicles or non-road motor vehicles, or their existing parts and components, except Original Equipment Manufacturer (OEM) coatings applied at manufacturing plants.

(5) "Motor Vehicle Refinishing Coating" means any coating designed for, or represented by the manufacturer as being suitable for motor vehicle refinishing.

(6) "Motor Vehicle Refinishing Facility" means a location at which motor vehicle refinishing is performed.

(7) "Non-Road Motor Vehicle" means any motor vehicle other than an on-road motor vehicle. "Non-Road Motor Vehicle" includes, but is not limited to, fixed load vehicles, farm tractors, farm trailers, all-terrain vehicles, and golf carts as these vehicles are defined in ORS Chapter 801.

(8) "On-Road Motor Vehicle" means any motor vehicle which is required to be registered under ORS 803.300 or exempt from registration under 803.305(5), 803.305(6), or 803.305(15) through 803.305(19). "On-Road Motor Vehicle" includes, but is not limited to: passenger cars, trucks, vans, motorcycles, mopeds, motor homes, truck tractors, buses, tow vehicles, trailers other than farm trailers, and camper shells.

(9) "Person" means the federal government, any state, individual, public or private corporation, political subdivision, governmental agency, municipality, partnership, association, firm, trust, estate, or any other legal entity whatsoever.

(10) "Portland Air Quality Maintenance Area" or "Portland AQMA" is defined in OAR 340-204-0010. (The Portland AQMA includes portions of Clackamas, Multnomah and Washington Counties.)

(11) "Public Highway" means every public way, road, street, thoroughfare and place, including bridges, viaducts and other structures open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right.

(12) "Vehicle" means any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means.

(13) "Volatile Organic Compound" or "VOC" means those compounds of carbon defined in OAR 340-200-0020.

**[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 13-1995, f. & cert. ef. 5-25-95; DEQ 16-1996, f. & cert. ef. 8-14-96; DEQ 7-1999, f. 5-21-99, cert. ef. 7-12-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0710

### **340-242-0620**

#### **Requirements for Motor Vehicle Refinishing in Portland AQMA**

Except as provided in section (3) of this rule, persons performing motor vehicle refinishing of on-road motor vehicles within the Portland AQMA shall:

- (1) Clean any spray equipment, including paint lines, in a device which:
  - (a) Minimizes solvent evaporation during the cleaning, rinsing, and draining operations;
  - (b) Recirculates solvent during the cleaning operation so the solvent is reused; and
  - (c) Collects spent solvent to be available for proper disposal or recycling; and

(2) Apply motor vehicle refinishing coatings by one of the following methods:

- (a) High Volume Low Pressure spray equipment, operated and maintained in accordance with the manufacturer's recommendations;
- (b) Electrostatic application equipment, operated and maintained in accordance with the manufacturer's recommendations;
- (c) Dip coat application;
- (d) Flow coat application;
- (e) Brush coat application;
- (f) Roll coat application;
- (g) Hand-held aerosol cans; or
- (h) Any other coating application method which can be demonstrated to effectively control VOC emissions, and which has been approved in writing by the Department.

(3) This rule shall not apply to any person who performs motor vehicle refinishing without compensation, and who performs refinishing on two or fewer on-road motor vehicles, or portions thereof, in any calendar year.

**[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 & ORS 468A.035

Stats. Implemented: ORS 468A.035

Hist.: DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 7-1999, f. 5-21-99, cert. ef. 7-12-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0740

### **340-242-0630**

#### **Inspecting and Testing Requirements**

The owner or operator of any facility subject to OAR 340-242-0600 through 340-242-0630 shall, at any reasonable time, make the facility available for inspection by the Department.

**[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 & ORS 468A.035

Stats. Implemented: ORS 468A.035

Hist.: DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 7-1999, f. 5-21-99, cert. ef. 7-12-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0760

### **Spray Paint**

#### **340-242-0700**

##### **Applicability**

OAR 340-242-0700 through 340-242-0750 apply to any manufacturer, distributor, retailer or commercial applicator of spray paint for sale or use in the Portland AQMA.

**[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 & ORS 468A.035

Stats. Implemented: ORS 468A.035

Hist.: DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0900

## **340-242-0710**

### **Definitions**

The definitions in OAR 340-200-0020, 340-204-0010 and this rule apply in 340-242-0700 through 340-242-0750. If the same term is defined in this rule and 340-200-0020 or 340-204-0010, the definition in this rule applies in 340-242-0700 through 340-242-0750.

- (1) "Adhesive" means a product used to bond one surface to another.
- (2) "Anti-Static Spray" means a product used to prevent or inhibit the accumulation of static electricity.
- (3) "Art Fixative or Sealant" means a clear coating, including art varnish, workable art fixative, and ceramic coating, which is designed and labeled exclusively for application to paintings, pencil, chalk, or pastel drawings, ceramic art pieces, or other closely related art uses, to provide a final protective coating or to fix preliminary stages of art work while providing a workable surface for subsequent revisions.
- (4) "ASTM" means the American Society for Testing and Materials.
- (5) "Auto Body Primer" means an automotive primer or primer surfacer coating designed and labeled exclusively to be applied to a vehicle body substrate for the purpose of corrosion resistance and building a repair area which can be sanded to a smooth condition after drying.
- (6) "Automotive Bumper and Trim Product" means a product, including adhesion promoters and chip sealants, designed and labeled exclusively to repair and refinish automotive bumpers and plastic trim parts.
- (7) "Automotive Underbody Coating" means a flexible coating which contains asphalt or rubber and is labeled exclusively for use on the underbody of motor vehicles to resist rust, abrasion and vibration, and to deaden sound.
- (8) "Aviation Propeller Coating" means a coating designed and labeled exclusively to provide abrasion resistance and corrosion protection for aircraft propellers.
- (9) "Aviation or Marine Primer" means a coating designed and labeled exclusively to meet federal specification TT-P-1757.
- (10) "Belt Dressing" means a product applied on auto fan belts, water pump belting, power transmission belting, industrial equipment belting, or farm machinery belting to prevent slipping, and to extend belt life.
- (11) "Cleaner" means a product designed and labeled primarily to remove soil or other contaminants from surfaces.
- (12) "Clear Coating" means a coating which is colorless, containing resins but no pigments, except flattening agents, and is designed and labeled to form a transparent or translucent solid film.
- (13) "Coating Solids" means the nonvolatile portion of a spray paint, consisting of the film forming ingredients, including pigments and resins.
- (14) "Complying spray paint" means a spray paint which complies with the VOC content limits in OAR 340-242-0720.
- (15) "Consumer" means any person who purchases or acquires any spray paint for personal, family, or household use. Persons acquiring a spray paint product for resale are not considered consumers of that product.
- (16) "Commercial Applicator" means any person who purchases, acquires, applies, or contracts for the application of spray paint for commercial, industrial or institutional uses, or any person who applies spray paint in the course of an activity from which compensation is derived.
- (17) "Corrosion Resistant Brass, Bronze, or Copper Coating" means a clear coating formulated and labeled exclusively to prevent tarnish and corrosion of uncoated brass, bronze or copper metal surfaces.

(18) "Department" means the Oregon Department of Environmental Quality.

(19) "Distributor" means any person who sells or supplies spray paint for the purposes of resale or distribution in commerce. "Distributor" includes activities of a self-distributing retailer related to the distribution of products to individual retail outlets. "Distributor" does not include manufacturers except for a manufacturer who sells or supplies spray paint products directly to a retail outlet. "Distributor" does not include consumers.

(20) "Dye" means a product containing no resins which is used to color a surface or object without building a film.

(21) "Electrical Coating" means a coating designed and labeled to be used exclusively to coat electrical components such as electric motor windings to provide electrical insulation or corrosion protection.

(22) "Enamel" means a coating which cures by chemical cross-linking of its base resin and is not resoluble in its original solvent.

(23) "Engine Paint" means a coating designed and labeled exclusively as such, which is used exclusively to coat engines and their components.

(24) "Environmental Protection Agency" or "EPA" means the United States Environmental Protection Agency.

(25) "Exact Match Finish, Automotive" means a topcoat which meets all of the criteria in subsections (a) through (c) of this section:

(a) The product is designed and labeled exclusively to exactly match the color of an original, factory-applied automotive coating during the touch-up of automobile finishes;

(b) The product is labeled with the original equipment manufacturer's name for which it was formulated; and

(c) The product is labeled with one of the following:

(A) The original equipment manufacturer's (OEM) color code;

(B) The color name; or

(C) Other designation identifying the specific OEM color to the purchaser.

(d) Notwithstanding subsections (a) through (c) of this section, automotive clear coatings designed and labeled exclusively for use over automotive exact match finishes to replicate the original factory applied finish shall be considered to be automotive exact match finishes.

(26) "Exact Match Finish, Engine Paint" means a coating which meets all of the criteria in subsections (a) through (c) of this section:

(a) The product is designed and labeled exclusively to exactly match the color of an original, factory-applied engine paint;

(b) The product is labeled with the original equipment manufacturer's name for which it was formulated; and

(c) The product is labeled with one of the following:

(A) The original equipment manufacturer's (OEM) color code;

(B) The color name; or

(C) Other designation identifying the specific OEM color to the purchaser.

(27) "Exact Match Finish, Industrial" means a coating which meets all of the criteria in sub-sections (a) through (c) of this section:

(a) The product is designed and labeled exclusively to exactly match the color of an original, factory-applied industrial coating during the touch-up of manufactured products;

(b) The product is labeled with the original equipment manufacturer's name for which it was formulated; and

(c) The product is labeled with one of the following:

(A) The original equipment manufacturer's (OEM) color code;

(B) The color name; or

(C) Other designation identifying the specific OEM color to the purchaser.

(28) "Exempt compounds" means compounds of carbon specifically excluded from the definition of VOC.

(29) "Flat Paint Product" means a coating which, when fully dry, registers specular gloss less than or equal to 15 on an 85° gloss meter, or less than or equal to 5 on a 60° gloss meter, or which is labeled as a flat coating.

(30) "Flatting Agent" means a compound added to a coating to reduce the gloss of the coating without adding color to the coating.

(31) "Floral Spray" means a coating designed and labeled exclusively for use on fresh flowers, dried flowers, or other items in a floral arrangement for the purpose of coloring, preserving or protecting their appearance.

(32) "Fluorescent Coating" means a coating labeled as such which converts absorbed incident light energy into emitted light of a different hue.

(33) "Glass Coating" means a coating designed and labeled exclusively to be applied to glass or other transparent material, to create a soft, translucent light effect, or to create a tinted or darkened color while retaining transparency.

(34) "Ground/Traffic Marking Coating" means a coating designed and labeled exclusively to be applied to dirt, gravel, grass, concrete, asphalt, warehouse floors, or parking lots. Such coatings must be in a container equipped with a valve and sprayhead designed to direct the spray downward when the can is held in an inverted position.

(35) "High Temperature Coating" means a coating, excluding engine paint, which is designed and labeled exclusively for use on substrates which will, in normal use, be subjected to temperatures in excess of 400° Fahrenheit.

(36) "Hobby/Model/Craft Coating" means a coating which is designed and labeled exclusively for hobby applications and is sold in aerosol containers of 6 ounces in weight or less.

(37) "Ink" means a fluid or viscous substance used in the printing industry to produce letters, symbols or illustrations, but not to coat an entire surface.

(38) "Lacquer" means a thermoplastic film-forming finish dissolved in organic solvent, which dries primarily by solvent evaporation, and is resolvable in its original solvent.

(39) "Layout Fluid" or "Toolmaker's Ink" means a coating designed and labeled exclusively to be sprayed on metal, glass or plastic, to provide a glare-free surface on which to scribe designs, patterns or engineering guide lines prior to shaping the piece.

(40) "Leather Preservative" means a leather treatment material applied exclusively to clean, condition or preserve leather.

(41) "Lubricant" means a substance such as oil, petroleum distillates, grease, graphite, silicone, lithium, etc., that is applied to surfaces to reduce friction, heat, or wear when applied between surfaces.

(42) "Manufacturer" means the company, firm or establishment which is listed on the product container or package. If the product container or package lists two companies, firms or establishments, the manufacturer is the party which the product was "manufactured for" or "distributed by", as noted on the product container or package.

(43) "Marine Spar Varnish" means a coating designed and labeled to be exclusively used as a protective sealant for marine wood products.

(44) "Maskant" means a coating applied directly to a component to protect surfaces during chemical milling, anodizing, aging, bonding, plating, etching, or other chemical operations.

- (45) "Metallic Coating" means a topcoat which contains at least 0.5 percent by weight elemental metallic pigment in the formulation, including propellant, and is labeled as "metallic", or with the name of a specific metallic finish such as "gold", "silver", or "bronze".
- (46) "Mold Release" means a coating applied to molds to prevent products from sticking to mold surfaces.
- (47) "Multi-Component Kit" means a spray paint system which requires the application of more than one component, (e.g. foundation coat and top coat), where both components are sold together in one package.
- (48) "Noncomplying spray paint" means a spray paint which does not comply with the VOC content limits in OAR 340-242-0720.
- (49) "Non-Flat Paint Product" means a coating which, when fully dry, registers a specular gloss greater than 15 on an 85° gloss meter or greater than 5 on a 60° gloss meter.
- (50) "Photograph Coating" means a coating designed and labeled exclusively to be applied to finished photographs to allow corrective retouching, protection of the image, changes in gloss level, or to cover fingerprints.
- (51) "Pleasure Craft" means privately owned boats used for noncommercial purposes.
- (52) "Pleasure Craft Finish Primer/Surfacer/Undercoat" means any coating designed and labeled exclusively to be applied before the application of a pleasure craft topcoat for the purpose of corrosion resistance and adhesion of a topcoat, and which promotes a uniform surface by filling in surface imperfections.
- (53) "Pleasure Craft Topcoat" means a coating designed and labeled exclusively to be applied to a pleasure craft as a final coat above the water line and above and below the water line when stored out of water. This category does not include clear coatings.
- (54) "Portland Air Quality Maintenance Area" or "Portland AQMA" is defined in OAR 340-204-0010. (The Portland AQMA includes portions of Clackamas, Multnomah and Washington Counties.)
- (55) "Primer" means a coating labeled as such, which is designed to be applied to a surface to promote a bond between that surface and subsequent coats.
- (56) "Propellant" means a liquefied or compressed gas that is used in whole or in part, such as a cosolvent, to expel a liquid or other material from a container.
- (57) "Retailer" means any person who sells, supplies, or offers spray paint for sale directly to consumers or commercial applicators.
- (58) "Retail Outlet" means any establishment where spray paints are sold, supplied, or offered for sale directly to consumers or commercial applicators.
- (59) "Rust Converter" means a product which is designed and labeled exclusively to convert rust to an inert material, and which has a minimum acid content of 0.5 percent by weight, and which has a maximum coating solids content of 0.5 percent by weight.
- (60) "Shellac Sealer" means a clear or pigmented coating formulated solely with the resinous secretion of the lac beetle (*Laccifer lacca*), thinned with alcohol, and formulated to dry by evaporation without a chemical reaction.
- (61) "Slip-Resistant Coating" means a coating designed and labeled exclusively as such which is formulated with synthetic grit, and used a safety coating.
- (62) "Spatter Coating/Multicolor Coating" means a coating labeled exclusively as such in which spots, globules, or spatters of contrasting colors appear on or within the surface of a contrasting or similar background.
- (63) "Spray Paint" means a pressurized coating product containing pigments or resins that dispenses product ingredients by means of a propellant, and is packaged in a disposable can for hand-held application, or for use in specialized equipment for ground traffic/marketing applications.
- (64) "Spray Paint Category" means the applicable category which best describes a spray paint listed in this rule.
- (65) "Stain" means a coating labeled as such which is designed and labeled to change the color of a surface without concealing the surface from view.

(66) "Topcoat" means a coating applied over any coating, for the purpose of appearance, identification, or protection.

(67) "Vinyl/Fabric/Polycarbonate Coating" means a coating designed and labeled exclusively to coat vinyl, fabric, or polycarbonate substrates.

(68) "Volatile Organic Compound" or "VOC" means those compounds of carbon defined in division 200. For purposes of determining compliance with VOC content limits, VOC shall be measured by an applicable method identified in OAR 340-242-0750.

(69) "VOC Content" means the ratio of the weight of VOC to the total weight of the product contents expressed as follows: [Equation not included. See ED. NOTE.]

(70) "Webbing/Veiling Coating" means a spray product designed and labeled exclusively to produce a stranded or spider-webbed decorative effect.

(71) "Weld-Through Primer" means a coating designed and labeled exclusively to provide a bridging or conducting effect to provide corrosion protection following welding.

(72) "Wood Stain" means a coating which is formulated to change the color of a wood surface without concealing the surface from view.

(73) "Wood Touch-Up/Repair/Restoration Coatings" mean coatings designed and labeled exclusively to provide an exact color or sheen match on finished wood products.

**[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.]

[ED. NOTE: Equations referenced are available from the agency.]

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.025

Hist.: DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 16-1996, f. & cert. ef. 8-14-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0910

### **340-242-0720**

#### **Spray Paint Standards and Exemptions**

(1) Where required by OAR 340-242-0730, spray paint shall not exceed the VOC content limits in **Table F**, as modified by the special conditions and exemptions in sections (2) and (3) of this rule. [Table not included. See ED. NOTE.]

(2) Special Conditions. The following conditions shall apply to spray paint subject to VOC content limits under section (1) of this rule:

(a) The total weight of VOC contained in a multi-component kit shall not exceed the total weight of VOC that would be allowed in the multi-component kit had each component product met the applicable VOC standards.

(b)(A) Except as provided in paragraph (B) of this subsection, if anywhere on the principal display panel of any spray paint or in any promotion of the product, any representation is made that the product may be used as, or is suitable for use as a spray paint for which a lower VOC standard is specified in section (1) of this rule, then the lower VOC standard shall apply.

(B) If a spray paint is subject to both general coating limit and a specialty coating limit under section (1) of this rule, and the product meets all the criteria of the applicable specialty coating category as specified in OAR 340-242-0710, then the specialty coating limit shall apply instead of the general coating limit.

(3) Exemption. Section (1) of this rule shall not apply to aerosol lubricants, mold releases, automotive underbody coating, electrical coatings, cleaners, belt dressings, anti-static sprays, layout fluids and removers, adhesives, maskants, rust converters, dyes, inks, leather preservatives, or spray paint assembled by adding bulk paint to aerosol containers of propellant and solvent used for minor finish repairs during the original manufacture of products.

**[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.]

[ED. NOTE: The Table(s) referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 468.020 & ORS 468A.035

Stats. Implemented: ORS 468A.035

Hist.: DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0920

### **340-242-0730**

#### **Requirements for Manufacture, Sale and Use of Spray Paint**

(1) Manufacturers. Except as provided in section (6) of this rule, any person who manufactures spray paint after July 1, 1996 which is sold, offered for sale, supplied or distributed, directly or indirectly, to a retail outlet in the Portland AQMA shall:

(a) Manufacture complying spray paint for spray paint marketed in the Portland AQMA;

(b) Clearly display the following information on each product container such that it is readily observable upon hand-held inspection without removing or disassembling any portion of the product container or packaging:

(A) The maximum VOC content of the spray paint, expressed as a percentage by weight;

(B) The spray paint category as defined in OAR 340-242-0710, or an abbreviation of the spray paint category; and

(C) The date on which the product was manufactured, or a code indicating such date; and

(c) Notify direct purchasers of products manufactured for sale within the Portland AQMA upon determining that any noncomplying spray paint has been supplied in violation of this rule.

(2) Distributors. Except as provided in section (6) of this rule, any distributor of spray paint manufactured after July 1, 1996 which is sold, offered for sale, supplied or distributed to a retail outlet within the Portland AQMA shall:

(a) Distribute to the Portland AQMA only spray paints that are labeled as required under subsection (1)(b) of this rule;

(b) Distribute to the Portland AQMA only spray paints labeled with VOC contents that meet the VOC limits specified in OAR 340-242-0720; and

(c) Notify direct purchasers of products distributed for sale within the Portland AQMA upon determining that any noncomplying spray paint has been supplied in violation of this rule.

(3) Retailers.

(a) Except as provided in section (6) of this rule, no retailer shall knowingly sell within the Portland AQMA any noncomplying spray paint manufactured after July 1, 1996.

(b) Upon notification by the Department, a manufacturer, or a distributor that any noncomplying spray paint has been supplied, a retailer shall remove noncomplying spray paint from consumer-accessible areas of retail outlets within the Portland AQMA.

(4) Commercial Applicators. Except as provided in section (6) of this rule, no commercial applicator shall, within the Portland AQMA, knowingly use or contract for the use of any noncomplying spray paint manufactured after July 1, 1996.

(5) Label Alteration. No person shall remove, alter, conceal or deface the information required in subsection (1)(b) of this rule prior to final sale of the product.

(6) Exception. For spray paint which has been granted a compliance extension under OAR 340-242-0770, this rule applies to spray paint manufactured after the date specified in the compliance extension.

**[NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-020-0047.]

Stat. Auth.: ORS 468A

Stats. Implemented: ORS 468.020 & ORS 468A.025

Hist.: DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0930

### 340-242-0740

#### Recordkeeping and Reporting Requirements

(1) Recordkeeping. Manufacturers subject to OAR 340-242-0730 shall maintain the following records for at least 2 years after a product is sold, offered for sale, supplied or distributed by the manufacturer, directly or indirectly, to a retail outlet in the Portland AQMA.

(a) VOC content records of spray paint based methods provided in OAR 340-242-0750;

(b) An explanation of any code indicating the date of manufacture of any spray paint; and

(c) Information used to substantiate an application for a compliance extension OAR 340-242-0770.

(2) Reporting. Following request and within a reasonable period of time, records, specified in section (1) of this rule shall be made available to the Department.

(3) Exemption from disclosure. If a person claims that any writing, as that term is defined in ORS 192.410(5), is confidential or otherwise exempt from disclosure, in whole or in part, the person shall comply with the procedures specified in OAR 340-242-0780.

**[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 & ORS 468A.035

Stats. Implemented: ORS 468A.035

Hist.: DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0940

### 340-242-0750

#### Inspection and Testing Requirements

(1) The owner or operator of a facility subject to OAR 340-242-0700 through 340-242-0750 shall, at any reasonable time, make the facility available for inspection by the Department.

(2) Upon request of the Department, any person subject to OAR 340-242-0700 through 340-242-0750 shall furnish samples of spray paint products selected by the Department from available stock for testing by the Department to determine compliance with 340-242-0720.

(3) Except as provided in section (5) of this rule, testing to determine compliance with OAR 340-242-0720 shall be performed using:

(a) VOC Content. The VOC content shall be determined by:

(A) The procedures set forth in **Bay Area Air Quality Management District Manual of Procedures, Volume III, Laboratory Procedures, Method 35, "Determination of Volatile Organic Compounds, (VOC) in Solvent Based Aerosol Paints," as amended January 19, 1994**, and, for water-containing spray paints, by **ASTM D 5325-92, "Standard Test Method for Determination of Weight Percent Volatile Content of Water-Borne Aerosol Paints", November 15, 1992**; or

(B) Calculation of VOC content from records amounts of constituents used to manufacture the product and the chemical compositions of the individual product constituents.

(b) Exempt Compounds. If a method specified in subsection (a) of this section to measure VOC also measures exempt compounds, the exempt compounds may be excluded from the VOC content if the amount of such compounds is accurately quantified. The Department may require a manufacturer to provide methods and results demonstrating, to the satisfaction of the Department, the amount of exempt compounds in the spray paint of the spray paint's emissions.

(4) Except as provided in section (5) of this rule, testing to establish the spray paint category as defined in ORA 340-242-0710 shall be performed using:

(a) Metal Content. The metal content of metallic aerosol coating products shall be determined by South Coast Air Quality Management District Test Method 311 (**SCAQMD "Laboratory Methods of Analysis for Enforcement Samples" manual, June 1, 1991**, after removal of the propellant following the procedure in **ASTM Method 5325-92, "Standard Test Method for Determination of Weight Percent Volatile Content of Water-Borne Aerosol Paints", November 15, 1992**).

(b) Specular Gloss. Specular gloss of flat and non-flat coatings shall be determined by **ASTM Method D 523-89, March 31, 1989**.

(c) Acid Content. The acid content of rust converters shall be determined by **ASTM Method D-1613-85, "Standard Test Method for Acidity in Volatile Solvents and Chemical Inter-mediate used in Paint, Varnish, Lacquer, and Related Products", May 31, 1985**, after removal of the propellant following the procedure in **ASTM Method 5325-92, "Standard Test Method for Determination of Weight Percent Volatile Content of Water-Borne Aerosol Paints", November 15, 1992**.

(5) Alternative test methods which are shown to accurately determine the VOC content, exempt compounds, metal content, specular gloss, or acid content in a spray paint may also be used if approved in writing by EPA and the Department.

**[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 & ORS 468A.035

Stats. Implemented: ORS 468A.035

Hist.: DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0950

### **Area Source Common Provisions**

#### **340-242-0760**

##### **Applicability**

OAR 340-242-0760 through 340-242-0790 apply to 340-242-0600 through 340-242-0750.

**[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 & ORS 468A.035

Stats. Implemented: ORS 468A.035

Hist.: DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-1100

#### **340-242-0770**

##### **Compliance Extensions**

Any manufacturer, as defined in OAR 340-242-0710, who cannot comply with the requirements specified in 340-242-0700 to 340-242-0750 by the applicable compliance date because of conditions specified in section (4) of this rule may apply in writing to the Department for a compliance extension of up to 3 years in renewable 1 year increments.

(1) A manufacturer shall apply in writing to the Department for any compliance extension under this section. Information claimed by the applicant as confidential or otherwise exempt from disclosure shall be submitted in accordance with OAR 340-242-0780. The application shall include:

(a) An explanation of the specific grounds addressing each subsection under section (4) of this rule on which the compliance extension is sought;

(b) The requested terms and conditions;

(c) The specific method(s) by which compliance with the requested terms and conditions will be achieved;



(d) Any interim measures which may be taken during the period of the compliance extension to limit the amount of emissions in excess of the rule limits; and

(e) If applicable, any compliance extension, alternate control requirement or variance order granted by another local, state or federal air pollution control agency.

(2) Within 30 days of receipt of the compliance extension application, the Department shall determine whether an application is complete.

(3) Within 90 days after an application has been deemed complete, the Department shall determine whether, under what conditions, and to what extent, a compliance extension shall be approved. The applicant and the Department may mutually agree to extend the period for making a determination, and additional supporting documentation may be submitted by the applicant before the determination is reached.

(4) In considering whether to approve a compliance extension, the Department shall consider the following:

(a) Conditions beyond the control of the applicant;

(b) Special circumstances which render strict compliance unreasonable, burdensome or impractical due to special physical conditions or cause;

(c) Strict compliance would result in substantial curtailment or closing down of a business, plant or operation; or

(d) No other alternative facility or method of handling is yet available.

(5) Any compliance extension order shall specify terms and conditions, including a date by which final compliance shall be achieved. The final compliance date shall not exceed 3 years after the applicable compliance date. A compliance extension shall be granted in 1 year increments which may be renewed until the final compliance date upon a showing by the manufacturer that any increments of progress and other terms and conditions in the order have been met.

(6) The Department shall notify the applicant in writing of the determination under section (3) of this rule and the terms and conditions established under section (5) of this rule.

(7) Notwithstanding Section (4) of this rule, if, prior to the applicable compliance date, a manufacturer, as defined in OAR 340-242-0710, submits to the Department a variance order granted by the California Air Resources Board (CARB) which is valid as of February 20, 1995, the manufacturer shall be granted a 1 year extension from the applicable compliance date. Such compliance extensions may be revoked by the Department if the Department believes that the manufacturer is not in compliance with the terms and conditions of the CARB variance order.

(8) For any product for which a compliance extension has been approved pursuant to this rule, the manufacturer shall notify the Department in writing within 30 days if the manufacturer learns that information submitted to the Department under this rule has changed in a manner which could modify the basis of the Department's approval.

(9) If the Department believe that a product for which a compliance extension has been granted no longer meets the criteria for a compliance extension specified in this rule, the Department may modify or revoke the extension as necessary to ensure that the product will meet these criteria. The Department shall notify the applicant in writing if a compliance extension is modified or revoked under this section.

**[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 & ORS 468A.035

Stats. Implemented: ORS 468A.035

Hist.: DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-1110

**340-242-0780**

**Exemption from Disclosure to the Public**

(1) If a person claims that any writing, as that term is defined in ORS 192.410(5), is confidential or otherwise exempt from disclosure, in whole or in part, the person shall comply with the following procedures:

(a) The writing shall be clearly marked with a request for exemption from disclosure. For a multi-page writing, each page shall be so marked.

(b) The person shall state the specific statutory provision under which it claims exemption from disclosure and explain why the writing meets the requirements of that provision.

(c) For writings that contain both exempt and non-exempt material, the proposed exempt material shall be clearly distinguishable from the non-exempt material. If possible, the exempt material shall be arranged so that it is placed on separate pages from the non-exempt material.

(2) For a writing to be considered exempt from disclosure as a "trade secret," it shall meet all of the following criteria:

(a) The information shall not be patented;

(b) It shall be known only to a limited number of individuals within a commercial concern who have made efforts to maintain the secrecy of the information;

(c) It shall be information which derives actual or potential economic value from not being disclosed to other persons; and

(d) It shall give its users the chance to obtain a business advantage over competitors not having the information.

**[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 & ORS 468A.035

Stats. Implemented: ORS 468A.035

Hist.: DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-1120

### **340-242-0790**

#### **Future Review**

Within a reasonable period of time following adoption by the United States Environmental Protection Agency of regulations to reduce VOC emissions from one or more products subject to OAR 340-242-0700 through OAR 340-242-0750, the Department shall provide the following information to the Environmental Quality Commission:

(1) A comparison of the federal regulation with OAR 340-242-0700 through 340-242-0750;

(2) An estimate of the change in emissions which would occur from repeal of provisions in OAR 340-242-0700 through 340-242-0750 applicable to such product or products;

(3) An assessment of the effect of eliminating or modifying the provisions of OAR 340-242-0700 through 340-242-0750 on the State Implementation Plan adopted under 340-200-0040, including any need for substitute measures; and

(4) A recommendation regarding amendment to eliminate such provisions and, if applicable, a schedule for amendment.

**[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 & ORS 468A.035

Stats. Implemented: ORS 468A.035

Hist.: DEQ 13-1995, f. & cert. ef. 5-25-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-1130

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