LANE REGIONAL AIR PROTECTION AGENCY

TITLE 12

General Provisions and Definitions

Section 12-001 General

1. Description: The general provisions and definitions included in this Title shall apply to all other LRAPA rules and regulations. Definitions that are included in any other LRAPA title are specific to that Title and shall not apply to any other titles, rules or regulations.

2. More than One Emission Standard: In cases of apparent conflict between rules and regulations within these titles, the most stringent regulation applies unless otherwise expressly stated.

3. Violations Not Authorized: Nothing in LRAPA rules or regulations is intended to permit any practice intended or designed to evade or circumvent LRAPA rules or regulations.

4. Severability: If a court of competent jurisdiction adjudges any LRAPA rule or regulation to be invalid such judgment shall be limited to that rule, regulation or portion thereof, and not otherwise effect, or invalidate the remainder of LRAPA rules and regulations.

5. The Lane Regional Air Protection Agency administers the air pollution control regulations listed in Titles 12 through 51 in all areas of Lane County.

Section 12-005 Definitions

- "Abate" means to eliminate the nuisance or suspected nuisance by reducing or managing the emissions using reasonably available practices. The degree of abatement will depend on an evaluation of all of the circumstances of each case and does not necessarily mean completely eliminating the emissions.

- "Accidental Release" means an unanticipated emission of a regulated substance or other extremely hazardous substance into the ambient air from a stationary source.

- "Act and FCAA" mean the Federal Clean Air Act, (42 U.S.C. 7401 et seq.,as amended by Public Law 101.549 Stat 2399).

- "Activity" means any process, operation, action or reaction (e.g., chemical) at a source that emits a regulated pollutant.

- "Actual Emissions" means the mass rate of emissions of a pollutant from an emissions source during a specified time period. Where the term "actual emissions" is used:

A. For determining actual emissions as of the baseline period:
   (1) Except as provided in paragraph (2), actual emissions equal the average rate at which the source actually emitted the pollutant during a baseline period and that represents normal source operation.
   (2) LRAPA presumes that the source-specific mass emissions limit included in a source's permit that was effective on September 8, 1981 is equivalent to the source's actual emissions during the baseline period if it is within 10 percent of the actual emissions calculated under paragraph (1).
   (3) For any source that had not begun normal operation, actual emissions equal the potential to emit of the source.

B. For determining actual emissions for Oregon Title V Operating Permit Fees under OAR 340 Division 220:
   (1) Actual emissions include, but are not limited to, routine process emissions, fugitive emissions, excess emissions from maintenance, startups and shutdowns, equipment malfunction, and other activities, except categorically insignificant activities and secondary emissions.

C. For determining Oregon Title V Operating Permit Fees under OAR 340 Division 220:
   (1) Actual emissions must be directly measured with a continuous monitoring system or;
   (2) Calculated using a material balance or verified emission factor in combination with the source's actual operating hours, production rates, or types of materials processed, stored, or combusted during the specified time period.

- "Adjacent" means interdependent facilities that are nearby each other.

- "Affected Source," for the purposes of Title IV of the FCAA (Acid Rain) means a source that includes one or more affected units that are subject to emission reduction requirements or limitation.

- "Affected states," means all states:

  A. Whose air quality may be affected by a proposed permit, permit modification, or permit renewal and that are contiguous to Oregon; or
  B. That are within 50 miles of the permitted source.

- "Agency" means Lane Regional Air Protection Agency

- "Agency Administering SIP" where found in the federal rule, means LRAPA, the Department, or the EPA.

- "Agency-Approved Method" means any method of sampling and analyzing for an air contaminant approved by the Agency. These methods are listed in the state Department of Environmental Quality's Source Sampling Manual.

- "Aggregate Insignificant Emissions" means the annual actual emissions of any regulated air pollutant from one or more designated activities at a source that are less than or equal to the lowest applicable level specified in this section. The total emissions from each designated activity and the aggregate emissions from all designated activities must be less than or equal to the lowest applicable level specified.

  A. one (1) ton for each criteria pollutant (except lead), total reduced sulfur, hydrogen sulfide, sulfuric acid mist, any Class I or Class II substance subject to a standard promulgated under or established by Title VI of the act, Stratospheric Ozone Protection;
  B. 500 pounds for PM10 in a PM10 nonattainment area;
  C. 120 pounds for lead;
  D. 600 pounds for fluoride;
  E. the lesser of the amount established in LRAPA Title 44, Table 1 List of Hazardous Air Pollutants or Title 44, Table 3 List of Regulated Toxic and Flammable Substances for Purposes of Accidental Release Prevention, or 1,000 pounds;
  F. an aggregate of 5,000 pounds for all Hazardous Air Pollutants.

- "Agricultural operation" means an activity on land currently used or intended to be used primarily for the purpose of obtaining a profit in money by raising, harvesting and selling crops or by the raising and sale of livestock or poultry, or the produce thereof, which activity is necessary to serve that purpose. It does not include the construction and use of dwellings customarily provided in conjunction with the agricultural operation.

- "Air Contaminant" or "Air Pollutant" means material which, when emitted, causes or tends to cause the degradation of air quality. Such material includes but is not limited to particulate matter, aerosol, gas, smoke, soot, carbon, acids or any combination thereof. Such term includes any precursors to the formation of any air pollutant; to the extent the EPA has identified such precursor or precursors for the particular purpose for which the term air pollutant is used.

- "Air Contaminant Discharge Permit" means a written permit issued by LRAPA in accordance with Title 37, Air Contaminant Discharge Permits.

- "Air Conveying System" means an air moving device such as a fan or blower, and associated ductwork, and a cyclone or other collection device, the purpose of which is to move material from one point to another by entrainment in a moving air stream. It does not include particle dryers.

- "Air Pollution Control Equipment" means any equipment that has as its essential purpose a reduction in the emissions of air contaminants, or a reduction in the effect of such emissions.

- "Air Quality Maintenance Area (AQMA)" means any area that has been identified by the Agency or the Department, and approved by the Board or the Commission, as having the potential for exceeding any federal, state or local ambient air quality standard.

- "Air Quality Maintenance Area (AQMA) Analysis" means an analysis of the impact on air quality in an AQMA of emissions from existing air contaminant sources and emissions associated with projected growth and development.

- "Alternative Method" means any method of sampling and analyzing for an air pollutant that is not a reference or equivalent method but has been demonstrated to LRAPA's satisfaction to, in specific cases, produce results adequate for determination of compliance. Notwithstanding, the EPA must approve an alternative method used to meet an applicable federal requirement for which a reference method is specified unless the EPA has delegated authority for the approval to LRAPA.

- "Ambient Air" means the air that surrounds the earth, excluding the volume of gases contained within any building or structure.
- "Applicable requirement" means all of the following as they apply to emissions units in an Oregon Title V Operating Permit program source or ACDP program source, including requirements that have been promulgated or approved by the EPA through rule making at the time of issuance but have future-effective compliance dates:

  A. Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by the EPA through rulemaking under Title I of the Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in **40 CFR Part 52** (Air Programs);

  B. Any standard or other requirement adopted under LRAPA's State Implementation Plan, that is more stringent than the federal standard or requirement which has not yet been approved by the EPA, and other state-only enforceable air pollution control requirements;

  C. Any term or condition in an ACDP, LRAPA Title 37, Air Contaminant Discharge Permits, including any term or condition of any preconstruction permits issued pursuant to LRAPA Title 38, New Source Review, until or unless LRAPA revokes or modifies the term or condition by a permit modification;

  D. Any term or condition in a Notice of Construction and Approval of Plans, Titles 34 and 38, Stationary Source Notification Requirements and Major New Source Review, until or unless LRAPA revokes or modifies the term or condition by a Notice of Construction and Approval of Plans or a permit modification;

  E. Any term or condition in a Notice of Approval, OAR 340-218-0190, issued before July 1, 2001, until or unless LRAPA revokes or modifies the term or condition by a Notice of Approval or a permit modification;

  F. Any term or condition of a PSD permit issued by the EPA until or unless the EPA revokes or modifies the term or condition by a permit modification;

  G. Any standard or other requirement under section 111 of the Act (NSPS), including section 111(d);

H. Any standard or other requirement under section 112 of the Act (HAPs), including any requirement concerning accident prevention under section 112(r)(7) of the Act (Accidental Release Prevention);

I. Any standard or other requirement of the acid rain program under Title IV of the Act or the regulations promulgated thereunder;

J. Any requirements established pursuant to section 504(b) (Title V permit monitoring and analysis requirements) or section 114(a)(3) of the Act (Federal Enforcement; compliance certification);

K. Any standard or other requirement under section 126(a)(1) and (c) (PSD) of the Act;

L. Any standard or other requirement governing solid waste incineration, under section 129 of the Act (Solid Waste Combustion);

M. Any standard or other requirement for consumer and commercial products, under section 183(e) of the Act (Federal ozone measures);

N. Any standard or other requirement for tank vessels, under section 183(f) of the Act;

O. Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under section 328 of the Act;

P. Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act, unless the Administrator has determined that such requirements need not be contained in an Oregon Title V Operating Permit; and

Q. Any national ambient air quality standard or increment or visibility requirement under part C of Title I of the Act, but only as it would apply to temporary sources permitted pursuant to section 504(e) of the Act.

- ”Applicable State Implementation Plan” and “Plan” refer to the programs and rules of the Department or LRAPA, as approved by the EPA, or any EPA-promulgated regulations (see **40 CFR Part 52, Subpart MM**).

- "Assessable Emission" means a unit of emissions for which the owner or operator of the major source will be assessed a fee. It includes an emission of a pollutant defined in OAR 340-220-0060, Oregon Title V Operating Permit Fees from emission devices or activities and processes within a major source.

- "ASTM" means the American Society for Testing Materials.

- "Baseline concentration" means that ambient concentration level for a particular regulated pollutant which existed in an area during the calendar year 1978. If no ambient air quality data is available in an area, the baseline concentration for any pollutant may be estimated using modeling based on actual emissions for the calendar year 1978. Actual emissions increases or decreases occurring before January 1, 1978 will be included in the baseline concentration.

- "Baseline Emission Rate" means the average actual emission rate during the baseline period. Baseline emission rate shall not include increases due to voluntary fuel switches or increased hours of operation that have occurred after the baseline period.

- "Baseline Period" means either calendar years 1977 or 1978. LRAPA shall allow the use of a prior time period upon a determination that it is more representative of normal source operation.

- "Best Available Control Technology (BACT)" means an emissions limitation based on the maximum degree of reduction (considering energy, environmental, and economic impacts) achievable for each pollutant, on a case by case basis, through the application of production processes and available methods, systems, and techniques, including fuel cleaning, treatment or innovative fuel combustion techniques. The federal definition of BACT requires that BACT limits be no less stringent than any emission standard promulgated under NSPS and NESHAPS. If an emission limitation is not feasible, a design, equipment, work practice, or operational standard, or combination thereof, may be required. Such standard shall, to the degree possible, set forth the emission reduction achievable and shall provide for compliance by prescribing appropriate permit conditions.

- "Board" means the Board of Directors of the Lane Regional Air Protection Agency

- "CFR" means Code of Federal Regulations

- "Calculated Emission" means actual emissions estimated using Agency-approved procedures.

- "Capacity" means the maximum regulated pollutant emissions from a stationary source under its physical and operational design.

- Capture System means the equipment (including but not limited to hoods, ducts, fans, and booths) used to contain, capture and transport a pollutant to a control device.

- "Categorically Insignificant Activity" means any of the following listed pollutant emitting activities principally supporting the source or the major industrial group. Categorically insignificant activities must comply with all applicable requirements.

    A. constituents of a chemical mixture present at less than 1% by weight of any chemical or compound regulated under OAR Chapter 340, Divisions 218 and 220,and LRAPA Titles 12 through 51 or less than 0.1% by weight of any carcinogen listed in the U. S. Department of Health and Human Service's Annual Report on Carcinogens when usage of the chemical mixture is less than 100,000 pounds/year.
    B. evaporative and tail pipe emissions from on-site motor vehicle operation;
    C. distillate oil, kerosene, and gasoline fuel burning equipment rated at less than or equal to 0.4 million Btu/hr;
    D. natural gas and propane burning equipment rated at less than or equal to 2.0 million Btu/hr;
    E. office activities;
    F. food service activities;
    G. janitorial activities;

H. personal care activities;
I. groundskeeping activities including, but not limited to building painting and road and parking lot maintenance;
J. on-site laundry activities;
K. on-site recreation facilities;
L. instrument calibration;
M. maintenance and repair shop;
N. automotive repair shops or storage garages;
O. air cooling or ventilating equipment not designed to remove air contaminants generated by or released from associated equipment;
P. refrigeration systems with less than 50 pounds of charge of ozone depleting substances regulated under Title VI (Stratospheric Ozone Protection), including pressure tanks used in refrigeration systems but excluding any combustion equipment associated with such systems;
Q. bench scale laboratory equipment and laboratory equipment used exclusively for chemical and physical analysis, including associated vacuum producing devices but excluding research and development facilities;
R. temporary construction activities;
S. warehouse activities;
T. accidental fires;
U. air vents from air compressors;
V. air purification systems;
W. continuous emissions monitoring vent lines;
X. demineralized water tanks;
Y. pre-treatment of municipal water, including use of deionzed water purification systems;
Z. electrical charging stations;
AA. fire brigade training;
BB. instrument air dryers and distribution;
CC. process raw water filtration systems;
DD. pharmaceutical packaging;
EE. fire suppression;
FF. blueprint making;
GG. routine maintenance, repair, and replacement such as anticipated activities most often associated with and performed during regularly scheduled equipment outages to maintain a plant and its equipment in good operating condition, including but not limited to steam cleaning, abrasive use, and woodworking;
HH. electric motors;
II. storage tanks, reservoirs, transfer and lubricating equipment used exclusively for ASTM grade distillate or residual fuels, lubricants, and hydraulic fluids;
JJ. on-site storage tanks not subject to any New Source Performance Standards (NSPS), including underground storage tanks (UST), storing gasoline or diesel used exclusively for fueling of the facility's fleet of vehicles;
KK. natural gas, propane, and liquefied petroleum gas (LPG) storage tanks and transfer equipment;
LL. pressurized tanks containing gaseous compounds;
MM. vacuum sheet stacker vents;

NN. emissions from wastewater discharges to publicly owned treatment works (POTW) provided the source is authorized to discharge to the POTW, not including on-site wastewater treatment and/or holding facilities;
OO. log ponds;
PP. storm water settling basins;
QQ. fire suppression and training;
RR. paved roads and paved parking lots within an urban growth boundary;
SS. hazardous air pollutant emissions of fugitive dust from paved and unpaved roads except for those sources that have processes or activities that contribute to the deposition and entrainment of hazardous air pollutants from surface soils;
TT. health, safety, and emergency response activities;
UU. emergency generators and pumps used only during loss of primary equipment or utility service due to circumstances beyond the reasonable control of the owner or operator, or to address a power emergency as determined by LRAPA or the Department;
VV. non-contact steam vents and leaks and safety and relief valves for boiler steam distribution systems;
WW. non-contact steam condensate flash tanks;
XX. non-contact steam vents on condensate receivers, deaerators and similar equipment;
YY. boiler blowdown tanks;
ZZ. industrial cooling towers that do not use chromium-based water treatment chemicals;
AAA. ash piles maintained in a wetted condition and associated handling systems and activities;
BBB. oil/water separators in effluent treatment systems;
CCC. combustion source flame safety purging on startup;
DDD. broke beaters, pulp and repulping tanks, stock chests and pulp handling equipment, excluding thickening equipment and repulpers;
EEE. stock cleaning and pressurized pulp washing, excluding open stock washing systems; and
FFF. white water storage tanks.

- "Certifying Individual" means the responsible person or official authorized by the owner or operator of a source who certifies accuracy of the emission statement.

- "Chair" means the chairperson of the Board of Directors of the Lane Regional Air Protection Agency.

- "Class I Area" means any federal, state, or Indian reservation land which is classified or reclassified as a Class I area. For the State of Oregon, these are as follows:

  A. Mt. Hood Wilderness;
  B. Eagle Cap Wilderness;
  C. Hells Canyon Wilderness;
  D. Mt. Jefferson Wilderness;
  E. Mt. Washington Wilderness;
  F. Three Sisters Wilderness;
  G. Strawberry Mountain Wilderness;
  H. Diamond Peak Wilderness;
  I. Crater Lake National Park;
  J. Kalmiopsis Wilderness;

K. Mountain Lake Wilderness;
L. Gearhart Mountain Wilderness.

- "Commence" or "commencement" means, that the owner or operator has obtained all necessary preconstruction approvals required by the Act and either has: begun, or caused to begin a continuous program of actual on-site construction of the source to be completed in a reasonable time; or Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the source to be completed in a reasonable time.

- "Commission" or "EQC" means the Oregon Environmental Quality Commission.

- "Compliance" means meeting the requirements of LRAPA's or Department's, Commission's or EPA's rules, permits or orders.

- "Constant Process Rate" means the average variation in process rate for the calendar year is not greater than plus or minus ten percent of the average process rate.

- "Construction" means any physical change including, but not limited to, fabrication, erection, installation, or modification of a facility, building or emission unit; or change in method of operation of a source which would result in a change in actual emissions.

- "Contingency Measures" means specific identified measures in an implementation plant to be undertaken if an area fails to make reasonable further progress, or attain a national air quality standard by the applicable attainment date.

- "Continual Monitoring" means sampling and analysis, in a continuous or timed sequence, using techniques which will adequately reflect actual emission rates or concentrations on a continuous basis.

- "Continuous Emissions Monitoring (CEMS)" means the total equipment used to sample, condition (if applicable), analyze, and provide a permanent record of emissions.

- "Continuous Monitoring Systems (CMS)" is a comprehensive term that may include, but is not limited to, continuous emission monitoring systems, continuous opacity monitoring systems, continuous parameter monitoring systems, or other manual or automatic monitoring that is used for demonstrating compliance on a continuous basis.

- "Continuous opacity monitoring system (COMS)" means a continuous monitoring system that measures the opacity of emissions.

- "Continuous parameter monitoring system" means the total equipment that may be required to meet the data acquisition and availability requirements of this part, used to sample, condition (if applicable), analyze, and provide a record of process or control system parameters.

- "Department" means the Oregon Department of Environmental Quality.

- "De minimis emission level" means:

Pollutant	**De minimis (tons/year, except as noted)**
CO	1
NO_x	1
SO_2	1
VOC	1
PM	1
PM_{10}	1
Lead	0.1
Fluorides	0.3
Sulfuric Acid Mist	0.7
Hydrogen Sulfide	1
Total Reduced Sulfur (including hydrogen sulfide)	1
Reduced Sulfur	1
Municipal waste combustor organics (Dioxin and furans)	0.0000005
Municipal waste combustor metals	1
Municipal waste combustor acid gases	1
Municipal solid waste landfill gases	1
Single HAP	1
Combined HAP (aggregate)	1

Note: De minimis is compared to all increases that are not included in the PSEL.

- "Director" means the Director of the Lane Regional Air Protection Agency or the Director of the Oregon Department of Environmental Quality and authorized deputies or officers.

- "Distillate Fuel Oil" means any oil meeting the specifications of ASTM Grade 1 or Grade 2 fuel oils.

- "Dry Standard Cubic Foot" means the amount of gas, free of uncombined water, that would occupy a volume of 1 cubic foot at standard conditions. When applied to combustion flue gases from waste or refuse burning, "Standard Cubic Foot (SCF)" means adjustment of gas volume to that which would result at a concentration of 7% oxygen (dry basis).

- "Emission" means a release into the ambient air of air contaminants.

- "Emission Estimate Adjustment Factor (EEAF)" means an adjustment applied to an emission factor to account for the relative inaccuracy of the emission factor.

- "Emission Factor" means an estimate of the rate at which a pollutant is released into the atmosphere, as the result of some activity, divided by the rate of that activity (e.g., production or

process rate). Where an emission factor is required sources must use an emission factor approved by EPA, Department or LRAPA.

- "Emission Limitation" or "Emission Standard" mean a requirement established by a State, local government, or the EPA which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

- "Emission Reduction Credit Banking" means to presently reserve, subject to requirements of LRAPA Title 41, Emission Reduction Credits, emission reductions for use by the reserver or assignee for future compliance with air pollution reduction requirements.

- "Emission Reporting Form" means a paper or electronic form developed by LRAPA that shall be completed by the permittee to report calculated emissions, actual emissions, or permitted emissions for interim emission fee assessment purposes.

- "Emission Unit" means any part or activity of a source (including specific process equipment) which emits or would have the potential to emit any regulated air pollutant.

  A. A part of a stationary source is any machine, equipment, raw material, product, or by-product that produces or emits air pollutants. An activity is any process, operation, action, or reaction (e.g., chemical) at a stationary source that emit air pollutants. Except as described in subsection D of this section, parts and activities may be grouped for purposes of defining an emissions unit provided the following conditions are met:
     (1) the group used to define the emissions unit may not include discrete parts or activities to which a distinct emissions standard applies or for which different compliance demonstration requirements apply; and
     (2) the emissions from the emissions unit are quantifiable.
  B. Emissions units may be defined on a pollutant-by-pollutant basis where applicable.
  C. The term emissions unit is not meant to alter or affect the definition of the term unit for purposes of Title IV of the FCAA.
  D. Parts and activities shall not be groups for purposes of determining emissions increases from an emissions unit under Section 44-070 (HAP Early Reductions) or OAR 340-218-0190 (Title V Construction/Modification), or for purposes of determining the applicability of a New Source Performance Standard (NSPS).

- "Enforcement" means any documented action taken to address a violation.

- "EPA" or "Administrator" means the Administrator of the United States Environmental Protection Agency or the Administrator's designee.

- EPA Conditional Method means any method of sampling and analyzing for air pollutants which has been validated by the EPA but which has not been published as an EPA reference method.

- EPA Reference Method means any method of sampling and analyzing for an air pollutant as described in **40 CFR Part 60, 61, or 63.**

- "EPA Method 9" means the method for Visual Determination of the Opacity of Emissions From Stationary Sources as promulgated by the U.S. Environmental Protection Agency in Title 40 of the Code of Federal Regulations, Part 60, Appendix A, Method 9.

- "Equipment leaks" means leaks from pumps, compressors, pressure relief devices, sampling connection systems, open ended valves or lines, valves, connectors, agitators, accumulator vessels, and instrumentation systems in hazardous air pollutant service.

- "Equivalent method" means any method of sampling and analyzing for an air pollutant that has been demonstrated to LRAPA's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions. An equivalent method used to meet an applicable federal requirement for which a reference method is specified must be approved by EPA unless EPA has delegated authority for the approval to LRAPA.

- "Eugene/Springfield Air Quality Maintenance Area" means that area described in Section 4.6.2.1 and Figure 4.6.2.1--1 of the State of Oregon State Implementation Plan Revision, Eugene/Springfield AQMA, as approved by the Board on November 6, 1980.

- "Eugene-Springfield Urban Growth Boundary (ESUGB)" means the area within and around the cities of Eugene and Springfield, as described in the currently acknowledged Eugene-Springfield Metropolitan Area General Plan, as amended.

- "Event" means excess emissions that arise from the same condition and occur during a single calendar day or continue into subsequent calendar days.

- "Exceedance" means a condition that is detected by monitoring that provides data in terms of an emission limitation or standard and that indicates that emissions (or opacity) are greater than the applicable emission limitation or standard (or less than the applicable standard in the case of a percent reduction requirement) consistent with any averaging period specified for averaging the results of the monitoring.

- "Excess emissions" means emissions in excess of a permit limit or any applicable air quality rule.

- "Excess emissions and continuous monitoring system performance report" is a report that must be submitted periodically by an affected source to provide data on its compliance with relevant emission limits, operating parameters, and the performance of its continuous parameter monitoring systems

- "Federal Land Manager" means, with respect to any lands in the United States, the Secretary of the federal department with authority over such lands.

- "Federal Major Source" means a source with potential to emit any individual regulated pollutant, excluding hazardous air pollutants listed in LRAPA Title 44, greater than or equal to 100 tons per year if in a source category listed below, or for non-listed sources 250

tons per year. Potential to emit calculations must include emission increases due to a new or modified source.

(a) Fossil fuel-fired steam electric plants of more than 250 million BTU/hour heat input;
(b) Coal cleaning plants with thermal dryers;
(c) Kraft pulp mills;
(d) Portland cement plants;
(e) Primary Zinc Smelters;
(f) Iron and Steel Mill Plants;
(g) Primary aluminum ore reduction plants;
(h) Primary copper smelters;
(i) Municipal Incinerators capable of charging more than 50 tons of refuse per day;
(j) Hydrofluoric acid plants;
(k) Sulfuric acid plants;
(l) Nitric acid plants;
(m) Petroleum Refineries;
(n) Lime plants;
(o) Phosphate rock processing plants;
(p) Coke oven batteries;
(q) Sulfur recovery plants;
(r) Carbon black plants, furnace process;
(s) Primary lead smelters;
(t) Fuel conversion plants;
(u) Sintering plants;
(v) Secondary metal production plants;
(w) Chemical process plants;
(x) Fossil fuel fired boilers, or combinations thereof, totaling more than 250 million BTU per hour heat input;
(y) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
(z) Taconite ore processing plants;
(aa) Glass fiber processing plants;
(bb) Charcoal production plants.

- "Federal Operating Permit Program" means a program approved by the EPA Administrator under 40 CFR Part 70. The rules and regulations which shall apply until superseded by LRAPA rules and regulations are OAR 340-218-0010 through 340-218-0240 (Title V Operating Permit Program) and 340-220-0010 through 340-220-0190 (Title V Operating Permit Fees), and 248 (Asbestos).

- "Filing" or "filed" means receipt in the office of the Director. Such receipt is adequate where filing is required for a document on a matter before LRAPA, except a claim of personal liability.

- "Fugitive Emissions," means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

- "Generally Available Control Technology (GACT)" means an alternative emission standard promulgated by EPA for non-major sources of Hazardous Air Pollutants which provides for the use of control technology or management practices which are generally available.

- "General permit":
  A. Except as provided in subsection B. of this section, means an Air Contaminant Discharge Permit established under Section 37-0060.
  B. As used in OAR 340 division 218 means an Oregon Title V Operating Permit established under OAR 340-218-0090.

- "Generic PSEL" means:

Pollutant	**Generic PSEL (tons/year, except as noted)**
CO	99
NO_x	39
SO_2	39
VOC	39
PM	24
PM_{10}	14
Lead	0.5
Fluorides	2
Sulfuric Acid Mist	6
Hydrogen Sulfide	9
Total Reduced Sulfur (including hydrogen sulfide)	9
Reduced Sulfur	9
Municipal waste combustor organics (Dioxin and furans)	0.0000030
Municipal waste combustor metals	14
Municipal waste combustor acid gases	39
Municipal solid waste landfill gases	49
Single HAP	9
Combined HAPs (aggregate)	24

Note: Sources are eligible for a generic PSEL if expected emissions are less than or equal to the levels listed in the table above. Baseline emission rate and netting basis do not apply to pollutants at sources using generic PSELs.

- "Growth Allowance" means an allocation of some part of an airshed's capacity to accommodate future proposed major sources and major modifications of sources.

- "Hardboard" means a flat panel made from wood that has been reduced to basic wood fibers and bonded by adhesive properties under pressure.

- "Hazardous Air Pollutant (HAP)" means an air pollutant listed by the EPA pursuant to **Section 112(b) of the FCAA** or determined by the Commission to cause, or reasonably be anticipated to cause, adverse effects to human health or the environment.

- "HEPA filter" means a high-efficiency particulate air filter capable of filtering 0.3 micrometer particles with 99.97 percent efficiency.

- "Highway Section" means a highway of substantial length between logical termini (major crossroads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study or multi-year highway improvement program.

- "Hot Mix Asphalt Plant" means those facilities and equipment which convey or batch load proportioned quantities of cold aggregate to a drier, and heat, dry, screen, classify, measure, and mix the aggregate with asphalt for purposes of paving, construction, industrial, residential, or commercial use.

- "Immediately," as relates to notifying LRAPA of episodes of excess emissions, means one of the following:

  A. During LRAPA's normal work hours, 8:00 a.m. to 5:00 p.m. Monday through Friday, report is to be made as soon as possible but no more than one (1) hour after the beginning of the excess emissions; or
  B. During LRAPA's off-duty hours or on weekends or holidays, report is to be made as soon as possible but no more than one (1) hour after the beginning of the excess emissions, using LRAPA's electronic telephone answering equipment. If the person reporting the incident is unable to access the telephone answering equipment because of overloaded telephone circuits or telephone equipment malfunction, the report must be made to the LRAPA business office at the beginning of the next working day.

- "Industrial Area" means land which is zoned or used for industrial operations, including manufacturing.

- "Inherent process equipment" means equipment that is necessary for the proper or safe functioning of the process, or material recovery equipment that the owner or operator documents is installed and operated primarily for purposes other than compliance with air pollution regulations. Equipment that must be operated at an efficiency higher than that achieved during normal process operations in order to comply with the applicable emission limitation or standard is not inherent process equipment. For the purposes of source testing requirements, inherent process equipment is not considered a control device.

- "Insignificant Activity" means an activity or emission that LRAPA has designated as categorically insignificant, or that meets the criteria of aggregate insignificant emissions.

- "Insignificant Change" means an off-permit change defined under OAR 340-218-0140(2)(a) to either a significant or an insignificant activity which:

  A. Does not result in a redesignation from an insignificant to a significant activity;
  B. Does not invoke an applicable requirement not included in the permit; and
  C. Does not result in emission of regulated air pollutants not regulated by the source's permit.

- "Kraft Mill" or "Mill" means any industrial operation which uses for a cooking liquor an alkaline sulfide solution containing sodium hydroxide and sodium sulfide in its pulping process.

- "Late Payment" means a fee payment which is postmarked after the due date.

- "Lime Kiln" means any production device in which calcium carbonate is thermally converted to calcium oxide.

- "Lowest Achievable Emission Rate (LAER)" means that rate of emissions which reflects:

  A. The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or
  B. The most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

  In no event shall the application of this term allow a proposed new or modified source to emit any air contaminant in excess of the amount allowable under applicable New Source Performance Standards (NSPS) or standards for hazardous air pollutants.

- "LRAPA" means the Lane Regional Air Protection Agency, a regional air quality control authority.

- "Maintenance Area" means a geographical area of Lane County that was designated as a nonattainment area, redesignated as an attainment area by EPA, and redesignated as a maintenance area by LRAPA.

- "Maintenance Pollutant" means a pollutant for which a maintenance area was formerly designated a nonattainment area.

- "Major Modification" means any physical change or change of operation of a source that results in the following for any regulated air pollutant:
  A. an increase in the PSEL by an amount equal to or more than the significant emission rate over the netting basis; and

B. the accumulation of physical changes and changes of operation since baseline that would result in a significant emission rate increase.

1. Calculations of emission increases in (B) must account for all accumulated increases in actual emissions due to physical changes and changes of operation occurring at the source since the baseline period, or since the time of the last construction approval issued for the source pursuant to the New Source Review Regulations in LRAPA Title 38 for that pollutant, whichever time is more recent. These include emissions from insignificant activities.
2. Emission increases due solely to increased use of equipment or facilities that existed during the baseline period are not included, if that increased use was possible during the baseline period under the baseline configuration of the source, and the increased use of baseline equipment capacity is not to support a physical change or change in operation.

C. For new or modified major sources that were permitted to construct and operate after the baseline period and were not subject to New Source Review, a major modification means:

1. Any change at a source, including production increases, that would result in a Plant Site Emission Limit increase of 1 ton or more for any regulated pollutant for which the source is a major source; or
2. The addition or modification of any stationary source or sources after the initial construction that have cumulative potential emissions greater than or equal to the significant emission rate, excluding any emission decreases.
3. Changes to the PSEL solely due to the availability of better emissions information are exempt from being considered an increase.

D. The following are not considered major modifications:

1. Except as provided in C., proposed increases in hours of operation or production rates that would not involve a physical change or change in method of operation in the source, nor cause a PSEL increase;
2. Routine maintenance, repair, and replacement of components;
3. Temporary equipment installed for maintenance of the permanent equipment if the temporary equipment is in place for less than six months and operated within the permanent equipment's existing PSEL;
4. Use of alternate fuel or raw materials, that were available and the source was capable of accommodating in the baseline period.

- "Major Source":

A. Except as provided in subsection B., means a source that emits, or has the potential to emit, any regulated air pollutant at a Significant Emission Rate. This includes emissions from insignificant activities.

B. As used in LRAPA Title 34, Stationary Source Notification Requirements, OAR 340 division 218, rules applicable to sources required to have LRAPA Title V Operating Permits OAR 340 division 220, Title V Operating Permit Fees, and LRAPA Section 37-0066 Standard ACDPs, means any stationary source (or any group of stationary sources that are located on one or more contiguous or adjacent properties and are under common control of the same person (or persons under common control)) belonging to a single major industrial grouping or supporting the major industrial group and that is described in

paragraphs (1), (2), or (3) of this subsection. For the purposes of this subsection, a stationary source or group of stationary sources is considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual (U.S. Office of Management and Budget, 1987) or support the major industrial group.

(1) A major source of hazardous air pollutants, which means:

(i) Any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons per year (tpy) or more of any single hazardous air pollutant; 25 tpy or more of any combination of hazardous air pollutants, unless the Administrator establishes a lesser quantity, or in the case of radionuclide, different criteria from those in this sentence. Emissions from any oil or gas exploration or production well, along with its associated equipment, and emissions from any pipeline compressor or pump station will not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or

(ii) For radionuclides, "major source" will have the meaning specified by the Administrator by rule.

(2) A major stationary source of air pollutants, as defined in section 302 of the Act, that directly emits or has the potential to emit 100 tpy or more of any regulated air pollutant, including any major source of fugitive emissions of any such pollutant. The fugitive emissions of a stationary source are not considered in determining whether it is a major stationary source for the purposes of section 302(j) of the Act, unless the source belongs to one of the following categories of stationary source:

(i) Coal cleaning plants (with thermal dryers);
(ii) Kraft pulp mills;
(iii) Portland cement plants;
(iv) Primary zinc smelters;
(v) Iron and steel mills;
(vi) Primary aluminum ore reduction plants;
(vii) Primary copper smelters;
(viii) Municipal incinerators capable of charging more than 50 tons of refuse per day;
(ix) Hydrofluoric, sulfuric, or nitric acid plants;
(x) Petroleum refineries;
(xi) Lime plants;
(xii) Phosphate rock processing plants;
(xiii) Coke oven batteries;
(xiv) Sulfur recovery plants;
(xv) Carbon black plants (furnace process);
(xvi) Primary lead smelters;
(xvii) Fuel conversion plants;
(xviii) Sintering plants;
(xix) Secondary metal production plants;
(xx) Chemical process plants;
(xxi) Fossil-fuel boilers, or combination thereof, totaling more than 250 million British thermal units per hour heat input;

(xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
(xxiii) Taconite ore processing plants;
(xxiv) Glass fiber processing plants;
(xxv) Charcoal production plants;
(xxvi) Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or
(xxvii) All other stationary source categories, that as of August 7, 1980, is being regulated by a standard promulgated under section 111 or 112 of the Act, but only with respect to those air pollutants that have been regulated for that category.

(3) A major stationary source as defined in part D of Title I of the Act, including:
(i) For ozone nonattainment areas, sources with the potential to emit 100 tpy or more of VOCs or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tpy or more in areas classified as "serious," 25 tpy or more in areas classified as "severe," and 10 tpy or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25, and 10 tpy of nitrogen oxides do not apply with respect to any source for which the Administrator has made a finding, under section 182(f)(1) or (2) of the Act, that requirements under section 182(f) of the Act do not apply;
(ii) For ozone transport regions established pursuant to section 184 of the Act, sources with the potential to emit 50 tpy or more of VOCs;
(iii) For carbon monoxide nonattainment areas:
(I) That are classified as "serious;" and
(II) In which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator, sources with the potential to emit 50 tpy or more of carbon monoxide.
(iv) For particulate matter (PM10) nonattainment areas classified as "serious," sources with the potential to emit 70 tpy or more of PM10.

- "Material Balance" means a procedure for calculating emissions based on the difference between the amount of material added to a process and the amount consumed and recovered from a process.

- “Modification”, except as used in the term “major modification”, means any physical change to, or change in the method of operation of, a stationary source that results in an increase in the stationary source’s potential to emit any regulated air pollutant on an hourly basis. Modifications do not include the following:

A. Increases in hours of operation or production rates that do not involve a physical change or change in the method of operation;
B. Changes in the method of operation due to using an alternative fuel or raw material that the stationary source was physically capable of accommodating during the baseline period; and
C. Routine maintenance, repair and like-for-like replacement of components unless they increase the expected life of the stationary source by using component upgrades that would not otherwise be necessary for the stationary source to function.

- "Monitoring" means any form of collecting data on a routine basis to determine or otherwise assess compliance with emission limitations or standards. Monitoring may include record keeping if the records are used to determine or assess compliance (such as records of raw material content and usage, or records documenting compliance with work practice requirements). Monitoring may include conducting compliance tests, such as the procedures in appendix A to 40 CFR part 60, on a routine periodic basis. Requirements to conduct such tests on a one-time basis, or at such times as a regulatory authority may require on a non-regular basis, are not considered monitoring requirements for purposes of this definition. Monitoring may include one or more than one of the following data collection techniques as appropriate for a particular circumstance:
  A. Continuous emission or opacity monitoring systems.
  B. Continuous process, capture system, control device or other relevant parameter monitoring systems or procedures, including a predictive emission monitoring system.
  C. Emission estimation and calculation procedures (e.g., mass balance or stoichiometric calculations).
  D. Maintaining and analyzing records of fuel or raw materials usage.
  E. Recording results of a program or protocol to conduct specific operation and maintenance procedures.
  F. Verifying emissions, process parameters, capture system parameters, or control device parameters using portable or in situ measurement devices.
  G. Visible emission observations and recording.
  H. Any other form of measuring, recording, or verifying on a routine basis emissions, process parameters, capture system parameters, control device parameters or other factors relevant to assessing compliance with emission limitations or standards.

- "Netting Basis" means the baseline emission rate MINUS any emission reductions required by rule, orders, or permit conditions required by the SIP or used to avoid SIP requirements, MINUS any unassigned emissions that are reduced from allowable emissions under LRAPA Title 42, Section 42-0045, MINUS any emission reduction credits transferred off site, PLUS any emission increases approved through the New Source Review regulations of Title 38.
  A. With the first permitting action for a source after October 14, 2008, the baseline emissions rate will be frozen and shall be recalculated only if:
     1. A better emission factor is established for the baseline period and approved by LRAPA;
     2. A currently operating emissions unit that LRAPA formerly thought had negligible emissions, is determined to have non-de minimis emissions and needs to be added to the baseline emission rate; or
     3. A new pollutant is added to the regulated pollutant list (e.g., PM2.5). For a pollutant that is newly regulated after 11/15/90, the initial netting basis is the actual emissions during any 12 consecutive month period within the 24 months immediately preceding its designation as a regulated pollutant. LRAPA may allow a prior 12 consecutive month time period to be used if it is shown to be more representative of normal source operation.
  B. Netting basis is zero for:
     1. Any source constructed after the baseline period and has not undergone New Source Review;
     2. Any pollutant that has a generic PSEL in a permit;

3. Any source permitted as portable; and
4. Any source with a netting basis calculation resulting in a negative number.

C. If a source relocates to an adjacent site, and the time between operation at the old and new sites is less than six months, the source may retain the netting basis from the old site.

D. Emission reductions required by rule, order, or permit condition affect the netting basis if the source currently has devices or emissions units that are subject to the rules, order, or permit condition. The baseline emission rate is not affected.

E. Netting basis for a pollutant with a revised definition will be adjusted if the source is emitting the pollutant at the time of redefining and the pollutant is included in the permit's netting basis.

F. Where EPA requires an attainment demonstration based on dispersion modeling, the netting basis will be established at no more than the level used in the dispersion modeling to demonstrate attainment with the ambient air quality standard (i.e., the attainment demonstration is an emission reduction required by rule).

- "Nitrogen Oxides" or "NO_x" means all oxides of nitrogen except nitrous oxide.

- "Nonattainment Area" means a geographical area within the jurisdiction of the Agency, as designated by the Board, the Environmental Quality Commission, or the Environmental Protection Agency which exceeds any federal, state or local primary or secondary ambient air quality standard.

- "Nonattainment Pollutant" means a pollutant for which an area is designated a nonattainment area.

- "Normal Source Operation" means operations which do not include such conditions as forced fuel substitution, equipment malfunction, or highly abnormal market conditions.

- "Nuisance" means a substantial and unreasonable interference with another's use and enjoyment of real property, or the substantial and unreasonable invasion of a right common to members of the general public.

- "Odor" means the property of a substance which allows its detection by the sense of smell.

- "Offset" means an equivalent or greater emission reduction that is required before allowing an emission increase from a proposed major source or major modification of an existing source.

- "Opacity" means the degree to which an emission reduces transmission of light and obscures the view of an object in the background as measured in accordance with Section 35-0120 and35-0140. Unless otherwise specified by rule, opacity shall be measured in accordance with EPA Method 9 or a continuous opacity monitoring system (COMS) installed and operated in accordance with the Department's Continuous Monitoring Manual. For all standards, the minimum observation period shall be six minutes, though longer periods may be required by a specific rule or permit condition. Aggregate times (e.g. 3 minutes in any one hour) consist of the total duration of all readings during the observation period that equal or exceed the opacity percentage in the standard, whether or not the readings are consecutive.

- "Oregon Title V Operating Permit" or "LRAPA Title V Operating Permit" means any permit covering an Oregon or LRAPA Title V Operating Permit source that is issued, renewed, amended, or revised pursuant to OAR 340 division 218.

- "Oregon Title V Operating Permit program" means a program approved by the Administrator under 40 CFR Part 70.

- "Oregon Title V Operating Permit program source" means any source subject to the permitting requirements, OAR 340 division 218.

- "Ozone Season" means the contiguous 3 month period during which ozone exceedances typically occur (i.e., June, July, and August).

- "Particle Fallout Rate" means the weight of particulate matter which settles out of the air in a given length of time over a given area.

- "Particulate Matter" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by the method specified within the standard or by an applicable reference method in accordance with LRAPA 35-0120 and LRAPA 35-0140. Sources with exhaust gases at or near ambient conditions may be tested with DEQ Method 5 or DEQ Method 8, as approved by LRAPA. Direct heat transfer sources shall be tested with DEQ Method 7; indirect heat transfer combustion sources and all other non-fugitive emissions sources not listed above shall be tested with DEQ Method 5 or an equivalent method approved by LRAPA. Equivalent methods applied to federal standards included in the State Implementation Plan may only be used if they are also approved in advance by EPA.

- "Permit" or "Air Contaminant Discharge Permit" means a written permit issued by LRAPA, pursuant to LRAPA and DEQ rules and regulations.

- "Permittee" means the owner or operator of the facility, authorized by the Air Contaminant Discharge Permit or the Oregon or LRAPA Title V Operating Permit to operate the source.

- "Person" means any individual, public or private corporation, political subdivision, agency, board, department, or bureau of the state or federal government, municipality, partnership, association, firm, trust, estate, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

- "Plant Site Emission Limit (PSEL)" means the total mass emissions per unit time of an individual air pollutant specified in a permit for a source. The PSEL for a major source may consist of more than one assessable emission.

- "PM_{10}" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured in accordance with **40 CFR 53 Subpart, Appendix J**.

- "PM_{10} Emissions" means emissions of finely divided solid or liquid material, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal 10 micrometers, emitted to the ambient air as measured by applicable reference methods in accordance with the Department's Source Sampling Manual.

- “PM2.5” means:

  A. When used in the context of emissions, means finely divided solid or liquid material, including condensable particulate, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers, emitted to the ambient air as measured by conditional test method CTM-040 (EPA Emission Measurement Center) and a reference method based on 40 CFR Part 52, Appendix M.

  B. When used in the context of ambient concentration, means particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method based on 40 CFR Part 50, Appendix L, or an equivalent method designated in accordance with 40 CFR Part 53.

- "Potential to emit" or "PTE" means the lesser of:

  A. The capacity of a stationary source; or

  B. The maximum allowable emissions taking into consideration any physical or operational limitation, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, if the limitation is enforceable by the Administrator.

  C. This definition does not alter or affect the use of this term for any other purposes under the Act or the term "capacity factor" as used in Title IV of the Act and the regulations promulgated thereunder. Secondary emissions are not considered in determining the potential to emit.

- “Presiding Officer” means the Agency, the Chairperson of its Board of Directors, Hearings Officer, the Director, or any individual designated by the Agency or the Director to preside in any contested case, public, or other hearing. Any employee of LRAPA who actually presided in any such hearing is presumptively designated by LRAPA or Director, such presumptive designation to be overcome only by a written statement to the contrary bearing the signature of the Chairperson or the Director.

- "Process Upset" means a failure or malfunction of a production process or system to operate in a normal and usual manner.

- "Reference method" means any method of sampling and analyzing for an air pollutant as specified in **40 CFR Part 60**, **61** or **63**.

- "Regional Agency" means the Lane Regional Air Protection Agency

- "Regulated air pollutant" or "Regulated Pollutant":

  A. Except as provided in subsections B. and C. of this rule, means:

    1. Nitrogen oxides or any VOCs;

2. Any pollutant for which a national ambient air quality standard has been promulgated;

3. Any pollutant that is subject to any standard promulgated under section 111 of the Act;

4. Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act; or

5. Any pollutant listed under LRAPA Title 44, Section 44-020 or 44-160.

B. As used in OAR 340 division 220, means any air pollutant as included in subsection A. of this rule, except the following:

1. Carbon monoxide;

2. Any pollutant that is a regulated pollutant solely because it is a Class I or Class II substance subject to a standard promulgated under or established by Title VI of the Federal Clean Air Act; or

3. Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under section 112(r) of the Federal Clean Air Act.

C. As used in LRAPA Title 38 any pollutant listed under LRAPA Title 44, Section 44-020 or Section 44-160 is not a regulated pollutant.

- "Residual Fuel Oil" means any oil meeting the specifications of ASTM Grade 4, Grade 5 or Grade 6 fuel oils.

- "Reviewing Agency", where found in the federal rule, means LRAPA, the Department, or the EPA, as applicable.

- "Secondary Emissions" means emissions from new or existing sources which occur as a result of the construction and/or operation of a source or modification, but do not come from the source itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the source associated with the secondary emissions. Secondary emissions may include, but are not limited to:

  A. Emissions from ships and trains coming to or from a facility;
  B. Emissions from off-site support facilities which would be constructed or would otherwise increase emissions as a result of the construction of a source or modification.

- "Section 111" means that section of the FCAA that includes Standards of Performance for New Stationary Sources (NSPS).

- "Section 112(b)" means that subsection of the FCAA that includes the list of hazardous air pollutants to be regulated.

- "Section 112(d)" means that subsection of the FCAA that directs the EPA to establish emissions standards for sources of Hazardous Air Pollutants. This section also defines the criteria to be used by EPA when establishing the emission standards.

- "Section 112(e)" means that subsection of the FCAA that directs the EPA to establish and promulgate emissions standards for categories and subcategories of sources that emit Hazardous Air Pollutants.

- "Section 112(n)" means that subsection of the FCAA that includes requirements for the EPA to conduct studies on the hazards to public health prior to developing emissions standards for specified categories of Hazardous Air Pollutant emission sources.

- "Section 112(r)" means that subsection of the FCAA that includes requirements for the EPA to promulgate regulations for the prevention, detection and correction of accidental releases.

- "Section 129" means that section of the FCAA that requires EPA to promulgate regulations for solid waste combustion.

- "Shutdown," as used in Titles 30 and 36, means that time during which normal operation of an air contaminant source or emission control equipment is terminated.

- "Significant Air Quality Impact" means an additional ambient air quality concentration equal to or greater than the concentrations listed in **Table 1 of LRAPA Title 12.** The threshold concentrations listed in Table 1 are used for comparison against the ambient air quality standard and do not apply for protecting PSD Class I increments or air quality related values (including visibility). For sources of VOC or NOx, a major source or major modification has a significant impact if it is located within the Ozone Precursor Distance defined in LRAPA Title 40, Section 40-0020.

- "Significant Emission Rate" or "SER," except as provided in subsections A. and B. of this section, means an emission rate equal to or greater than the rates specified in **Table 2.**

  A. For regulated air pollutants not listed in **Table 2** or **3,** the significant emission rate is zero unless LRAPA determines the rate that constitutes a significant emission rate.

  B. Any new source or modification with an emissions increase less than the rates specified in **Table 2** or **3** associated with a new source or modification which would construct within 10 kilometers of a Class I area, and would have an impact on such area equal to or greater than 1 ug/m3 (24 hour average) is emitting at a significant emission rate.

- "Significant Impairment" occurs when visibility impairment, in the judgement of LRAPA, interferes with the management, protection, preservation, or the enjoyment of the visual experience of visitors within a Class I area. The determination will be made on a case-by-case basis, considering the recommendation of the Federal Land Manager, the geographic extent, intensity, duration, frequency, and time of visibility impairment. These factors will be considered with respect to visitor use of the Class I Area, and the frequency and occurrence of natural conditions that reduce visibility.

- "Source" means any building, structure, facility, installation or combination thereof that emits or is capable of emitting air contaminants to the atmosphere, is located on one or more contiguous or adjacent properties and is owned or operated by the same person or by persons under

common control. The term includes all pollutant emitting activities that belong to a single major industrial group (i.e., that have the same two-digit code) as described in the Standard Industrial Classification Manual, (U.S. Office of Management and Budget, 1987) or that support the major industrial group.

- "Source category":

  A. Except as provided in subsection B. of this section, means all the pollutant emitting activities that belong to the same industrial grouping (i.e., that have the same two-digit code) as described in the Standard Industrial Classification Manual, (U.S. Office of Management and Budget, 1987).

  B. As used in OAR 340 division 220, Oregon Title V Operating Permit Fees, means a group of major sources that LRAPA and the Department determines are using similar raw materials and have equivalent process controls and pollution control equipment.

- "Source Test" means the average of at least three test runs conducted in accordance with the Department's Source Sampling Manual or other LRAPA-approved methods. Alternative methods applied to standards included in the State Implementation Plan may only be used if they are also approved in advance by EPA.

- "Standard Conditions" means a gas temperature of sixty-eight (68) degrees Fahrenheit and a gas pressure of 29.92 inches of mercury.

- "Standard Cubic Foot (SCF)" means that amount of gas which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor at standard conditions.

- "Standard Dry Cubic Meter" means the amount of gas that would occupy a volume of one cubic meter, if the gas were free of uncombined water, at a temperature of 20° C. (68° F.) and a pressure of 760 mm of Mercury (29.92 inches of Mercury). The corresponding English unit is standard dry cubic foot. When applied to recovery furnace gases, "standard dry cubic meter" requires adjustment of the gas volume to that which would result in a concentration of 8% oxygen if the oxygen concentration exceeds 8%. When applied to lime kiln gases, "standard dry cubic meter" requires adjustment of the gas volume to that which would result in a concentration of 10% oxygen if the oxygen concentration exceeds 10%. The mill shall demonstrate that oxygen concentrations are below noted values or furnish oxygen levels and corrected pollutant data.

- "Startup/Shutdown" means the time during which an air contaminant source or emission control equipment is brought into normal operation and normal operation is terminated, respectively.

- "Stationary Source" means:

  A. Any building, structure, facility, or installation which emits or may emit any regulated air pollutant.
  B. As used in Section 44-160, any buildings, structures, equipment, installations, or substance-emitting stationary activities:
     (1) That belong to the same industrial group;

(2) That are located on one or more contiguous properties;
(3) That are under the control of the same person (or persons under common control); and
(4) From which an accidental release may occur.

- "State or State or Local Control Agency", where found in **40 CFR 51.118**, means LRAPA or the Department.

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- "Title I modification" means one of the following modifications pursuant to Title I of the FCAA:

A. A major modification subject to LRAPA 38-0050, Requirements for Sources in Nonattainment Areas;

B. A major modification subject to LRAPA 38-0060, Requirements for Sources in Maintenance Areas;

C. A major modification subject to LRAPA 38-0070, Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas;

D. A modification that is subject to a New Source Performance Standard under Section 111 of the FCAA; or

E. A modification under Section 112 of the FCAA.

- "Total Reduced Sulfur (TRS)" means the sum of the sulfur compounds hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide, and any other organic sulfides present, expressed as hydrogen sulfide (H_2S).

- "Typically Achievable Control Technology" or "TACT" means the emission limit established on a case-by-case basis for a criteria pollutant from a particular emissions unit in accordance with Section 32-008. For existing sources, the emissions limit established shall be typical of the emission level achieved by emissions units similar in type and size. For new and modified sources, the emission limit established shall be typical of the emission level achieved by well-controlled new or modified emissions units similar in type and size that were recently installed. TACT determinations shall be based on information known to LRAPA considering pollution prevention, impacts on other environmental media, energy impacts, capital and operating costs, cost effectiveness, and the age and remaining economic life of existing emission control equipment. LRAPA may consider emission control technologies typically applied to other types of emissions units where such technologies could be readily applied to the emissions unit. If an emission limitation is not feasible, a design, equipment, work practice, or operational standard, or combination thereof, may be required.

- "Unavoidable" means events which are not caused entirely or in part by poor or inadequate design, operation, maintenance, or any other preventable condition in either process or control equipment.

- "Unassigned Emissions" means the amount of emissions that are in excess of the PSEL but less than the Netting Basis.

- "Uncombined Water" means water which is not chemically bound to a substance.

- "Upset" or "Breakdown" means any failure or malfunction of any pollution control equipment or process equipment which may cause excess emissions.

- "Volatile Organic Compound" or "VOC" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.

  A. This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity in the formation of tropospheric ozone: methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114; chloropentafluoroethane (CFC-115); 1,1,1-trifluoro-2,2-dichloroethane (HCFC-123); 1.1.1.2-tetrafluoroethane (HFC-134a); 1,1-dichloro-1-fluoroethane (HCFC-141b); 1-chloro-1,1-difluoroethane (HCFC-142b); 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124); HCFC 225ca and cb; HFC 43-10mee; pentafluoroethane [~~2~~] (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; acetone; perchloroethylene (tertrachloroethylene); difluormethane (HFC-32); ethylfluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea); 1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc); chlorofluoromethane (HCFC-31); 1 chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4-nonafluoro-4-methoxy-butane ($C_4F_9OCH_3$); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OCH_3$); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OC_2H_5$); methyl acetate; 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C3F7OCH3, HFE-7000); 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500); 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea); methyl formate (HCOOCH3); (1) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300); and perfluorocarbon compounds which fall into these classes:
     (1) Cyclic, branched, or linear, completely fluorinated alkanes;
     (2) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
     (3) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
     (4) Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
  B. For purposes of determining compliance with emissions limits, VOC will be measured by an applicable reference method in accordance with the Department's **Source Sampling Manual**, January, 1992. Where such a method also measures compounds with negligible

photochemical reactivity, the latter may be excluded as VOC if the amount of such compounds is accurately quantified, and LRAPA approves the exclusion.

C. LRAPA may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of LRAPA, the amount of negligibly reactive compounds in the source's emissions.

D. The following compound(s) are VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and must be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate.

- "Year", unless otherwise defined, means any consecutive 12 month period of time.

Section 12-010 **Abbreviations and Acronyms**

(1) "ACDP" means Air Contaminant Discharge Permit.

(2) "ACT" means Federal Clean Air Act.

(3) "AE" means Actual Emissions.

(4) "AICPA" means Association of Independent Certified Public Accountants.

(5) "AQCR" means Air Quality Control Region.

(6) "AQMA" means Air Quality Maintenance Area.

(7) "ASME" means American Society of Mechanical Engineers.

(8) "ASTM" means American Society for Testing & Materials.

(9) "ATETP" means Automotive Technician Emission Training Program.

(10) "AWD" means all wheel drive.

(11) "BACT" means Best Available Control Technology.

(12) "BLS" means black liquor solids.

(13) "CAA" means Clean Air Act

(14) "CAR" means control area responsible party.

(15) "CBD" means central business district.

(16) "CCTMP" means Central City Transportation Management Plan.

(17) "CEM" means continuous emissions monitoring.

(18) "CEMS" means continuous emission monitoring system.

(19) "CERCLA" means Comprehensive Environmental Response Compensation and Liability Act.

(20) "CFRMS" means continuous flow rate monitoring system.

(21) "CFR" means Code of Federal Regulations.

(22) "CMS" means continuous monitoring system.

(23) "CO" means carbon monoxide.

(24) "COMS" means continuous opacity monitoring system.

(25) "CPMS" means continuous parameter monitoring system.

(26) "DEQ" means Oregon Department of Environmental Quality.

(27) "DOD" means Department of Defense.

(28) "EA" means environmental assessment.

(29) "ECO" means employee commute options.

(30) "EEAF" means emissions estimate adjustment factor.

(31) "EF" means emission factor.

(32) "EGR" means exhaust gas re-circulation.

(33) "EIS" means Environmental Impact Statement

(34) "EPA" means Environmental Protection Agency.

(35) "EQC" means Environmental Quality Commission.

(36) "ESP" means electrostatic precipitator.

(37) "FCAA" means Federal Clean Air Act.

(38) "FHWA" means Federal Highway Administration.

(39) "FONSI" means finding of no significant impact.

(40) "FTA" means Federal Transit Administration.

(41) "GFA" means gross floor area.

(42) "GLA" means gross leasable area.

(43) "GPM" means grams per mile.

(44) "gr/dscf" means grains per dry standard cubic foot.

(45) "GTBA" means grade tertiary butyl alcohol.

(46) "GVWR" means gross vehicle weight rating.

(47) "HAP" means hazardous air pollutant.

(48) "HEPA" means high efficiency particulate air.

(49) "HMIWI" means hospital medical infectious waste incinerator.

(50) "I/M" means inspection and maintenance program.

(51) "IG" means inspection grade.

(52) "IRS" means Internal Revenue Service.

(53) "ISECP" means indirect source emission control program.

(54) "ISTEA" means Intermodal Surface Transportation Efficiency Act.

(55) "LAER" means Lowest Achievable Emission Rate.

(56) "LDT2" means light duty truck 2.

(57) "LIDAR" means laser radar; light detection and ranging.

(58) "LPG" means liquefied petroleum gas.

(59) "LRAPA" means Lane Regional Air Protection Agency.

(60) "LUCS" means Land Use Compatibility Statement.

(61) "MACT" means Maximum Achievable Control Technology.

(62) "MPO" means Metropolitan Planning Organization.

(63) "MTBE" means methyl tertiary butyl ether.

(64) "MWC" means municipal waste combustor.

(65) "NAAQS" means National Ambient Air Quality Standards.

(66) "NEPA" means National Environmental Policy Act.

(67) "NESHAP" means National Emissions Standard for Hazardous Air Pollutants.

(68) "NIOSH" means National Institute of Occupational Safety & Health.

(69) "NO_x" means nitrogen oxides.

(70) "NSPS" means New Source Performance Standards.

(71) "NSR" means New Source Review.

(72) "NSSC" means neutral sulfite semi-chemical.

(73) "O_3" means ozone.

(74) "OAR" means Oregon Administrative Rules.

(75) "ODOT" means Oregon Department of Transportation.

(76) "ORS" means Oregon Revised Statutes.

(77) "OSAC" means orifice spark advance control.

(78) "OSHA" means Occupational Safety & Health Administration.

(79) "PCDE" means pollution control device collection efficiency.

(80) "PEMS" means predictive emission monitoring system.

(81) "PM" means particulate matter.

(82) "PM_{10}" means particulate matter less than 10 microns.

(83) "POTW" means Publicly Owned Treatment Works.

(84) "POV" means privately owned vehicle.

(85) "PSD" means Prevention of Significant Deterioration.

(86) "PSEL" means Plant Site Emission Limit.

(87) "QIP" means quality improvement plan.

(88) "RACT" means Reasonably Available Control Technology.

(89) "RVCOG" means Rogue Valley Council of Governments.

(90) "RWOC" means running weighted oxygen content.

(91) "SKATS" means Salem-Kaiser Area Transportation Study.

(92) "scf" means standard cubic feet.

(93) "SCS" means speed control switch.

(94) "SD" means standard deviation.

(95) "SIP" means State Implementation Plan.

(96) "SO_2" means sulfur dioxide.

(97) "SOCMI" means synthetic organic chemical manufacturing industry.

(98) "SOS" means Secretary of State.

(99) "TAC" means thermostatic air cleaner.

(100) "TACT" means Typically Achievable Control Technology.

(101) "TCM" means transportation control measures.

(102) "TCS" means throttle control solenoid.

(103) "TIP" means Transportation Improvement Program.

(104) "TRS" means total reduced sulfur.

(105) "TSP" means total suspended particulate matter.

(106) "UGA" means urban growth area.

(107) "UGB" means urban growth boundary.

(108) "US DOT" means United States Department of Transportation.

(109) "UST" means underground storage tanks.

(110) "UTM" means universal transverse mercator.

(111) "VIN" means vehicle identification number.

(112) "VMT" means vehicle miles traveled.

(113) "VOC" means volatile organic compounds.

TABLE 1
LRAPA Title 12
SIGNIFICANT AMBIENT AIR QUALITY IMPACT WHICH IS EQUAL TO OR GREATER THAN:

Pollutant	***Pollutant Averaging Time***				
	Annual	*24-Hour*	*8-Hour*	*3-Hour*	*1-Hour*
SO_2	1.0 $\mu g/m^3$	5 $\mu g/m^3$		25 $\mu g/m^3$	
PM_{10}	0.2 $\mu g/m^3$	1.0 $\mu g/m^3$			
NO_2	1.0 $\mu g/m^3$				
CO			0.5 mg/m^3		2 mg/m^3

TABLE 2
LRAPA Title 12
SIGNIFICANT EMISSION RATES FOR POLLUTANTS REGULATED UNDER THE CLEAN AIR ACT

	Significant Pollutant	***Emission Rate***
(A)	Carbon Monoxide	100 tons/year
(B)	Nitrogen Oxides (NO_X)	40 tons/year
(C)	Particulate Matter	25 tons/year
(D)	PM_{10}	15 tons/year
(E)	Sulfur Dioxide	40 tons/year
(F)	Volatile Organic Compounds (VOC)	40 tons/year

TABLE 2 LRAPA Title 12 SIGNIFICANT EMISSION RATES FOR POLLUTANTS REGULATED UNDER THE CLEAN AIR ACT		
	Significant Pollutant	***Emission Rate***
(G)	Lead	0.6 ton/year
(H)	Fluorides	3 tons/year
(I)	Sulfuric Acid Mist	7 tons/year
(J)	Hydrogen Sulfide	10 tons/year
(K)	Total Reduced Sulfur (including hydrogen sulfide)	10 tons/year
(L)	Reduced sulfur compounds (including hydrogen sulfide)	10 tons/year
(M)	Municipal waste combustor organics (measured as total tetra- through octa- chlorinated dibenzo-p-dioxins and dibenzofurans)	0.0000035 ton/year
(N)	Municipal waste combustor metals (measured as particulate matter)	15 tons/year
(O)	Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride)	40 tons/year
(P)	Municipal solid waste landfill emissions (measured as nonmethane organic compounds)	50 tons/year

Table 3 LRAPA Title 12 SIGNIFICANT EMISSION RATES FOR THE FUTURE AIR QUALITY MAINTENANCE AREA(s)*			
Air Contaminant	*Emission Rate*		
	Annual	*Day*	
Pollutant	NA	NA	

*There currently are no air quality maintenance areas for which SERs different from those contained in Table 2 of Title 12 are required.

Section 12-020 Exceptions

1. Except as provided in section 2. of this rule, LRAPA Rules and Regulations do not apply to:
    A. Agricultural operations, including but not limited to:
        1) Growing or harvesting crops;
        2) Raising fowl or animals;
        3) Clearing or grading agricultural land;
        4) Propagating and raising nursery stock;
        5) Propane flaming of mint stubble; and
        6) Stack or pile burning of residue from Christmas trees, as defined in ORS 571.505, during the period beginning October 1 and ending May 31 of the following year.

B. Equipment used in agricultural operations, except boilers used in connection with propagating and raising nursery stock.
C. Barbeque equipment used in connection with any residence.
D. Heating equipment in or used in connection with residences used exclusively as dwellings for not more than four families, except woodstoves which shall be subject to regulation under this section, ORS 468A.460 to 468A.480, 468A.490 and 468A.515.
E. Fires set or permitted by any public agency when such fire is set or permitted in the performance of its official duty for the purpose of weed abatement, prevention or elimination of a fire hazard, or instruction of employees in the methods of fire fighting, which in the opinion of the agency is necessary.
F. Fires set pursuant to permit for the purpose of instruction of employees of private industrial concerns in methods of fire fighting, or for civil defense instruction.

2. Section 1. of this rule does not apply to the extent:
A. Otherwise provided in ORS 468A.555 to 468A.620, 468A.790, 468A.992, 476.380 and 478.960;
B. Necessary to implement the federal Clean Air Act (P.L. 88-206 as amended) under ORS 468A.025, 468A.030, 468A.035, 468A.040, 468A.045 and 468A.300 to 468A.330; or
C. Necessary for LRAPA, in the Board's discretion, to implement a recommendation to the Task Force on Dairy Air Quality created under section 3, chapter 799, Oregon Laws 2007, for the regulation of dairy air contaminant emissions.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 30
Incinerator Regulations

Section 30-005 Purpose and Applicability

The purpose of these rules is to establish state-of-the-art emission standards, design requirements, and performance standards for all solid, infectious waste and crematory incinerators, in order to minimize air contaminant emissions and provide adequate protection of public health. The rules apply to all existing solid and infectious waste and crematory incinerators and to all that will be built, modified, or installed within Lane County, Oregon. These rules shall not apply to municipal waste combustors.

Section 30-010 Definitions

Words and terms used in this title are defined as follows, unless the context requires otherwise:

- "Acid Gases" means any exhaust gas which includes hydrogen chloride and sulfur dioxide.

- "Best Available Control Technology (BACT)" means an emission limitation (including a visible emission standard) based on the maximum degree of reduction of each air contaminant subject to regulation under the Clean Air Act which would be emitted from any proposed major source or major modification which, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air contaminant. In no event shall the application of BACT result in emissions of any air contaminant which would exceed the emissions allowed by any applicable new source performance standard or any standard for hazardous air pollutants. If an emission limitation is not feasible, a design, equipment, work practice, or operational standard, or combination thereof, may be required. Such standard shall, to the degree possible, set forth the emission reduction achievable and shall provide for compliance by prescribing appropriate permit conditions.

- "Biological Waste," includes blood and blood products, excretions, exudates, secretions, suctionings and other body fluids that cannot be directly discarded into a municipal sewer system, and waste materials saturated with blood or body fluids, but does not include diapers soiled with urine or feces (see also "infectious waste").

- "Continuous Emissions Monitoring" means a monitoring system for continuously measuring the emissions of a pollutant from an affected incinerator. Continuous monitoring equipment and operation shall be certified in accordance with EPA performance specifications and quality assurance procedures outlined in 40 CFR 60, Appendices B and F, and the Department's CEM Manual.

- "Crematory Incinerator" means an incinerator used solely for the cremation of non-pathological human, non-pathological animal remains, and appropriate containers.

- "Cultures and stocks" includes etiologic agents and associated biologicals, including specimen cultures and dishes and devices used to transfer, inoculate and mix cultures, wastes from production of biologicals, and serums and discarded live and attenuated vaccines. "Cultures" does not include throat and urine cultures (see also "infectious waste".

- "Department" means the Oregon Department of Environmental Quality.

- "Dioxins and Furans" means total tetra- through octachlorinated dibenzo-p-dioxins and dibenzofurans.

- "Director" means the Director of the Lane Regional Air Protection Agency and authorized deputies or officers.

- "Dry Standard Cubic Foot" means the amount of gas, free of uncombined water, that would occupy a volume of 1 cubic foot at standard conditions. When applied to combustion flue gases from waste or refuse burning, "Standard Cubic Foot (SCF)" means adjustment of gas volume to that which would result at a concentration of 7% oxygen (dry basis).

- "Emission" means a release into the ambient air of air contaminants.

- "Incineration Operation" means any operation in which combustion is carried on in an incinerator, for the principal purpose or with the principal result, of oxidizing wastes to reduce their bulk and/or facilitate disposal.

- "Incinerator" means a combustion device specifically for destruction, by high temperature burning, of solid, semi-solid, liquid, or gaseous combustible wastes. This does not include devices such as open or screened barrels, drums, or process boilers.

- "Infectious Waste" means waste which contains or may contain any disease-producing microorganism or material including, but not limited to, biological waste, cultures and stocks, pathological waste, and sharps (see individual definitions for these terms).

- "Infectious Waste Incinerator" means an incinerator which is operated or utilized for the disposal or treatment of infectious waste, including combustion for the recovery of heat.

- "Parts Per Million (ppm)" means parts of a contaminant per million parts of gas by volume on a dry-gas basis (1 ppm equals 0.0001% by volume).

- "Pathological waste" includes biopsy materials and all human tissues; anatomical parts that emanate from surgery, obstetrical procedures, autopsy and laboratory procedures; and animal carcasses exposed to pathogens in research and the bedding and other waste from such animals. "Pathological wastes" does not include teeth, or formaldehyde or other preservative agents (see also "infectious waste").

- "Permit" or "Air Contaminant Discharge Permit" means a written permit issued by LRAPA, pursuant to LRAPA and DEQ rules and regulations.

- "Person" means any individual, public or private corporation, political subdivision, agency, board, department, or bureau of the state, municipality, partnership, association, firm, trust, estate, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

- "Person in Charge of Property" means an agent, occupant, lessee, tenant, contract purchaser, or other person having possession or control of property.

- "Primary Combustion Chamber" means the discrete equipment, chamber or space in which drying of the waste, pyrolysis, and essentially the burning of the fixed carbon in the waste occurs.

- Pyrolisis means the endothermic gasification of waste material using external energy.

- "Refuse" means unwanted matter.

- "Refuse Burning Equipment" means a device designed to reduce the volume of refuse by combustion.

- "Secondary (or Final) Combustion Chamber" means the discrete equipment, chamber, or space, excluding the stack, in which the products of pyrolysis are combusted in the presence of excess air, such that essentially all carbon is burned to carbon dioxide.

- "Sharps" includes needles, IV tubing with needles attached, scalpel blades, lancets, glass tubes that could be broken during handling, and syringes that have been removed from their original sterile containers (see also "infectious waste").

- "Solid Waste" means refuse, more than 50% of which is waste consisting of a mixture of paper, wood, yard wastes, food wastes, plastics, leather, rubber, and other combustible materials, and noncombustible materials such as metal, glass, and rock.

- "Solid Waste Incinerator" means an incinerator which is operated or utilized for the disposal or treatment of solid waste, including combustion for the recovery of heat.

- "Source" means any building, structure, facility, installation or combination thereof which emits or is capable of emitting air contaminants to the atmosphere and is located on one or more contiguous or adjacent properties and is owned or operated by the same person or by persons under common control. This includes all of the pollutant emitting activities which belong to the same industrial grouping or major group (i.e. which have the same two-digit code) as described in EPA's Standard Industrial Classification (SIC) manual (U.S. Office of Management and Budget 1987). (Title 12 contains another definition of "source" for use with other rules.)

- "Standard Conditions" means a gas temperature of sixty-eight (68) degrees Fahrenheit and a gas pressure of 29.92 inches of mercury.

- "Startup/Shutdown" means the time during which an air contaminant source or emission control equipment is brought into normal operation and normal operation is terminated, respectively.

- "Startup," means that time during which an air contaminant source or emission control equipment is brought into normal operation. (Title 12 contains another definition of "startup" for use with other rules.)

- "Transmissometer" means a device that measures opacity and conforms to EPA specification Number 1 in Title 40 CFR, Part 60, Appendix B.

Section 30-015 Best Available Control Technology for Solid and Infectious Waste Incinerators

1. Notwithstanding the specific emission limits set forth in Section 30-020, in order to maintain overall air quality at the highest possible levels, each solid and infectious waste incinerator is required to use best available control technology (BACT). In no event shall the application of BACT result in emissions of any air contaminant which would exceed the emission limits set forth in these rules.

2. All installed equipment shall be operated and maintained in such a manner that emissions of air contaminants are kept at the lowest possible level.

Section 30-020 Emission Limitations for Solid and Infectious Waste Incinerators

No person shall cause, suffer, allow, or permit the operation of any solid or infectious waste incinerator in a manner which violates the following emission limits and requirements:

1. Particulate Matter Emissions (PM)

   A. For solid and infectious waste incinerators constructed or modified on or after March 13, 1990, emissions from each stack shall not exceed 0.015 grains per dry standard cubic foot of exhaust gases corrected to seven (7) percent O_2 at standard conditions.

   B. For solid and infectious waste incinerators constructed or modified before March 13, 1990, emissions from each stack shall not exceed 0.030 grains per day standard cubic foot of exhaust gases corrected to seven (7) percent O_2 at standard conditions.

2. Hydrogen Chloride (HCl)

   A. For existing and new solid and infectious waste incinerators, emissions of hydrogen chloride from each stack shall not exceed 50 ppm as an average during any sixty (60)-minute period, corrected to 7% 0_2 (dry basis); or

   B. Shall be reduced by at least ninety (90)% by weight from their potential HCI emissions rate on an hourly basis.

3. Sulfur Dioxide (SO_2)

A. For existing and new solid and infectious waste incinerators, emissions of sulfur dioxide from each stack shall not exceed 50 ppm as a running three (3)-hour average, corrected to 7% 0_2, (dry basis); or

B. Shall be reduced by at least 70% by weight from their potential SO_2 emission rate on a three (3)-hour basis.

4. Carbon Monoxide (CO). For existing and new solid and infectious waste incinerators, emissions of carbon monoxide from each stack shall not exceed 100 ppm as a running eight (8)-hour average, corrected to 7% 0_2 (dry basis).

5. Nitrogen Oxide (NO_x). For solid and infectious waste incinerators constructed or modified on or after March 13, 1990 with the potential to process 250 tons/day or more of wastes, emissions of nitrogen oxide from each stack shall not exceed 200 ppm as a running 24-hour average, corrected to 7% 0_2 (dry basis).

6. Opacity. Opacity, as measured visually by an applicable EPA Method or by a transmissometer, shall not exceed 10% for a period aggregating more than six (6) minutes in any sixty (60)-minute period.

7. Fugitive Emissions. All solid and infectious waste incinerators shall be operated in a manner which prevents or minimizes fugitive emissions, including but not limited to the paving of all normally traveled roadways within the plant boundary and enclosing of all material transfer points.

8. Dioxin/furans. For solid and infectious waste incinerators with a waste charging rate of 250 tons/day or greater, emissions from each stack shall not exceed 30 nanograms of dioxin/furans per dry standard cubic foot.

9. Other Wastes. No solid or infectous waste incinerator subject to these rules shall burn radioactive or hazardous waste, or any other waste not specifically authorized in LRAPA's Air Contaminant Discharge Permit.

10. Other contaminants. For any incinerator subject to these rules, in the absence of an air-contaminant-specific emission limit or ambient air quality standard, LRAPA may establish, by permit, emission limits for any other air contaminants to protect human health and the environment.

Section 30-025 Design and Operation for Solid and Infectious Waste Incinerators

1. Each solid or infectious waste incinerator shall have at least a primary and secondary combustion chamber.

2. Temperature and residence time. Each solid or infectious waste incinerator shall be designed and operated to maintain temperatures of at least 1400° F in the primary chamber. Combustion gases in the secondary chamber shall be maintained at a minimum temperature of 1800° F for at least one (1) second residence time.

3. Auxiliary Burners. Each solid or infectious waste incinerator shall be designed and operated with automatically controlled auxiliary burners capable of maintaining the combustion chamber temperatures specified in section 2 of this rule, and shall have sufficient auxiliary fuel capacity to maintain said temperatures.

4. Interlocks. Each solid or infectious waste incinerator shall be designed and operated with an interlock system which:

   A. Prevents charging until the final combustion chamber reaches 1800° F;

   B. For batch-fed solid or infectious waste incinerators, prevents recharging until each combustion cycle is complete;

   C. Ceases charging if the secondary chamber temperature falls below 1800° F for any continuous fifteen (15)-minute period; and

   D. Ceases charging if carbon monoxide levels exceed 150 ppm (dry basis), corrected to 7% 0_2 over a continuous fifteen (15)-minute period.

5. Air Locks. Each mechanically fed solid or infectious waste incinerator shall be designed and operated with an air lock control system to prevent opening the incinerator to the room environment. The volume of the loading system must be designed so as to prevent overcharging, to assure complete combustion of the waste.

6. Combustion Efficiency. Except during periods of startup and shutdown, each solid or infectious waste incinerator shall achieve a combustion efficiency of 99.9% based on a running eight (8)-hour average, computed as follows:

$$CE = \frac{CO_2}{CO_2 + CO} \times 100$$

   CO = Carbon monoxide in the exhaust gas, parts per million by volume (dry) at standard conditions

   CO_2 = Carbon dioxide in the exhaust gas, parts per million by volume (dry) at standard conditions

7. Stack Height. Each solid or infectious waste incinerator stack shall be designed in accordance with Good Engineering Practice (GEP) as defined in Title 40 CFR, Parts 51.100(ii) and 5118, in order to avoid the flow of stack pollutants into any building ventilation intake plenum.

8. Operator Training and Certification. Each solid or infectious waste incinerator shall be attended at all times during operation by one or more individuals who have received training necessary for proper operation. A description of the training program shall be submitted to the LRAPA for approval. A satisfactory training program shall consist of any of the following:

   A. Certification by the American Society of Mechanical Engineers (ASME) for solid waste incinerator operation; or

B. For infectious waste incineration, successful completion of EPA's Medical Waste Incinerator Operating training course; or

C. Other certification or training by a qualified organization as to proper operating practices and procedures, which has been pre-approved by LRAPA prior to enrollment. In addition, the owner or operator of a solid or infectious waste incinerator facility shall develop and submit a manual for proper operation and maintenance, to be reviewed with employees responsible for incinerator operation on an annual basis.

D. Copies of the written certificate of training of the operator shall be kept on site at all times, available LRAPA review.

9. Odors. In cases where solid or infectious waste incinerator operation causes odors which interfere with the use and enjoyment of property, LRAPA may require, by permit, additional practices and procedures to prevent or eliminate those odors, in accordance with Title 49.

Section 30-030 Continuous Emission Monitoring for Solid and Infectious Waste Incinerators

1. Each solid waste incinerator shall be equipped with continuous monitoring for the following:

   A. Sulfur dioxide;
   B. Carbon monoxide;
   C. Opacity;
   D. Primary combustion chamber temperature;
   E. Final combustion chamber temperature;
   F. Flue gas outlet temperature;
   G. Oxygen;
   H. Nitrogen oxide--new incinerators with a potential waste feed rate of 250 tons/day or more; and
   I. HCl--for incinerators with a potential waste feed rate of 250 tons per day or more.

2. Each infectious waste incinerator shall be equipped with continuous monitoring for the following:

   A. Carbon monoxide;
   B. Opacity;
   C. Primary combustion chamber temperature;
   D. Final combustion chamber temperature; and
   E. HCl.

3. LRAPA may, at any time following the effective date of these rules, require the installation and operation of any other continuous emission monitors which LRAPA determines are necessary in order to demonstrate compliance with emission limits set forth in these regulations.

4. The monitors specified above shall comply with EPA performance specifications in Title 40, CFR, Part 60, and the Department's CEM Manual. All monitoring equipment shall be located, operated and maintained so as to accurately monitor emission levels, in order to demonstrate compliance with LRAPA Title 30.

Section 30-035 Reporting and Testing for Solid and Infectious Waste Incinerators

1. Reporting

   A. Compliance test results shall be reported to LRAPA within thirty (30) days of completion of the test.

   B. All records associated with continuous monitoring data including, but not limited to, original data sheets, charts, calculations, calibration data, production records and final reports shall be maintained for a continuous period of at least two (2) years and shall be furnished to LRAPA upon request.

2. Source Testing

   A. Each solid or infectious waste incinerator must be tested to demonstrate compliance with the standards in these rules.

   B. Compliance testing shall be conducted at the maximum design rate using waste that is representative of normal operation. If requested by the owner/ operator, compliance testing may be performed at a lower rate; however, permit limits will be established based on the lower rate of operation.

   C. Unless otherwise specified by LRAPA, each solid or infectious waste incinerator shall be tested at start-up for particulate matter, hydrogen chloride, sulfur dioxide, and carbon monoxide emissions. Solid and infectious waste incinerators with potential waste feed rates of 250 tons/day or more shall be tested for dioxin/furans and NO_x at startup.

3. Other air contaminant compliance testing. LRAPA may, at any time after the effective date of this rule, conduct or require source testing and require access to information specific to the control, recovery, or release of other air contaminants.

Section 30-040 Compliance for Solid and Infectious Waste Incinerators

1. All solid and infectious waste incinerators constructed or modified before March 13, 1990 must demonstrate compliance with the applicable provisions of these rules one year after the effective date of this regulation. Subject to approval of LRAPA, existing data such as that collected in accordance with the requirements of an Air Contaminant Discharge Permit may be used to demonstrate compliance.

2. Until compliance is demonstrated, existing solid and infectious waste incinerators shall continue to be subject to all applicable permit conditions.

3. Solid and infectious waste incinerators constructed or modified on or after March 13, 1990 must demonstrate compliance with the applicable provisions of these rules in accordance with a schedule established by LRAPA before commencing regular operation.

4. Compliance with these rules does not relieve the owner or operator of the solid or infectious waste incinerator from the responsibility to comply with requirements of the Department's Solid

and Hazardous Waste rules (Oregon Administrative Rules, Chapter 340, Division 93) regarding the disposal of ash generated from solid and infectious waste incinerators.

Section 30-045 Emission Limitations of Crematory Incinerators

1. No person shall cause to be emitted particulate matter from any crematory incinerator in excess of 0.080 grains per dry standard cubic foot of exhaust gases corrected to seven (7) percent 0_2 at standard conditions.

2. Opacity. ~~No visible emissions shall be present except for a one 6 minute period per hour of not more than 20% opacity, as measured by EPA Method 9~~. No visible emissions shall be present except for a period aggregating no more than three (3) minutes in any sixty (60)-minute period, as measured by EPA Method 9. At no time shall visible emissions exceed an opacity of 10%.

3. Odors. In cases where crematory incinerator operation cause odors which interfere with the use and enjoyment of property, LRAPA may require by permit the use of good practices and procedures to prevent or eliminate those odors.

Section 30-050 Design and Operation of Crematory Incinerators

1. Temperature and residence time. During the course of cremation, the temperature in the final combustion chamber shall be 1800° F for incinerators installed on or after March 13, 1993, and 1600° F for crematory incinerators installed on or before March 12, 1993, with a residence time of at least 0.5 second. The temperature in the final chamber must be 1400°F prior to firing material in the primary combustion chamber. At no time while firing waste shall the temperature in the final chamber fall below 1400° F for incinerators installed on or after March 13, 1993, or 1200° F for incinerators installed on or after March 13, 1993.

2. Operator training and certification. Each crematory incinerator shall be operated at all times under the direction of individuals who have received training necessary for proper operation. A description of the training program shall be submitted to LRAPA approval. Copies of the training certificates of the operators shall be maintained on site at all times and available to LRAPA for review.

3. As defined in Title 12 of these rules, crematory incinerators may only be used for incineration of human and animal bodies and appropriate containers. No other material, including infectious waste as defined by 30-010.10 of these rules, may be incinerated unless specifically authorized in LRAPA's Air Contaminant Discharge Permit. On a case-by-case basis, LRAPA may allow the cremation of human anatomical parts or fetal remains, upon request.

Section 30-055 Monitoring and Reporting for Crematory Incinerators

1. All crematory incinerators shall operate and maintain continuous monitoring for final combustion chamber exit temperature. Additional monitoring and reporting may be required by permit.

2. All records associated with continuous monitoring data including, but not limited to, original data sheets, charts, calculations, calibration data, production records and final reports shall be

maintained for a continuous period of at least two (2) years and shall be furnished to LRAPA upon request.

3. All crematory incinerators must conduct source testing to demonstrate compliance with these rules in accordance with a schedule specified by LRAPA. The test results shall be submitted to LRAPA no later than thirty (30) days after completion of the test.

Section 30-060 Compliance of Crematory Incinerators

1. A crematory incinerator installed on or after March 13, 1993, must demonstrate within 180 days of startup compliance with Section 30-045(1) by:

   A. Conducting a source test for particulate matter emissions in accordance with Sections 35-0120 through 35-0140; or

   B. Submitting the results of testing performed on a crematory incinerator that LRAPA agrees is comparable to the incinerator in question.

Statutory Authority: ORS Chapters 183.341 and 468A.135

LANE REGIONAL AIR PROTECTION AGENCY

Title 31
PUBLIC PARTICIPATION

Section 31-0010 Purpose

The purpose of this Title is to specify the requirements for notifying the public of certain permit actions and providing an opportunity for the public to participate in those permit actions.

Section 31-0020 Applicability

This Title applies to permit actions requiring public notice as specified in OAR 340 division 218 and LRAPA Title 37.

Section 31-0030 Public Notice Categories and Timing

1. LRAPA categorizes permit actions according to potential environmental and public health significance and the degree to which LRAPA has discretion for implementing the applicable regulations. Category I is for permit actions with low environmental and public health significance so they have less public notice and opportunity for public participation. Category IV is for permit actions with potentially high environmental and public health significance so they have the greatest level of public notice and opportunity for participation.

2. Permit actions are assigned to specific categories in OAR 340, division 218 and LRAPA Title 37. If a permit action is uncategorized, the permit action will be processed under Category III.

3. The following describes the public notice or participation requirements for each category:

    A. Category I -- No prior public notice or opportunity for participation. However, LRAPA will maintain a list of all permit actions processed under Category I and make the list available for public review.

    B. Category II -- LRAPA will provide public notice of the proposed permit action and a minimum of 30 days to submit written comments.

    C. Category III -- LRAPA will provide notice of the proposed permit action and a minimum of 35 days to submit written comments. LRAPA will provide a minimum of 30 days notice for a hearing, if one is scheduled. LRAPA will schedule a hearing to allow interested persons to submit oral or written comments if:

1) LRAPA determines that a hearing is necessary; or
2) Within 35 days of the mailing of the public notice, LRAPA receives written requests from ten persons, or from an organization representing at least ten persons, for a hearing.

D. Category IV -- Once an application is considered complete under Section 37-0040, LRAPA will:

1) Provide notice of the completed application and requested permit action;
2) Schedule an informational meeting within the community where the facility will be or is located and provide public notice of the meeting;
3) Once a draft permit is completed, provide public notice of the proposed permit and a minimum of 40 days to submit written comments; and
4) Schedule a public hearing to allow interested persons to submit oral or written comments and provide a minimum of 30 days public notice for the hearing.

4. Except for title V permit actions, LRAPA may move a permit action to a higher category under section 3 of this rule based on, but not limited to the following factors:

A. Anticipated public interest in the facility;

B. Compliance and enforcement history of the facility or owner; or

C. Potential for significant environmental or public harm due to location or type of facility.

Section 31-0040 Public Notice Information

1. The following information is required in public notices for all proposed ACDP and draft LRAPA Title V Operating Permit actions, except for General Permit actions:

A. Name of applicant and location of the facility;

B. Type of facility, including a description of the facility's processes subject to the permit;

C. Description of the air contaminant emissions including, the type of pollutants, quantity of emissions, and any decreases or increases since the last permit action for the facility;

D. Location and description of documents relied upon in preparing the draft permit;

E. Other permits required by LRAPA;

F. Date of previous permit actions;

G. Opportunity for public comment and a brief description of the comment procedures, whether in writing or in person, including the procedures for requesting a hearing (unless a hearing has already been scheduled or is not an option for the Public Notice category);~~;~~

H. Compliance, enforcement, and complaint history along with resolution of the same;

I. A summary of the discretionary decisions made by LRAPA in drafting the permit;

J. Type and duration of the proposed or draft permit action;

K. Basis of need for the proposed or draft permit action;

L. Any special conditions imposed in the proposed or draft permit action;

M. Whether each proposed permitted emission is a criteria pollutant and whether the area in which the source is located is designated as attainment or nonattainment for that pollutant;

N. If the proposed permit action is for a federal major source, whether the proposed permitted emission would have a significant impact on a Class I airshed;

O. If the proposed permit action is for a major source for which dispersion modeling has been performed, an indication of what impact each proposed permitted emission would have on the ambient air quality standard and PSD increment consumption within an attainment area;

P. Other available information relevant to the permitting action;

Q. The name and address of LRAPA office processing the permit;

R. The name, address, and telephone number and e-mail address of a person from whom interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, including any compliance plan, permit, and

monitoring and compliance certification report, except for information that is exempt from disclosure, and all other materials available to LRAPA that are relevant to the permit decision; and

S. If applicable, a statement that an enhanced New Source Review process, under LRAPA Title 38, including the external review procedures required under OAR 340-218-0210 and 340-218-0230, is being used to allow for subsequent incorporation of the operating approval into an LRAPA Title V Operating Permit as an administrative amendment.

2. General Permit Actions. The following information is required for General ACDP and General LRAPA Title V Operating Permit actions:

A. The name and address of potential or actual facilities assigned to the General Permit;

B. Type of facility, including a description of the facility's process subject to the permit;

C. Description of the air contaminant emissions including, the type of pollutants, quantity of emissions, and any decreases or increases since the last permit action for the potential or actual facilities assigned to the permit;

D. Location and description of documents relied upon in preparing the draft permit;

E. Other permits required by LRAPA;

F. Date of previous permit actions;

G. Opportunity for public comment and a brief description of the comment procedures, whether in writing or in person, including the procedures for requesting a hearing (unless a hearing has already been scheduled or is not an option for the Public Notice category);;;

H. Compliance, enforcement, and complaint history along with resolution of the same;

I. A summary of the discretionary decisions made by LRAPA in drafting the permit;

J. Type and duration of the proposed or draft permit action;

K. Basis of need for the proposed or draft permit action;

L. Any special conditions imposed in the proposed or draft permit action;

M. Whether each proposed permitted emission is a criteria pollutant and whether the area in which the sources are located are designated as attainment or nonattainment for that pollutant;

N. If the proposed permit action is for a federal major source, whether the proposed permitted emission would have a significant impact on a Class I airshed;

O. Other available information relevant to the permitting action; and

P. The name, address, and telephone number and e-mail address of a person from whom interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, including any compliance plan, permit, and monitoring and compliance certification report, except for information that is exempt from disclosure, and all other materials available toLRAPA that are relevant to the permit decision.

Section 31-0050 Public Notice Procedures

1. All notices. LRAPA will mail a notice of proposed permit actions to the persons identified in Section 31-0060.

2. New Source Review, LRAPA Title V Operating Permit and General ACDP actions. In addition to section 1 of this rule, LRAPA will provide notice of New Source Review, LRAPA Title V Operating Permit and General ACDP actions as follows:

   A. Advertisement in a newspaper of general circulation in the area where the source or sources are or will be located or LRAPA publication designed to give general public notice; and

   B. Other means, if necessary, to assure adequate notice to the affected public.

Section 31-0060 Persons Required to Be Notified

1. All notices. For all types of public notice, LRAPA will provide notice to the following persons:

   A. The applicant;

B. Persons on a mailing list maintained by LRAPA, including those who request in writing to be notified of air quality permit actions;

C. Local news media; and

D. Interested state and federal agencies.

2. General ACDP or General LRAPA Title V Operating Permit actions. In addition to section 1 of this rule, LRAPA will notify the following:

A. Potential applicants; and

B. All existing permit holders in the source category in the case where a General Permit is being issued to a category of sources already permitted.

3. LRAPA Title V Operating Permit actions. LRAPA will provide notice to affected states and the EPA in addition to the persons identified in sections (1) and (2) of this rule.

4. New Source Review actions. For New Source Review actions (Title 38), LRAPA will provide notice to the following officials and agencies having jurisdiction over the location where the proposed construction would occur in addition to the persons identified in section 1 of this rule:

A. The chief executives of the city and county where the source or modification would be located;

B. Any comprehensive regional land use planning agency;

C. Any state, federal land manager, or Indian governing body whose land may be affected by emissions from the source or modification; and

D. The EPA.

Section 31-0070 Hearing and Meeting Procedures

1. Informational Meeting. For category IV permit actions, LRAPA will provide an informational meeting at a reasonable place and time.

A. The meeting will be held after a complete application is received and before LRAPA makes a preliminary decision on the application.

B. Notice of the meeting will be provided at least 14 days before the meeting;

C. During the meeting, LRAPA will:

1) Describe the requested permit action; and
2) Accept comments from the public.

D. LRAPA will consider any information gathered during the meeting, but will not maintain an official record of the meeting and will not provide a written response to the comments.

2. Public Hearing. When a public hearing is required or requested, LRAPA will provide the hearing at a reasonable place and time before taking the final permit action.

A. Notice of the hearing may be given either in the notice accompanying the proposed or draft permit action or in such other manner as is reasonably calculated to inform interested persons. LRAPA will provide notice of the hearing at least 30 days before the hearing.

B. Presiding Officer. A Presiding Officer will preside over the public hearing and ensure that proper procedures are followed to allow for the public to comment on the proposed permit action.

1) Before accepting oral or written comments by members of the public, the Presiding Officer or LRAPA representative will present a summary of the proposed permit action and the LRAPA's preliminary decision. During this period, there will be an opportunity to ask questions about the proposed or draft permit action.

2) The Presiding Office will then provide an opportunity for interested persons to submit oral or written comments regarding the proposed permit action. Interested persons are encouraged to submit written comments because time constraints may be imposed, depending on the level of participation. While public comment is being accepted, discussion of the proposed or draft permit action will not be allowed.

3) After the public hearing, the Presiding Officer will prepare a report of the hearing that includes the date and time of the hearing, the permit action, names of persons attending the hearing, written comments, and a summary of the oral comments. The Presiding Officer's report will be entered into the permit action record.

Section 31-0080 Issuance or Denial of a Permit

1. Following the public comment period and public hearing, if one is held, LRAPA will take action upon the matter as expeditiously as possible. Before taking such action, LRAPA will prepare a written response to separately address each substantial, distinct issue raised during the comment period and during the hearing record.

2. LRAPA will make a record of the public comments, including the names and affiliation of persons who commented, and the issues raised during the public participation process. The public comment records may be in summary form rather than a verbatim transcript. The public comment records are available to the public in the location(s) listed in Section 31-0040.

3. The applicant may submit a written response to any comments submitted by the public within 10 working days after the close of the public comment period. LRAPA will consider the applicant's response in making a final decision.

4. After considering the comments, LRAPA may adopt or modify the provisions requested in the permit application.

5. Issuance of permit: LRAPA will promptly notify the applicant in writing of the final action as provided in Section ~~31-0085~~14-170 and will include a copy of the permit. If the permit conditions are different from those contained in the proposed permit, the notification will identify the affected conditions and include the reasons for the changes.

6. Denial of a permit: LRAPA will promptly notify the applicant in writing of the final action as provided in Section ~~31-0085~~14-170. If LRAPA denies a permit application, the notification will include the reasons for the denial.

7. LRAPA's decision under 4 and 5 is effective 20 days from the date of service of the notice unless, within that time, LRAPA receives a request for a hearing from the applicant. The request for a hearing must be in writing and state the grounds for the request. The hearing will be conducted as a contested case hearing in accordance with ORS 183.413 through 183.470 and LRAPA Title 31.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 34

Stationary Source Notification Requirements

Section 34-005 Definitions

All relevant definitions for this title can be found with the general definitions listed in Title 12, with the following exceptions:

1. Plant Site Emission Limit (PSEL) definitions, which may be found in Title 42; and

2. Definitions pertaining to Title V Operating Permits, which may be found in OAR 340-200-0020.

RULES APPLICABLE TO ALL STATIONARY SOURCES

Section 34-010 Applicability

1. Except as provided in section (2) of this rule, Title 34 applies to:

   A. All stationary sources; and

   B. All air pollution control equipment used to comply with emissions limits or used to avoid LRAPA Title V Operating Permits (OAR 340 division 218) or New Source Review (LRAPA Title 38) requirements, or MACT standards (LRAPA Title 44).

2. Section 34-010 and 34-034 through 34-038 do not apply to the following stationary sources:

   A. Those sources conducting certain activities that are exempted by LRAPA Title 12

   B. Heating equipment in or used in connection with residences used exclusively as dwellings for not more than four families;

   C. Other activities associated with residences used exclusively as dwellings for not more than four families, including, but not limit to barbecues, house painting, maintenance, and groundskeeping; and

   D. Categorically insignificant activities as defined in LRAPA Title 12 that are not subject to NESHAP or NSPS requirements. This exemption applies to all categorically insignificant activities whether or not they are located at major or non-major sources.

Section 34-015 Request for Information

All sources subject to Title 34 shall provide in a reasonably timely manner any and all information that LRAPA may reasonably require for the purpose of regulating stationary sources. Such information may be required on a one-time, periodic, or continuous basis and may include, but is not limited to, information necessary to:

1. Issue a permit and ascertain compliance or noncompliance with the permit terms and conditions;

2. Ascertain applicability of any requirement;

3. Ascertain compliance or noncompliance with any applicable requirement; and

4. Incorporate monitoring, recordkeeping, reporting, and compliance certification requirements into a permit.

Compliance with this section may require the installation and maintenance of continuous monitors and electronic data handling systems.

Section 34-020 Information Exempt from Disclosure

1. Pursuant to the provisions of ORS 192.410 to 192.505, all information submitted to LRAPA under Title 34 shall be presumed to be subject to inspection upon request by any person unless such information is determined to be exempt from disclosure pursuant to subsections 2 or 3 of this section.

2. If an owner or operator 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 owner or operator 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 owner or operator 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.

3. 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.

Section 34-025 Highest and Best Practicable Treatment and Control Requirements

See Title 32, Section 32-005-1 through 9 (11/10/94).

Section 34-025 Amended 09/09/97

Section 34-030 Source Registration

Any air contaminant source which is not subject to the ACDP rules (34-090 through 34-160) or the Title V Operating Permit program rules (OAR Division 218) shall register with LRAPA upon request pursuant to 34-030-1 through 4.

1. Registration shall be completed within thirty (30) days following the mailing date of the request by LRAPA.

2. Registration shall be made on forms furnished by LRAPA and completed by the owner, lessee of the source, or agent.

3. The following information shall be reported by registrants:

   A. name, address, and nature of business;

   B. name of local person responsible for compliance with these rules;

   C. name of person authorized to receive requests for data and information;

   D. a description of the production processes and a related flow chart;

   E. a plot plan showing the location and height of all air contaminant sources (the plot plan shall also indicate the nearest residential or commercial property);

   F. type and quantity of fuels used;

   G. amount, nature, and duration of air contaminant emissions;

   H. estimated efficiency of air pollution control equipment under present or anticipated operating conditions; and

   I. any other information requested by LRAPA.

4. Once a year, upon the annual date of registration, a person responsible for an air contaminant source shall reaffirm in writing the correctness and current status of the information furnished to LRAPA. Any changes in any of the factual data reported under subsection 3 of this section

shall be reported to LRAPA, at which time re-registration may be required on forms furnished by LRAPA.

Section 34-030 Amended 06/13/00; Section 34-030 Amended 09/09/97

Section 34-034 Requirements for Construction

1. New Stationary Sources. No person is allowed to construct, install, or establish a new stationary source that will cause an increase in any regulated pollutant emissions without first notifying LRAPA in writing.

2. Modifications to Stationary Sources. No person is allowed to make a physical change or change in operation of an existing stationary source that will cause an increase, on an hourly basis at full production, in any regulated pollutant emissions without first notifying LRAPA in writing.

3. Air Pollution Control Equipment. No person is allowed to construct or modify any air pollution control equipment without first notifying LRAPA in writing.

Section 34-035 Types of Construction/Modification Changes

For the purpose of Section 34-010 and 34-034 through 34-038, changes that involve new construction or modifications of stationary sources or air pollution control equipment are divided into the following Types:

1. Type 1 changes include construction or modification of stationary sources or air pollution control equipment where such a change:

   A. Would not increase emissions above the Plant Site Emission Limit by more than the deminimis levels defined in LRAPA Title 12 for sources required to have a permit;

   B. Would not increase emissions above the netting basis by more than or equal to the significant emissions rate;

   C. Would not increase emissions from any stationary source or combination of stationary sources by more than the deminimis levels defined in LRAPA Title 12;

   D. Would not be used to establish a federally enforceable limit on the potential to emit; and

   E. Would not require a TACT determination under Section 32-008 or a MACT determination under Section 44-0200.

2. Type 2 changes include construction or modification of stationary sources or air pollution control equipment where such a change:

   A. Would meet the criteria of sub-sections 1.A, 1.B., 1.~~C~~D., and 1.E. of this Section; and

   B. Would not increase emissions from any stationary source or combination of stationary sources by more than or equal to the significant emission rate;

3. Type 3 changes include construction or modification of stationary sources or air pollution control equipment where such a change:

   A. Would increase emissions above the Plant Site Emission Limit by more than the deminimis levels defined in LRAPA Title 12 but less than the significant emission rate for sources required to have a permit;

   B. Would increase emissions from any stationary source or combination of stationary sources by more than the significant emission rate but are not subject to Section 42-00413.B. or LRAPA Title 38 (NSR rules);

   C. Would be used to establish a federally enforceable limit on the potential to emit; or

   D. Would require a TACT determination under Section 32-008 or a MACT determination under Section 44-130.

4. Type 4 changes include construction or modification of stationary sources or air pollution control equipment where such a change or changes would increase emissions above the PSEL or Netting Basis of the source by more than the significant emission rate.

Section 34-036 Notice to Construct

1. Any person proposing a Type 1 or 2 change must provide notice to LRAPA before constructing or modifying a stationary source or air pollution control equipment. The notice must be in writing on a form supplied by LRAPA and include the following information as applicable:

   A. Name, address, and nature of business;

   B. Name of local person responsible for compliance with these rules;

   C. Name of person authorized to receive requests for data and information;

   D. The type of construction or modification as defined in Section 34-035;

   E. A description of the constructed or modified source;

   F. A description of the production processes and a related flow chart;

   G. A plot plan showing the location and height of all air contaminant sources and indicating the nearest residential or commercial property;

   H. Type and quantity of fuels used;

   I. Change in amount, nature and duration of air contaminant emissions;

   J. Plans and specifications for air pollution control equipment and facilities and their relationship to the production process;

K. Estimated efficiency of air pollution control equipment under present or anticipated operating conditions;

L. Any information on pollution prevention measures and cross-media impacts desired to be considered in determining applicable control requirements and evaluating compliance methods;

M. A list of any requirements applicable to the new construction or modification;

N. Where the operation or maintenance of air pollution control equipment and emission reduction processes can be adjusted or varied from the highest reasonable efficiency and effectiveness, information necessary for LRAPA to establish operational and maintenance requirements under subsections 32-007-1 and 2;

O. Amount and method of refuse disposal; and

P. Land Use Compatibility Statement signed by a local (city or county) planner either approving or disapproving construction or modification to the source if required by the local planning agency.

2. Any person proposing a Type 3 or 4 change must submit an application for either a construction ACDP, new permit, or permit modification, whichever is appropriate.

3. LRAPA must be notified of any corrections and revisions to the plans and specifications upon becoming aware of the changes.

4. Where a permit issued in accordance with LRAPA Title 37 or OAR 340 Division 218 includes construction approval for future changes for operational flexibility, the notice requirements in this rule are waived for the approved changes.

Section 34-037 Construction Approval

1. Approval to Construct:

A. For Type 1 changes, the owner or operator may proceed with construction or modification 10 days after LRAPA receives the notice required in Section 34-0230, unless LRAPA notifies the owner or operator in writing that the proposed construction or modification is not a Type 1 change.

B. For Type 2 changes, the owner or operator may proceed with the construction or modification 60 days after LRAPA receives the notice required in Section 34-0230 or on the date that LRAPA approves the proposed construction in writing, whichever is sooner.

C. For Type 3 changes, the owner or operator must obtain either a Construction ACDP or a new or modified Standard ACDP in accordance with LRAPA Title 37 before proceeding with the construction or modification.

D. For Type 4 changes, the owner or operator must obtain a new or modified Standard

ACDP in accordance with LRAPA Title 37 before proceeding with the construction or modification.

[Note: In non-attainment areas and maintenance areas, Type 4 changes may be subject to LRAPA Title 38, New Source Review. In attainment areas, Type 4 changes may be subject to Section 38-0070, Prevention of Significant Deterioration, only if the source would be a federal major source after making the change.]

2. Approval to construct does not relieve the owner of the obligation of complying with applicable requirements.

3. Notice of Completion. Unless otherwise specified in the construction ACDP or approval, the owner or operator must notify LRAPA in writing that the construction or modification has been completed using a form furnished by LRAPA. Unless otherwise specified, the notice is due 30 days after completing the construction or modification. The notice of completion must include the following:

   A. The date of completion of construction or modification; and

   B. The date the stationary source or air pollution control equipment was or will be put in operation.

4. Order Prohibiting Construction or Modification. If at any time, LRAPA determines that the proposed construction is not in accordance with applicable statutes, rules, regulations, and orders, LRAPA will issue an order prohibiting the construction or modification. The order prohibiting construction or modification will be forwarded to the owner or operator by certified mail.

5. Hearing. A person against whom an order prohibiting construction or modification is directed may demand a hearing within 20 days from the date of mailing the order. The demand must be in writing, state the grounds for hearing, and be mailed to the Director of LRAPA. The hearing will be conducted pursuant to the applicable provisions in LRAPA Title ~~14~~31.

Section 34-038 Approval to Operate

1. The approval to construct does not provide approval to operate the constructed or modified stationary source or air pollution control equipment unless otherwise allowed by either the ACDP or LRAPA Title V Operating Permit programs (LRAPA Title 37 and OAR 340 division 218).

2. Type 1 and 2 changes:

   A. For sources that are not required to obtain a permit in accordance with Section 37-0020, Type 1 and 2 changes may be operated without further approval.

   B. For new sources that are required to obtain an ACDP in accordance with Section 37-0020, the ACDP, which allows operation, is required before operating Type 1 or 2 changes.

C. For sources currently operating under an ACDP, Type 1 and 2 changes may be operated without further approval unless the ACDP specifically prohibits the operation.

D. For sources currently operating under an LRAPA Title V Operating Permit, Type 1 and 2 changes may only be operated in accordance with OAR 340-218-0190(2).

3. Type 3 and 4 changes:

A. For new sources, Type 3 or 4 changes require a standard ACDP before operation of the changes.

B. For sources currently operating under an ACDP, approval to operate Type 3 or 4 changes will require a new or modified standard ACDP. All ACDP terms and conditions remain in effect until the ACDP is modified.

C. For sources currently operating under an LRAPA Title V Operating Permit, approval to operate Type 3 or 4 changes must be in accordance with OAR 340-218-0190(2).

Section 34-040 Compliance Schedules for Existing Sources Affected by New Rules

1. No existing source of air contaminant emissions will be allowed to operate out of compliance with the provisions of new rules, unless the owner or operator of that source first obtains a Board-approved compliance schedule which lists the steps being taken to achieve compliance and the final date when compliance will be achieved. Approval of a reasonable time to achieve compliance shall be at the discretion of the Board.

2. The owner or operator of any existing air contaminant source found by the Director to be in non-compliance with the provisions of new rules shall submit to the Board for approval a proposed schedule of compliance to meet those provisions. This schedule shall be in accordance with timetables contained in the new rules or in accordance with an administrative order by the Director. This schedule shall contain, as necessary, reasonable time milestones for engineering, procurement, fabrication, equipment installation and process refinement. This request shall also contain documentation of the need for the time extension to achieve compliance and the justification for each of the milestones indicated in the schedule.

3. Within one hundred and twenty (120) days of the submittal date of the request, the Board shall act to either approve or disapprove the request. A schedule for compliance becomes effective upon the date of the written order of the Board.

4. Compliance schedules of longer than eighteen (18) months' duration shall contain requirements for periodic reporting of progress toward compliance.

5. An owner or operator of an air contaminant source operating in non-compliance with these rules, but under an approved compliance schedule, who fails to meet that schedule or make reasonable progress toward completion of that schedule, shall be subject to enforcement procedures in accordance with these rules.

Section 34-080 Excess Emissions

See Title 36, Section 36-001 through 36-030.

Section 34-160 New Source Review

New Source Review requirements are contained in LRAPA Title 38, Sections 38-001 through 38-050.

RULES APPLICABLE TO SOURCES REQUIRED TO HAVE TITLE V OPERATING PERMITS

Section 34-170 Applicability

Sections 34-180 through 34-200 apply to any stationary source defined under OAR 340-218-0020.

Section 34-170 Amended 06/13/00.

Section 34-180 Authority to Implement

In accordance with OAR 340-218-0010, OAR 340-218-0010, and OAR 340-244-0020, LRAPA is authorized to implement all Oregon Administrative Rules, Divisions 218, 220, and 244, which apply to sources subject to the Title V Operating Permit program in Lane County. LRAPA shall implement Division 218, 220, and 244 rules as they pertain to Title V Operating Permit Program sources until such time as it adopts its own Title V Permit Program rules.

Section 34-180 Amended 06/13/00.

Section 34-190 Definitions

All definitions relevant to Title V Operating Permit Program rules are contained in OAR 340-200-0020 and are adopted here by reference in their entirety.

Section 34-190 Amended 06/13/00.

Section 34-200 Title V Operating Permitting Program Requirements and Procedures

All rules pertaining to permitting of sources subject to Title V Operating Permit program are contained in OAR 340-218-0020 through 220-0190 and OAR Division 244 and 248, and shall be implemented by LRAPA in accordance with Section 34-180.

Section 34-200 Amended 06/13/00.

TITLE 37 (Section 37-0020) Table 1

Part A: Activities and Sources

The following commercial and industrial sources must obtain a Basic ACDP under the procedures set forth in Section 37-0056 unless the source is required to obtain a different form of ACDP by Part B or C hereof: (Production and emission parameters are based on the latest consecutive 12 month period, or future projected operation, whichever is higher. Emission cutoffs are based on actual emissions.)

1. Autobody Repair or Painting Shops painting more than 25 automobiles in a year.
2. Natural Gas and Propane Fired Boilers (with or without #2 diesel oil back-up(a)) of ~~10~~ 2.5 or more MMBTU but less than ~~30~~ 10 MMBTU/hr heat input constructed after June 9, 1989.
3. Concrete Manufacturing including Redimix and CTB more than 5,000 but less than 25,000 cubic yards per year output.
4. Crematory and Pathological Waste Incinerators with less than 20 tons/yr. material input.
5. Prepared feeds for animals and fowl and associated grain elevators more than 1,000 tons/yr. but less than 10,000 tons per year throughput.
6. Rock, Concrete or Asphalt Crushing both portable and stationary more than 5,000 tons/yr. but less than 25,000 tons/yr. crushed.
7. Surface coating operations whose actual or expected usage of coating materials is ~~greater~~ less than 250 gallons per month, excluding sources that exclusively use non-VOC and non-HAP containing coatings ~~(e.g. powder coating operations~~).
8. Sources not elsewhere classified with actual emissions of more than 1 ton/year VOC and/or HAP.
9. Sawmills and/or Planing Mills and/or Millwork and/or wood furniture and fixtures manufacturing of less than 25,000 bd. ft./maximum 8 hr. finished product.
10. Coffee Roasting (roasting less than 30 tons per year)

Part B: Activities and Sources

The following commercial and industrial sources must obtain either:

- a General ACDP, if one is available for the source classification and the source qualifies for a General ACDP under the procedures set forth in Section 37-0060;
- a Simple ACDP under the procedures set forth in Section 37-0064; or
- a Standard ACDP under the procedures set forth in Section 37-0066 if the source fits one of the criteria of Part C hereof.

1. Aerospace or Aerospace Parts Manufacturing
2. Aluminum Production - Primary
3. Ammonia Manufacturing
4. Animal Rendering and Animal Reduction Facilities
5. Asphalt Blowing Plants
6. Asphalt Felts or Coating
7. Asphaltic Concrete Paving Plants both stationary and portable
8. Bakeries, Commercial over 10 tons of VOC emissions per year
9. Battery Separator Manufacturing
10. Battery Manufacturing and Re-manufacturing
11. Beet Sugar Manufacturing
12. Boilers and other Fuel Burning Equipment over 10 MMBTU/hr. heat input, except exclusively Natural Gas and Propane fired units (with or without #2 diesel backup) under 30 MMBTU/hr. heat input

13. Building paper and Buildingboard Mills
14. Calcium Carbide Manufacturing
15. Can or Drum Coating
16. Cement Manufacturing and/or Distribution
17. ~~*~~ Cereal Preparations and Associated Grain Elevators ~~10,000 or more tons/yr. throughput~~
18. Charcoal Manufacturing
19. Chlorine and Alkalies Manufacturing
20. Chrome Plating
21. Coffee Roasting (roasting 30 or more tons per year)
22. Concrete Manufacturing including Redimix and CTB 25,000 or more cubic yards per year output
23. Crematory and Pathological Waste Incinerators 20 or more tons/yr. material input
24. Degreasers (halogenated solvents subject to a NESHAP)
25. Electrical Power Generation from combustion (excluding units used exclusively as emergency generators)
26. Ethylene Oxide Sterilization
27. Flatwood Coating
28. Flexographic or Rotogravure Printing
29. ~~*~~ Flour, Blended and/or Prepared and Associated Grain Elevators ~~10,000 or more tons/yr. throughput~~
30. Galvanizing and Pipe Coating ~~(except galvanizing operations that use less than 100 tons of zinc/yr.)~~
31. Gasoline Plants and Bulk Terminals
32. Gasoline Terminals
33. Glass and Glass Container Manufacturing
34. ~~*~~ Grain Elevators used for intermediate storage 10,000 or more tons/yr. throughput
35. Grain terminal elevators
36. Gray iron and steel foundries, malleable iron foundries, steel investment foundries, steel foundries 100 or more tons/yr. metal charged (not elsewhere identified)
37. Gypsum Products Manufacturing
38. Hardboard Manufacturing (including fiberboard)
39. Incinerators with two or more ton per day capacity
40. Lime Manufacturing
41. Liquid Storage Tanks
42. Magnetic Tape Manufacturing
43. Manufactured and Mobile Home Manufacturing
44. Marine Vessel Petroleum Loading and Unloading
45. Millwork (including kitchen cabinets and structural wood members) 25,000 or more bd. ft./maximum 8 hr. input
46. Molded Container
47. Motor Coach Manufacturing
48. Natural Gas and Oil Production and Processing and associated fuel burning equipment
49. Nitric Acid Manufacturing
50. Non-Ferrous Metal Foundries 100 or more tons/yr. of metal charged
51. Organic or Inorganic Chemical Manufacturing and Distribution with ½ or more tons per year emissions of any one criteria pollutant (sources in this category with less than ½ ton/yr. of each criteria pollutant are not required to have an ACDP)
52. Paper or other Substrate Coating
53. Particleboard Manufacturing (including strandboard, flakeboard, and waferboard)
54. Perchloroethylene dry cleaners that do not submit a complete Dry Cleaner Annual Hazardous Waste and Air Compliance Report by June 1 of any given year
55. Pesticide Manufacturing 5,000 or more tons/yr. annual production
56. Petroleum Refining and Re-refining of Lubricating Oils and Greases including Asphalt Production by Distillation and the reprocessing of oils and/or solvents for fuels
57. Plywood Manufacturing and/or Veneer Drying

58. Prepared feeds for animals and fowl and associated grain elevators 10,000 or more tons per year throughput
59. Primary Smelting and/or Refining of Ferrous and Non-Ferrous Metals
60. Pulp, Paper and Paperboard Mills
61. Rock, Concrete or Asphalt Crushing both portable and stationary 25,000 or more tons/yr. crushed
62. Sawmills and/or Planing Mills 25,000 or more bd. ft./maximum 8 hr. finished product
63. Secondary Smelting and/or Refining of Ferrous and Non-Ferrous Metals
64. * Seed Cleaning and Associated Grain Elevators 5,000 or more tons/yr. throughput
65. Sewage Treatment Facilities employing internal combustion for digester gasses
66. Soil Remediation Facilities stationary or portable
67. Steel Works, Rolling and Finishing Mills
68. Surface Coating in Manufacturing
69. Surface Coating Operations: coating operations whose actual or expected usage of coating materials is greater than 250 gallons per month, excluding sources that exclusively use non-VOC and non-HAP containing coatings with actual emissions of VOCs before add on controls of 10 or more tons/yr.
70. Synthetic Resin Manufacturing
71. Tire Manufacturing
72. Wood Furniture and Fixtures 25,000 or more bd. ft./maximum 8 hr. input
73. Wood Preserving (excluding waterborne)
74. All Other Sources not listed herein that LRAPA determines an air quality concern exists including minor sources of HAPs not elsewhere classified or one which would emit significant malodorous emissions
75. All Other Sources not listed herein which would have actual emissions, if the source were to operate uncontrolled, of 5 or more tons a year of PM10 if located in a PM10 non-attainment or maintenance area, or 10 or more tons of any single criteria pollutant in any part of Lane County.

Part C: Activities and Sources

The following sources must obtain a Standard ACDP under the procedures set forth in Section 37-0066:

1. Incinerators for PCBs and / or other hazardous wastes
2. All Sources that LRAPA determines have emissions that constitute a nuisance
3. All Sources electing to maintain the source's baseline emission rate, or netting basis
4. All Sources subject to a BACT, LAER, NESHAP, NSPS, LRAPA MACT, or other significant Air Quality regulation(s), except:
    a. Source categories for which a General ACDP has been issued, and
    b. Sources with less than 10 tons/yr. actual emissions that are subject to, NSPS or a NESHAP which qualify for a Simple ACDP
5. All Sources having the Potential to Emit more than 100 tons of any regulated air contaminant in a year
6. All Sources having the Potential to Emit more than 10 tons of a single hazardous air pollutant in a year
7. All Sources having the Potential to Emit more than 25 tons of all hazardous air pollutants combined in a year

Notes:

* Applies only to Special Control Areas

(a) "back-up" means less than 10,000 gallons of fuel per year

For more information contact:

Lane Regional Air Protection Agency
1010 Main Street
Springfield, OR 97477
(541) 736-1056

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 37

AIR CONTAMINANT DISCHARGE PERMITS

Section 37-0010
Purpose
This title prescribes the requirements and procedures for obtaining Air Contaminant Discharge Permits (ACDPs).

Section 37-0020
Applicability

This title applies to all sources referred to in Table 1 of this Title. This title also applies to LRAPA Title V Operating Permit program sources when an ACDP is required by OAR 340-218-0020 or Section 38-0010.

1. No person may construct, install, establish, develop or operate any air contaminant source which is referred to in **Table 1** without first obtaining an Air Contaminant Discharge Permit (ACDP) from LRAPA. No person may continue to operate an air contaminant source if the ACDP expires, or is terminated or revoked; except as provided in ~~OAR~~ Section 37-0082.

   A. For portable sources, a single permit may be issued for operating at any area of the state if the permit includes the requirements from both the ODEQ and LRAPA.
   B. The ODEQ or LRAPA where the portable source's Corporate offices are located will be responsible for issuing the permit. If the corporate office of a portable source is located outside of the state, the ODEQ will be responsible for issuing the permit.

2. No person may construct, install, establish, or develop any source that will be subject to the LRAPA Title V Operating Permit program without first obtaining an ACDP from ODEQ or LRAPA.

3. No person may modify any source that has been issued an ACDP without first complying with the requirements of Section 34-010 and Section 34-035 through Section 34-038.

4. No person may modify any source required to have an ACDP such that the source becomes subject to the LRAPA Title V Operating Permit program without complying with the requirements of Section 34-010 and Section 34-035 through Section 34-038.

5. No person may increase emissions above the PSEL by more than the deminimis levels specified in LRAPA Title 12 without first applying for and obtaining a modified ACDP.

Section 37-0025 Types of Permits

1. Construction ACDP

A. A Construction ACDP may be used for approval of Type 3 changes specified in Section 34-035 at a source subject to the ACDP permit requirements in this title.

B. A Construction ACDP is required for Type 3 changes specified in Section 34-035 at sources subject to the LRAPA Title V Operating Permit requirements.

2. General ACDP. A General ACDP is for a category of sources for which individual permits are unnecessary in order to protect the environment. An owner or operator of a source may be assigned to a General ACDP if LRAPA has issued a General ACDP for the source category:

A. The source meets the qualifications specified in the General ACDP;

B. LRAPA determines that the source has not had ongoing, reoccurring, or serious compliance problems; and

C. LRAPA determines that a General ACDP would appropriately regulate the source.

3. Short Term Activity ACDP. A Short Term Activity ACDP is a letter permit that authorizes the activity and includes any conditions placed upon the method or methods of operation of the activity. LRAPA may issue a Short Term Activity ACDP for unexpected or emergency activities, operations, or emissions.

4. Basic ACDP. A Basic ACDP is a letter permit that authorizes the regulated source to operate in conformance with the rules contained LRAPA's rules.

A. Owners and operators of sources and activities listed in Table 1, Part A of Section 37-0020 must at a minimum to obtain a Basic ACDP.

B. Any owner or operator of a source required to obtain a Basic ACDP may obtain either a Simple or Standard ACDP.

5. Simple ACDP A Simple ACDP is a permit that contains:

A. All relevant applicable requirements for source operation, including general ACDP conditions for incorporating generally applicable requirements;

B. Generic PSELs for all pollutants emitted at more than the deminimis level in accordance with LRAPA Title 42;

C. Testing, monitoring, recordkeeping, and reporting requirements sufficient to determine compliance with the PSEL and other emission limits and standards, as necessary; and

D. A permit duration not to exceed 5 years.

6. Standard ACDP A Standard ACDP is a permit that contains:

A. All applicable requirements, including general ACDP conditions for incorporating generally applicable requirements;

B. Source specific PSELs or Generic PSELs, whichever are applicable, as specified in LRAPA Title 42;

C. Testing, monitoring, recordkeeping, and reporting requirements sufficient to determine compliance with the PSEL and other emission limits and standards, as necessary; and

D. A permit duration not to exceed 5 years.

7. All owners and operators of sources and activities listed in Table 1, Part C of Section 37-0020 must obtain a Standard ACDP.

8. Owners or operators of sources and activities listed in Table 1, Part B of Section 37-0020 which do not qualify for a General ACDP or Simple ACDP must obtain a Standard ACDP.

9. Any owner or operator of a source not required to obtain a Standard ACDP may obtain a Standard ACDP.

Section 37-0030 Definitions

1. The definitions in LRAPA Title 12 and this rule apply to this title. If the same term is defined in this rule and LRAPA Title 12, the definition in this rule applies to this title.

2. "Permit modification" or "modified permit" means any change to the content of a permit, including but not limited to the following:

Section 37-0040 Application Requirements

1. New Permits. Except for Short Term Activity ACDPs, any person required to obtain a new ACDP must provide the following general information, as applicable, using forms provided by LRAPA in addition to any other information required for a specific permit type:

A. Identifying information, including the name of the company, the mailing address, the facility address, and the nature of business (Standard Industrial Classification (SIC) code);

B. The name and phone number of a local person responsible for compliance with the permit;

C. The name of a person authorized to receive requests for data and information;

D. A description of the production processes and related flow chart;

E. A plot plan showing the location and height of air contaminant sources. The plot plan must also indicate the nearest residential or commercial property;

F. The type and quantity of fuels used;

G. An estimate of the amount and type of each air contaminant emitted by the source in terms of hourly, daily, or monthly and yearly rates, showing calculation procedures;

H. Any information on pollution prevention measures and cross-media impacts the applicant wants LRAPA to consider in determining applicable control requirements and evaluating compliance methods;

I. Estimated efficiency of air pollution control equipment under present or anticipated operating conditions;

J. Where the operation or maintenance of air pollution control equipment and emission reduction processes can be adjusted or varied from the highest reasonable efficiency and effectiveness, information necessary for LRAPA to establish operational and maintenance requirements in accordance with Section 32-0120-1. and 2.;

K. A Land Use Compatibility Statement signed by a local (city or county) planner either approving or disapproving construction or modification of the source, if required by the local planning agency; and

L. Any other information requested by LRAPA**.**

2. Renewal Permits. Except for Short Term Activity ACDPs, any person required to renew an existing permit must submit the information identified in section 1. using forms provided by LRAPA, unless there are no significant changes to the permit. If there are significant changes, the applicant must provide~~d~~ the information identified in section 1. only for those changes. Where there are no significant changes to the permit, the applicant may use a streamlined permit renewal application process by providing the following information:

A. Identifying information, including the name of the company, the mailing address, the facility address, and the nature of business (Standard Industrial Classification (SIC) code) using a form provided by LRAPA; and

B. A marked up copy of the previous permit indicating minor changes along with an explanation for each requested change.

3. Permit Modifications. For Simple and Standard ACDP modifications, the applicant must provided the information in section (1) relevant to the requested changes to the permit and a list of any new requirements applicable to those changes.

4. LRAPA must receive the application at least 60 days before a permit or modified permit is needed.

5. The application must be completed in full and signed by the applicant or the applicant's legally authorized representative.

6. Two copies of the application are required, unless otherwise requested by LRAPA. At least one of the copies must be a paper copy, but the others may be in any other format, including electronic copies, upon approval by LRAPA.

7. A copy of NSR permit applications and supplemental information must also be submitted directly to the EPA.

8. The name of the applicant must be the legal name of the facility or the owner's agent or the lessee responsible for the operation and maintenance of the facility. The legal name must be registered with the Secretary of State Corporations Division.

9. All applications must include the appropriate fees as specified in Table 2 of Section 37-0020.

10. Applications that are obviously incomplete, unsigned, improperly signed, or lacking the required exhibits or fees will be rejected by LRAPA and returned to the applicant for completion.

11. Within 15 days after receiving the application, LRAPA will preliminarily review the application to determine the adequacy of the information submitted:

A. If LRAPA determines that additional information is needed, LRAPA will promptly ask the applicant for the needed information. The application will not be considered complete for processing until the requested information is received. The application will be considered withdrawn if the applicant fails to submit the requested information within 90 days of the request;

B. If, in the opinion of LRAPA, additional measures are necessary to gather facts regarding the application, LRAPA will notify the applicant that such measures will be instituted along with the timetable and procedures to be followed. The application will not be considered complete for processing until the necessary additional fact-finding measures are completed. When the information in the application is deemed adequate for processing, LRAPA will so notify the applicant.

12. If at any time while processing the application, LRAPA determines that additional information is needed, LRAPA will promptly ask the applicant for the needed information. The application will not be considered complete for processing until the requested information is received. The application will be considered withdrawn if the applicant fails to submit the requested information within 90 days of the request.

13. If, upon review of an application, LRAPA determines that a permit is not required, LRAPA will so notify the applicant in writing. Such notification is a final action by LRAPA on the application.

Section 37-0052 Construction ACDP

1. Purpose. A Construction ACDP is a permit for approval of Type 3 construction or modification changes as specified in Section 34-035. The Construction ACDP includes requirements for the construction or modification of stationary sources or air pollution control equipment and does not by itself provide authorization to operate the new construction or modification. A new or modified Standard ACDP or LRAPA Title V Operating Permit is required before operation of the new construction or modification. A Construction ACDP may be used for the following situations:

   A. For complex construction or modification projects that require an extended period of time to construct, the Construction ACDP may provide construction approval faster than issuance of a Standard ACDP or modified Standard ACDP because the operating requirements would not need to be included in the permit.

   B. For LRAPA Title V Operating Permit sources, the Construction ACDP may include the requirements of OAR 340-218-0050 and follow the external review procedures in OAR 340-218-0210 and 340-218-0230 so that the requirements may later be incorporated into the LRAPA Title V Operating Permit by an administrative amendment. If the applicant elects to incorporate the Construction ACDP by administrative amendment, all of the application submittal, permit content, and permit issuance requirements of OAR 340, division 218 must be met for the Construction ACDP.

2. Application requirements. Any person requesting a Construction ACDP must:

   A. Submit an application in accordance with Section 37-0040 and provide the information specified in Section 37-0040(1) as it relates to the proposed new construction or modification; and

B. Provide a list of any applicable requirements related to the new construction or modification.

3. Fees. Applicants for a Construction ACDP must pay the fees set forth in Table 2 of Section 37-0020.

4. Permit content. A Construction ACDP must include at least the following:

A. A requirement that construction must commence within 18 months after the permit is issued;

B. A requirement to construct in accordance with approved plans;

C. A requirement to comply with all applicable requirements;

D. Emission limits for affected stationary sources;

E. Performance standards for affected stationary sources and air pollution control equipment;

F. Performance test requirements;

G. Monitoring requirements, if specialized equipment is required (e.g., continuous monitoring systems);

H. Notification and reporting requirements (construction status reports, startup dates, source test plans, CEMS performance specification testing plans, etc.);

I. General ACDP conditions for incorporating generally applicable requirements;

J. A requirement to modify the operating permit before commencing operation of the new construction or modification;

K. A permit expiration date of no more than 5 years; and

L. LRAPA Title V Permit requirements as specified in OAR 340-218-0050, if the applicant requests the external review procedures in OAR 340-218-0210 and 340-218-0230.

5. Permit issuance procedures:

A. A Construction ACDP requires public notice in accordance with LRAPA Title ~~14~~ 31 for Category III permit actions.

B. For sources subject to the LRAPA Title V Operating Permit program, the applicant may ask for the external review procedures in OAR 340-218-0210 and 340-218-0230 in addition to the requirements of LRAPA Title ~~14~~ 31 to allow the Construction ACDP to be incorporated into the LRAPA Title V Operating Permit later by an administrative amendment provided the requirements of 1.B. are met.

C. Issuance of a modified Construction ACDP requires one of the following, as applicable:

1) Non-technical modifications and non-NSR Basic and Simple technical modifications require public notice in accordance with LRAPA Title ~~14~~ 31 for Category I permit actions.

2) Non-NSR/PSD Moderate and Complex technical modifications require public notice in accordance with LRAPA Title ~~14~~ 31 for Category II permit actions

Section 37-0054 Short Term Activity ACDPs

1. Application requirements. Any person requesting a Short Term Activity ACDP must apply in writing, fully describing the emergency and the proposed activities, operations, and emissions. The application must include the fees specified in section 2. of this rule.

2. Fees. Applicants for a Short Term Activity ACDP must pay the fees set forth in Table 2 of Section 37-0020.

3. Permit content.

   A. This permit includes conditions that ensure adequate protection of property and preservation of public health, welfare, and resources.

   B. A Short Term Activity ACDP does not include a PSEL for any air contaminants discharged as a result of the permitted activity.

   C. A Short Term Activity ACDP automatically terminates 60 days from the date of issuance and may not be renewed.

   D. A Short Term Activity ACDPs will be properly conditioned to ensure adequate protection of property and preservation of public health, welfare and resources.

4. Permit issuance procedures. A Short Term Activity ACDP requires public notice in accordance with LRAPA Title ~~14~~ 31 for Category I permit actions.

Section 37-0056 Basic ACDPs

1. Application requirements. Any person requesting a Basic ACDP must submit an application in accordance with Section 37-0040 and provide the information specified in Section 37-0040-1.

2. Fees. Applicants for a new Basic ACDP must pay the fees set forth in Table 2 of 37-0020.

3. Permit content:

   A. A Basic ACDP contains only the most significant and relevant rules applicable to the source.

   B. A Basic ACDP does not contain a PSEL;

   C. A Basic ACDP requires a simplified annual report be submitted to LRAPA; and

   D. A Basic ACDP may be issued for a period not to exceed ten years.

4. Permit issuance procedures. A Basic ACDP requires public notice in accordance with LRAPA Title ~~14~~ 31 for Category I permit actions.

Section 37-0060 General Air Contaminant Discharge Permits

1. Applicability.

A. LRAPA may issue a General ACDP under the following circumstances:

1) There are several sources that involve the same or substantially similar types of operations;

2) All requirements applicable to the sources can be contained in a General ACDP;

3) The emission limitations, monitoring, recordkeeping, reporting and other enforceable conditions are the same for all sources covered by the General ACDP; and

4) The pollutants emitted are of the same type for all covered sources.

B. Permit content. Each General ACDP must include the following:

1) All relevant requirements;

2) Generic PSELs for all pollutants emitted at more than the deminimis level in accordance with LRAPA Title 42;

3) Testing, monitoring, recordkeeping, and reporting requirements necessary to ensure compliance with the PSEL and other applicable emissions limits and standards, and;

4) A permit duration not to exceed 10 years.

C. Permit issuance procedures: A General ACDP requires public notice and opportunity for comment in accordance with ORS 183.325 to 183.410. All General ACDPs are on file and available for review at LRAPA. The Director signs a General ACDP.

2. Source assignment:

A. Application requirements. Any person requesting that a source be assigned to a General ACDP must submit a written application in accordance with Section 37-0040 that includes the information in Section 37-0040-1., specifies the General ACDP source category, and shows that the source qualifies for the General ACDP.

B. Fees. Applicants must pay the fees set forth in Table 2 of Section 37-0020.

C. Source assignment procedures:

1) Assignment of a source to a General ACDP is subject to public notice in accordance with LRAPA Title ~~14~~ 31 for Category I permit actions.

2) A person is not a permittee under the General ACDP until LRAPA assigns the General ACDP to the person.

3) Assignments to General ACDPs terminate when the General ACDP expires or is modified, terminated or revoked.

~~d.~~3. LRAPA Initiated Modification. If LRAPA determines that the conditions have changed such that a General ACDP for a category needs to be modified, LRAPA may issue a new General ACDP for that category and LRAPA may assign all existing General ACDP permit holders to the new General ACDP.

~~e.~~4. Rescission. In addition to Section 37-0082 (Termination or Revocation of an ACDP), LRAPA may rescind an individual source's assignment to a General ACDP if the source no longer meets the requirements of this rule or the conditions of the permit, including, but not limited to the source having an ongoing, reoccurring or serious compliance problem. Upon rescinding a source's assignment to a General ACDP LRAPA will place the source on a Simple or Standard ACDP. LRAPA may also revoke a General ACDP if conditions, standards or rules have changed so the permit no longer meets the requirements of this rule.

~~f.~~5. General ACDPs adopted by reference. The following General ACDPs are adopted by this reference and incorporated herein:

1) AQGP-001, Hard chrome platers (October 14, 2008)[3];

2) AQGP-002, Decorative chrome platers (October 14, 2008)[2];

3) AQGP-006, Dry cleaners (October 14, 2008)[1];

4) AQGP-007, Asphalt plants (October 14, 2008)[3];

5) AQGP-008, Rock crushers (October 14, 2008)[2];

6) AQGP-009, Ready-mix concrete (October 14, 2008)[1];

7) AQGP-010, Sawmills, planing mills, millwork, plywood manufacturing and veneer drying (October 14, 2008)[3];

8) AQGP-011, Boilers (October 14, 2008)[2];

9) AQGP-012, Crematories (October 14, 2008)[1];

10) AQGP-016, Coffee roasters roasting 30 or more tons per year (October 14, 2008)[1];

~~10)~~

11) AQGP-018, Electric power generators (October 14, 2008)[2].

NOTES: [1] The referenced General ACDPs specify that they are Fee Class One under Section 37-0020, Table 2. [2] The referenced General ACDPs specify that they are Fee Class Two under Section 37-0020, Table 2. [3] The referenced General ACDPs specify that they are Fee Class Three under Section 37-0020, Table 2.

[ED. NOTE: Tables referenced in this rule are available from LRAPA.]

Section 37-0064 Simple ACDP

1. Applicability.

   A. Sources and activities listed in Table 1, Part B of Section 37-0020 that do not qualify for a General ACDP and are not required to obtain a Standard ACDP must, at a minimum, obtain a Simple ACDP.

   B. Any source required to obtain a Simple ACDP may obtain a Standard ACDP.

   C. LRAPA may determine that a source is ineligible for a Simple ACDP and must obtain a Standard ACDP based upon, but not limited to, the following considerations:

      1) The nature, extent, and toxicity of the source's emissions;

      2) The complexity of the source and the rules applicable to that source;

      3) The complexity of the emission controls and potential threat to human health and the environment if the emission controls fail;

      4) The location of the source; and

      5) The compliance history of the source.

2. Application Requirements. Any person requesting a new, modified, or renewed Simple ACDP must submit an application in accordance with Section 37-0040.

3. Fees. Applicants for a new, modified, or renewed Simple ACDP must pay the fees set forth in Table 2 of Section 37-0020. Annual fees for Simple ACDPs will be assessed based on the following:

   A. Low Fee -- A Source may qualify for the Low Fee if:

      1) The source is, or will be, permitted under only one of the following categories from Section 37-0020 Table 1, Part B (category 25. Electric Power Generation, may be included with any category listed below):

         (a) Category 6. Asphalt felt and coatings;

         (b) Category 12. Boilers and other fuel burning equipment;

         ~~(b)~~(c) Category 16. Cement Manufacturing and/or Distribution

         ~~(c)~~(d) Category 30. Galvanizing & Pipe coating;

         ~~(d)~~(e) Category 36. Gray iron and steel foundries, malleable iron foundries, steel investment foundries, steel foundries 100 or more tons/yr. metal charged (not elsewhere identified);

         ~~(e)~~(f) Category 37. Gypsum products;

~~(f)~~(g) Category 50. Non-Ferrous Metal Foundries 100 or more tons/yr. of metal charged;

~~(g)~~(h) Category 51. Organic or Inorganic Industrial Chemical Manufacturing;

(i) Category 63. Secondary Smelting and/or Refining of Ferrous and Non-Ferrous Metals; or

~~(h)~~(j) Category 74. All Other Sources not listed in Table 1 that LRAPA determines an air quality concern exists including minor sources of HAPs not elsewhere classified or one which would emit significant malodorous emissions

~~(i)~~(k) Category 75. All Other Sources not listed in Table 1 which would have actual emissions, if the source were to operate uncontrolled, of 5 or more tons a year of PM_{10} if located in a PM_{10} non-attainment or maintenance area, or 10 or more tons of any single criteria pollutant in any part of Lane County; ~~and~~or

2) The actual emissions from the 12 months immediately preceding the invoice date, and future projected emissions are less than 5 tons/yr. PM_{10} in a PM_{10} nonattainment or maintenance area, and less than 10 tons/yr. for each criteria pollutant; and

3) The source is not considered an air quality problem or nuisance source by LRAPA.

B. High Fee -- Any source required to have a Simple ACDP (Section 37-0020 Table 1 Part B) that does not qualify for the Low Fee will be assessed the High Fee.

C. If LRAPA determines that a source was invoiced for the Low Annual Fee but does not meet the Low Fee criteria outlined above, the source will be required to pay the difference between the Low and High Fees, plus applicable late fees in accordance with Section 37-0020 Table 2. Late fees start upon issuance of the initial invoice. In this case, LRAPA will issue a new invoice specifying applicable fees.

4. Permit Content.

A. All relevant applicable requirements for source operation, including general ACDP conditions for incorporating generally applicable requirements;

B. Generic PSELs for all pollutants emitted at more than the deminimis level in accordance with LRAPA Title 42;

C. Testing, monitoring, recordkeeping, and reporting requirements sufficient to determine compliance with the PSEL and other emission limits and standards, as necessary; and

D. A permit duration not to exceed 5 years

5. Permit issuance procedures:

A. Issuance of a new or renewed Simple ACDP requires public notice in accordance with LRAPA Title ~~14~~ 31 for Category II permit actions.

B. Issuance of a modification to a Simple ACDP requires one of the following procedures, as applicable:

1) Non-technical and non-NSR/PSD Basic and Simple technical modifications require public notice in accordance with LRAPA Title ~~14~~ 31 for Category I permit actions; or

2) Issuance of non-NSR/PSD Moderate and Complex technical modifications require public notice in accordance with LRAPA Title ~~14~~ 31 for Category II permit actions.

[ED. NOTE: Tables referenced in this rule are available from LRAPA.]

Section 37-0066 Standard ACDPs

1. Application requirements. Any person requesting a new, modified, or renewed Standard ACDP must submit an application in accordance with Section 37-0040 and include the following additional information as applicable:

A. For new or modified Standard ACDPs that are not subject to NSR (LRAPA Title 38) but have emissions increases above the significant emissions rate, the application must include an analysis of the air quality and visibility (visibility analysis for federal major sources only) impact of the source or modification according to the applicable requirements in LRAPA Title 40 (and as specified in Section 42-0041), including meteorological and topographical data, specific details of models used, and other information necessary to estimate air quality impacts.

B. For new or modified Standard ACDPs that are subject to NSR (LRAPA Title 38), the application must include the following additional information as applicable:

1) A detailed description of the air pollution control equipment and emission reductions processes which are planned for the source or modification, and any other information necessary to determine that BACT or LAER technology, whichever is applicable, would be applied;

2) An analysis of the air quality and visibility (federal major sources only) impact of the source or modification, including meteorological and topographical data, specific details of models used, and other information necessary to estimate air quality impacts; and

3) An analysis of the air quality and visibility (federal major sources only) impacts, and the nature and extent of all commercial, residential, industrial, and other source emission growth, which has occurred since January 1, 1978, in the area the source or modification would affect.

2. Fees. Applicants for a Standard ACDP must pay the fees set forth in Table 2 of Section 37-0020.

3. Permit content. A Standard ACDP is a permit that contains:

A. All applicable requirements, including general ACDP conditions for incorporating generally applicable requirements;

B. Source specific PSELs or Generic PSELs, whichever are applicable, as specified in LRAPA Title 42;

C. Testing, monitoring, recordkeeping, and reporting requirements sufficient to determine compliance with the PSEL and other emission limits and standards, as necessary; and

D. A permit duration not to exceed 5 years.

4. Permit issuance procedures.

A. Issuance of a new or renewed Standard ACDP requires public notice as follows:

1) For non-NSR permit actions, issuance of a new Standard ACDP requires public notice in accordance with LRAPA Title ~~14~~ 31 for Category III permit actions.

2) For NSR permit actions, issuance of a new Standard ACDP requires public notice in accordance with LRAPA Title ~~14~~ 31 for Category IV permit actions.

B. Issuance of a modified Standard ACDP requires one of the following, as applicable:

1) Non-technical modifications and non-NSR Basic and Simple technical modifications require public notice in accordance with LRAPA Title ~~14~~ 31 for Category I permit actions.

2) Non-NSR/PSD Moderate and Complex technical modifications require public notice in accordance with LRAPA Title ~~14~~ 31 for Category II permit actions.

3) NSR/PSD modifications require public notice in accordance with LRAPA Title ~~14~~ 31 for Category IV permit actions.

Section 37-0070 Permitting Multiple Sources at a Single Adjacent or Contiguous Site

A single or contiguous site containing activities or processes that are covered by more than one General ACDP, or a source that contains processes or activities listed in more than one Part of Table 1, Part A to Part C Section 37-0020 may obtain a Standard ACDP.

Section 37-0082 Termination or Revocation of an ACDP

1. Expiration

A. A source may not be operated after the expiration date of a permit, unless any of the following occur prior to the expiration date of the permit:

1) A timely and complete application for renewal has been submitted; or

2) Another type of permit (ACDP or Title V) has been issued authorizing operation of the source.

B. For a source operating under an ACDP or Title V Permit, a requirement established in an earlier ACDP remains in effect notwithstanding expiration of the ACDP, unless the provision expires by its terms or unless the provision is modified or terminated according to the procedures used to establish the requirement initially.

2. Automatic Termination. A permit is automatically terminated upon:

A. Issuance of a renewal or new ACDP for the same activity or operation;

B. Written request of the permittee, if LRAPA determines that a permit is no longer required;

C. Failure to submit a timely application for permit renewal. Termination is effective on the permit expiration date; or

D. Failure to pay annual fees within 90 days of invoice by LRAPA, unless prior arrangements for payment have been approved in writing by LRAPA.

3. Reinstatement of Terminated Permit: A permit automatically terminated under 37-0082-2.B. through 2.D. may only be reinstated by the permittee by applying for a new permit, including the applicable new source permit application fees as set forth in this Title.

4. Revocation:

A. If LRAPA determines that a permittee is in noncompliance with the terms of the permit, submitted false information in the application or other required documentation, or is in violation of any applicable rule or statute, LRAPA may revoke the permit. Notice of the intent to revoke the permit will be provided to the permittee in accordance with LRAPA Title ~~14~~31. The notice will include the reasons why the permit will be revoked, and include an opportunity for hearing prior to the revocation. A written request for hearing must be received within 60 days from service of the notice, and must state the grounds of the request. The hearing will be conducted as a contested case hearing in accordance with LRAPA Title ~~14The~~ 31. The permit will continue in effect until the 60 days expires, or until a final order is issued if an appeal is filed, whichever is later.

B. If LRAPA finds there is a serious danger to the public health, safety or the environment caused by a permittee's activities, LRAPA may immediately revoke or refuse to renew the permit without prior notice or opportunity for a hearing. If no advance notice is provided, notification will be provided to the permittee as soon as possible as provided in LRAPA Title ~~14~~31. The notification will set forth the specific reasons for the revocation or refusal to renew. For the permittee to contest LRAPA's revocation or refusal to renew LRAPA must receive a written request for a hearing within 90 days of service of the notice and the request must state the grounds for the request. The hearing will be conducted as a contested case hearing in accordance with LRAPA Title ~~14~~31. The revocation or refusal to renew becomes final without further action by LRAPA if a request for a hearing is not received within the 90 days.

Section 37-0084 LRAPA Initiated Modification

If LRAPA determines it is appropriate to modify an ACDP, other than a General ACDP, LRAPA will notify the permittee by regular, registered or certified mail of the modification and will include the proposed modification and the reasons for the modification. The modification will become effective upon mailing unless the permittee requests a hearing within 20 days. Such a request for hearing must be made in writing and must include the grounds for the request. The hearing will be conducted as a contested case hearing in accordance with LRAPA Title ~~14~~31. If a hearing is requested, the existing permit will remain in effect until after a final order is issued in the hearing.

Section 37-0090 Sources Subject to ACDPs and Fees

All air contaminant discharge sources listed in Table 1 Section 37-0020 must obtain a permit from LRAPA and are subject to fees as set forth in **Table 2** Section 37-0020.

1. The fees in LRAPA Title 37, Table 2 will increase by the Consumer Price Index (CPI) on July 1 of each year.

Section 37-0094 Temporary Closure

1. Permittees who are temporarily suspending activities for which an ACDP is required may apply for a fee reduction due to temporary closure. However, the anticipated period of closure must exceed six months and must not be due to regular maintenance or seasonal limitations.

2. Annual fees for temporary closure are one half of the regular annual fee for the source.

3. Sources who have received LRAPA approval for payment of the temporary closure fee must obtain authorization from LRAPA prior to resuming permitted activities. Owners or operators must submit written notification, together with the prorated annual fee for the remaining months of the year, to LRAPA at least thirty (30) days before startup and specify in the notification the earliest anticipated startup date.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 38

MAJOR NEW SOURCE REVIEW

Section 38-0010 Applicability and General Prohibitions

1. Within designated Nonattainment and Maintenance areas, this title applies to owners and operators of proposed major sources and major modifications of air contaminant sources. Within attainment and unclassifiable areas, this title applies to owners and operators of proposed Federal Major sources. This title does not apply to owners or operators of proposed non-major sources or non-major modifications and does not apply in attainment areas to major sources or major modifications that are not Federal Major sources. Such owners or operators are subject to other LRAPA rules, including Highest and Best Practicable Treatment and Control Required (Section 32-0005 through 32-0009), Title 42- Plant Site Emission Limits, Notice of Construction and Approval of Plans (Section 34-010 and 34-034through 34-038), ACDPs (LRAPA Title 37, Sections 37-0025-1. and 37-0052), Emission Standards for Hazardous Air Contaminants (LRAPA Title 44), and Standards of Performance for New Stationary Sources (LRAPA Title 46) and Stationary Source Plant Site Emission Limits (LRAPA Title 42).

2. No owner or operator may begin construction of a major source or a major modification of an air contaminant source without having received an air contaminant discharge permit (ACDP) from LRAPA and having satisfied the requirements of this title.

Section 38-0020 Definitions

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

Section 38-0030 Procedural Requirements

1. Information Required. The owner or operator of a proposed major source or major modification must submit all information LRAPA needs to perform any analysis or make any determination required under this title and LRAPA Title 40. The information must be in writing on forms supplied by LRAPA and include the information for a standard ACDP as detailed in LRAPA Title 37.

2. Other Obligations:

   A. Approval to construct becomes invalid if construction is not commenced within 18 months after LRAPA issues such approval, if construction is discontinued for a

period of 18 months or more, or if construction is not completed within 18 months of the scheduled time. LRAPA may extend the 18-month period for good cause. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within 18 months of the projected and approved commencement date;

B. Approval to construct does not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the State Implementation Plan and any other requirements under local, state or federal law;

C. Approval to construct a source under an ACDP issued under paragraph 3.B. of this rule authorizes construction and operation of the source, except as prohibited in subsection D. of this rule, until the later of:

1) One year from the date of initial startup of operation of the major source or major modification; or

2) If a timely and complete application for an LRAPA Title V Operating Permit is submitted, the date of final action by LRAPA on the LRAPA Title V Operating Permit application.

D. Where an existing LRAPA Title V Operating Permit would prohibit construction or change in operation, the owner or operator must obtain a permit revision before commencing construction or operation.

3. Application Processing:

A. Within 30 days after receiving an application to construct, or any addition to such application, LRAPA will advise the applicant of any deficiency in the application or in the information submitted. For purposes of this section, the date LRAPA received a complete application is the date on which LRAPA received all required information;

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

1) Making a preliminary determination whether construction and/or modification should be approved, approved with conditions, or disapproved;

2) Making the proposed permit available in accordance with the public participation procedures required by LRAPA Title ~~14~~ 31 for Category IV. Extension of Construction Permits beyond the 18-month time period in

paragraph 2.A. of this rule are available in accordance with the public participation procedures required by Category II in lieu of Category IV.

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

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

Section 38-0050 Requirements for Sources in Nonattainment Areas

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

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

   A. For a major modification, the requirement for LAER applies only to each emissions unit that emits the pollutant in question and was installed since the baseline period or the most recent New Source Review construction approval for that pollutant, and to each modified emission unit that increases actual emissions of the pollutant in question above the netting basis.

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

   C. When determining LAER for a change that was made at a source before the current NSR application, LRAPA will consider technical feasibility of retrofitting required controls provided:

      1) The change was made in compliance with NSR requirements in effect when the change was made, and

      2) No limit will be relaxed that was previously relied on to avoid NSR.

   D. Individual modifications with potential to emit less than 10 percent of the SER are exempt from this section unless:

      1) They are not constructed yet;

      2) They are part of a discrete, identifiable, larger project that was constructed within the previous 5 years and is equal to or greater than 10 percent of the SER; or

3) They were constructed without, or in violation of, the LRAPA's approval.

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

3. Additional Requirements:

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

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

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

Section 38-0060 Requirements for Sources in Maintenance Areas

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

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

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

1) Each new emissions unit that emits the pollutant in question and was installed since the baseline period or the most recent New Source Review construction approval for that pollutant; and

2) Each modified emissions unit that increases the actual emissions of the pollutant in question above the netting basis.

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

C. When determining BACT for a change that was made at a source before the current NSR application, the technical and economic feasibility of retrofitting required controls may be considered provided:

1) The change was made in compliance with NSR requirements in effect at the time the change was made, and

2) No limit is being relaxed that was previously relied on to avoid NSR.

D. Individual modifications with potential to emit less than 10 percent of the significant emission rate are exempt from this section unless:

1) They are not constructed yet;

2) They are part of a discrete, identifiable larger project that was constructed within the previous 5 years and that is equal to or greater than 10 percent of the significant emission rate; or

3) They were constructed without, or in violation of, LRAPA's approval.

2. Air Quality Protection:

A. Offsets and Net Air Quality Benefit. Except as provided in subsectionsB. of this section, the owner or operator must obtain offsets and demonstrate that a net air quality benefit will be achieved in the area as specified in Section 40-0090.

B. In a carbon monoxide maintenance area, a proposed carbon monoxide major source or major modification is exempt from subsection A. of this section if the owner or operator can demonstrate that the source or modification will not cause or contribute to an air quality impact equal to or greater than 0.5 mg/m3 (8 hour average) and 2 mg/m3 (1-hour average). The demonstration must comply with the requirements of Section 40-0045.

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

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

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

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

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

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

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

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

1. Best Available Control Technology (BACT). The owner or operator of the proposed federal major source or major modification at a federal major source must apply BACT for each pollutant emitted at a SER over the netting basis.

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

      1) Each new emissions unit that emits the pollutant in question and was installed since the baseline period or the most recent New Source Review construction approval for that pollutant; and

      2) Each modified emissions unit that increases the actual emissions of the pollutant in question above the netting basis.

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

   C. When determining BACT for a change that was made at a source before the current NSR application, any additional cost of retrofitting required controls may be considered provided:

      1) The change was made in compliance with NSR requirements in effect at the time the change was made, and

2) No limit is being relaxed that was previously relied on to avoid NSR.

D. Individual modifications with potential to emit less than 10 percent of the significant emission rate are exempt from this section unless:

1) They are not constructed yet;

2) They are part of a discrete, identifiable larger project that was constructed within the previous 5 years and that is equal to or greater than 10 percent of the significant emission rate; or

3) They were constructed without, or in violation of, LRAPA's approval.

2. Air Quality Analysis: The owner of operator of a source subject to this rule must provide an analysis of the air quality impacts for the proposed source or modification in accordance with Section 40-0050 through 40-0070. The owner or operator or any source subject to this rule that significantly affects air quality in a designated nonattainment or maintenance area must meet the requirements of net air quality benefit in Section 40-0090.

3. Air Quality Monitoring: The owner or operator of a source subject to this rule must conduct ambient air quality monitoring in accordance with the requirements in Section 40-0050.

4. The owner or operator of a source subject to this rule and significantly impacting a PM10 maintenance area (significant air quality impact is defined in LRAPA Title 12), must comply with the requirements of Section 38-0060-2.

Section 38-0080 Exemptions

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

Section 38-0100 Fugitive and Secondary Emissions

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

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 40

Air Quality Analysis Requirements

Section 40-0010 Purpose

This title contains the definitions and requirements for air quality analysis referred to in LRAPA Rules. It does not apply unless a rule in another title refers the reader here. For example, Title 42 (Stationary Source Plant Site Emissions Limits) and Title 38 (Major New Source Review) refer the reader to provisions in this title for specific air quality analysis requirements.

Section 40-0020 Definitions

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

1. "Allowable Emissions" means the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

   A. The applicable standards as set forth in 40 CFR parts 60 and 61;
   B. The applicable State Implementation Plan emissions limitation, including those with a future compliance date; or
   C. The emissions rate specified as a federally enforceable permit condition.

2. "Background Light Extinction" means the reference levels (Mm^{-1}) shown in the estimates of natural conditions as referenced in the FLAG to be representative of the PSD Class I or Class II area being evaluated.

3. "Baseline Concentration" means:

   A. The ambient concentration level for sulfur dioxide and PM10 that existed in an area during the calendar year 1978. If no ambient air quality data is available in an area, the baseline concentration may be estimated using modeling based on actual emissions for 1978. Actual emission increases or decreases occurring before January 1, 1978 must be included in the baseline calculation, except that actual emission increases from any source or modification on which construction commenced after January 6, 1975 must not be included in the baseline calculation;
   B. The ambient concentration level for nitrogen oxides that existed in an area during the calendar year 1988.

4. "Competing PSD Increment Consuming Source Impacts" means the total modeled concentration above the modeled Baseline Concentration resulting from increased emissions of all other sources since the baseline concentration year that are within the Range of Influence of the source in question. Allowable Emissions may be used as a conservative estimate, in lieu of Actual Emissions, in this analysis.

5. "Competing NAAQS Source Impacts" means total modeled concentration resulting from allowable emissions of all other sources that are within the Range of Influence of the source in question.

6. "FLAG " refers to the Federal Land Managers' Air Quality Related Values Work Group Phase I Report. See 66 Federal Register 2, January 3, 2001 at 382 to 383.

7. "General Background Concentration" means impacts from natural sources and unidentified sources that were not explicitly modeled. LRAPA may determine this as site-specific ambient monitoring or representative ambient monitoring from another location.

8. "Nitrogen Deposition" means the sum of anion and cation nitrogen deposition expressed in terms of the mass of total elemental nitrogen being deposited. As an example, Nitrogen Deposition for NH_4NO_3 is 0.3500 times the weight of NH_4NO_3 being deposited.

9. "Ozone Precursor Distance" means the distance in kilometers from the nearest boundary of a designated ozone nonattainment or maintenance area within which a major new or modified source of VOC or NOx is considered to significantly affect that designated area. The determination of significance is made by either the formula method or the demonstration method.

   A. The Formula Method.
      1) For sources with complete permit applications submitted before January 1, 2003: D = 30 km
      2) For sources with complete permit applications submitted on or after January 1, 2003: D = (Q/40) x 30 km
      3) D is the Ozone Precursor Distance in kilometers. The value for D is 100 kilometers when D is calculated to exceed 100 kilometers. Q is the larger of the NOx or VOC emissions increase from the source being evaluated in tons/year, and is quantified relative to the netting basis.
      4) If a source is located at a distance less than D from the designated area, the source is considered to have a significant effect on the designated area. If the source is located at a distance equal to or greater than D, it is not considered to have a significant effect.

B. The Demonstration Method. An applicant may demonstrate to LRAPA that the source or proposed source would not significantly impact a nonattainment area or maintenance area. This demonstration may be based on an analysis of major topographic features, dispersion modeling, meteorological conditions, or other factors. If LRAPA determines that the source or proposed source would not significantly impact the nonattainment area or maintenance area under high ozone conditions, the Ozone Precursor Distance is zero kilometers.

10. "Ozone Precursor Offsets" means the emission reductions required to offset emission increases from a major new or modified source located inside the designated nonattainment or maintenance area or within the Ozone Precursor Distance. Emission reductions must come from within the designated area or from within the Ozone Precursor Distance of the offsetting source as described in Section 38-0090. The offsets determination is made by either the formula method or the demonstration method.

    A. The Formula Method.
        1) Required offsets (RO) for new or modified sources are determined as follows:
            (a) For sources with complete permit applications submitted before January 1, 2003: RO = SQ
            (b) For sources with complete permit applications submitted on or after January 1, 2003: RO = (SQ minus (40/30 * SD))
        2) Contributing sources may provide offsets (PO) calculated as follows: PO = CQ minus (40/30 * CD)
        3) Multiple sources may contribute to the required offsets of a new source. For the formula method to be satisfied, total provided offsets (PO) must equal or exceed the required offset (RO).
        4) Definitions of factors used in paragraphs 1), 2) and 3) of this subsection:
            (a) RO is the required offset of NOx or VOC in tons per year as a result of the source emissions increase. If RO is calculated to be negative, RO is set to zero;
            (b) SQ is the source emissions increase of NOx or VOC in tons per year above the netting basis;
            (c) SD is the source distance in kilometers to the nonattainment or maintenance area. SD is zero for sources located within the nonattainment or maintenance area.
            (d) PO is the provided offset from a contributing source and must be equal to or greater than zero;
            (e) CQ is the contributing emissions reduction in tons per year quantified relative to contemporaneous pre-reduction actual emissions (Section 41-0030-1.B.).
            (f) CD is the contributing source distance in kilometers to the nonattainment or maintenance area. For a contributing source located within the nonattainment or maintenance area, CD equals zero.

B. The Demonstration Method. An applicant may demonstrate to LRAPA using dispersion modeling or other analyses the level and location of offsets that would be sufficient to provide actual reductions in concentrations of VOC or NOx in the designated area during high ozone conditions. The modeled reductions of ambient VOC or NOx concentrations resulting from the emissions offset must be demonstrated over a greater area and over a greater period of time within the designated area as compared to the modeled ambient VOC or NOx concentrations resulting from the emissions increase from the source subject to this rule. If LRAPA determines that the demonstration is acceptable, then LRAPA will approve the offsets proposed by the applicant. The demonstration method does not apply to sources located inside an ozone nonattainment area.

11. "Range of Influence (ROI)" means:

A. For PSD Class II and Class III areas, the Range of Influence of a competing source (in kilometers) is defined by:

1) ROI (km) = Q (tons/year) / K (tons/year km).
2) Definition of factors used in paragraph (1) of this subsection:
   (a) ROI is the distance a source has an effect on an area and is compared to the distance from a potential competing source to the Significant Impact Area of a proposed new source. Maximum ROI is 50 km, however LRAPA may request that sources at a distance greater than 50 km be included in a competing source analysis.
   (b) Q is the emission rate of the potential competing source in tons per year.
   (c) K (tons/year km) is a pollutant specific constant as defined in the table below:

Pollutant	PM10	SOx	NOx	CO	Lead
K	5	5	10	40	0.15

B. For PSD Class I areas, the Range of Influence of a competing source includes emissions from all sources that occur within the modeling domain of the source being evaluated. LRAPA determines the modeling domain on a case-by-case basis.

12. "Source Impact Area" means a circular area with a radius extending from the source to the largest distance to where predicted impacts from the source or modification equal or exceed the Significant Air Quality Impact levels set out in Table 1 of LRAPA Title 12. This definition only applies to PSD Class II areas and is not intended to limit the distance for PSD Class I modeling.

13. "Sulfur Deposition" means the sum of anion and cation sulfur deposition expressed in terms of the total mass of elemental sulfur being deposited. As an example, sulfur deposition for $(NH4)_2SO_4$ is 0.2427 times the weight of $(NH4)_2SO_4$ being deposited.

Section 40-0030 Procedural Requirements

Information Required. In addition to the requirements defined in Section 37-0040, the owner or operator of a source (where required by Titles 42 or 38) must submit all information necessary to perform any analysis or make any determination required under these rules. Such information must include, but is not limited to:

1. Emissions data for all existing and proposed emission points from the source or modification. This data must represent maximum emissions for the following averaging times by pollutant:

PM10	24 hours, annual
Sulfur Oxides	3 hour, 24 hours, annual
Nitrogen Oxides	annual
Carbon Monoxide	1 hour, 8 hours, annual
Lead	annual quarterly, annual

2. Stack parameter data (height above ground, exit diameter, exit velocity, and exit temperature data) for all existing and proposed emission points from the source or modification,

3. An analysis of the air quality and visibility impact of the source or modification, including meteorological and topographical data, specific details of models used, and other information necessary to estimate air quality impacts; and

4. An analysis of the air quality and visibility impacts, and the nature and extent of all commercial, residential, industrial, and other source emission growth, that has occurred since January 1, 1978, in the area the source or modification would significantly affect.

Section 40-0040 Air Quality Models

All modeled estimates of ambient concentrations required under this rule must be based on the applicable air quality models, data bases, and other requirements specified in 40 CFR Part 51, Appendix W, "Guidelines on Air Quality Models (Revised) " (July 1, 2000). Where an air quality impact model specified in 40 CFR Part 51, Appendix W is inappropriate, the methods published in the FLAG are generally preferred for analyses in PSD Class I areas. Where an air quality impact model specified in 40 CFR Part 51, Appendix W is inappropriate in PSD Class II and III areas, the model may be modified or another model substituted. Any change or substitution from models specified in 40 CFR Part 51, Appendix W is subject to notice and opportunity for public comment and must receive prior written approval from LRAPA and the EPA. Where necessary, methods like those outlined in the "Interim Procedures for Evaluating Air Quality Models (Revised)" (U.S. Environmental Protection Agency, 1984) provide guidance in determining the comparability of models.

Section 40-0045 Requirements for Analysis in Maintenance Areas

Modeling: For determining compliance with the limits established in Section 38-0060-2.C., NAAQS, and PSD Increments, the following methods must be used:

1. A single source impact analysis is sufficient to show compliance with standards, PSD increments, and limits if modeled impacts from the source being evaluated are less than the Significant Air Quality Impact levels specified in LRAPA Title 12, Table 1 for all maintenance pollutants.

2. If the above requirement is not satisfied, the owner or operator of a proposed source or modification being evaluated must perform competing source modeling as follows:

   A. For demonstrating compliance with the NAAQS, the owner or operator of a proposed source or modification must show that the total modeled impacts plus total Competing NAAQS Source Impacts plus General Background Concentrations are less than the NAAQS for all averaging.

   B. For demonstrating compliance with the PSD Increments (as defined in Section 50-055, Table 1), the owner or operator of a proposed source or modification must show that modeled impacts from the proposed increased emissions (above the baseline concentration) plus competing PSD Increment Consuming Source Impacts (above the baseline concentration) are less than the PSD increments for all averaging times.

Section 40-0050 Requirements for Analysis in PSD Class II and Class III Areas

Modeling: For determining compliance with the NAAQS and PSD Increments in PSD Class II and Class III areas, the following methods must be used:

1. A single source impact analysis is sufficient to show compliance with standards and increments if modeled impacts from the source being evaluated are less than the Significant Air Quality Impact levels specified in LRAPA Title 12, Table 1 for all pollutants.

2. If the above requirement is not satisfied, the owner or operator of a proposed source or modification being evaluated must perform competing source modeling as follows:

   A. For demonstrating compliance with the PSD Increments (as defined in Section 50-055, Table 1), the owner or operator of a proposed source or modification must show that modeled impacts from the proposed increased emissions (above the modeled Baseline Concentration) plus Competing PSD Increment Consuming Source Impacts (above the modeled Baseline Concentration) are less than the PSD increments for all averaging times.

   B. For demonstrating compliance with the NAAQS, the owner or operator of a proposed source must show that the total modeled impacts plus total Competing

NAAQS Source Impacts plus General Background Concentrations are less than the NAAQS for all averaging times.

3. Additional Impact Modeling:

   A. When referred to this rule by Titles 42 or 38, the owner or operator of a source must provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the source or modification, and general commercial, residential, industrial and other growth associated with the source or modification. As a part of this analysis, deposition modeling analysis is required for sources emitting heavy metals above the significant emission rates as defined in LRAPA Title 12, Table 2. Concentration and deposition modeling may also be required for sources emitting other compounds on a case-by-case basis;

   B. The owner or operator must provide an analysis of the air quality concentration projected for the area as a result of general commercial, residential, industrial and other growth associated with the source or modification.

4. Air Quality Monitoring:

   A. Preconstruction:
      1) When referred to this rule by Titles 42 or 38, the owner or operator of a source must submit with the application an analysis of ambient air quality in the area impacted by the proposed project. This analysis, which is subject to LRAPA's approval, must be conducted for each pollutant potentially emitted at a significant emission rate by the proposed source or modification. The analysis must include continuous air quality monitoring data for any pollutant that may be emitted by the source or modification, except for volatile organic compounds. The data must relate to the year preceding receipt of the complete application and must have been gathered over the same time period. LRAPA may allow the owner or operator to demonstrate that data gathered over some other time period would be adequate to determine that the source or modification would not cause or contribute to a violation of an ambient air quality standard or any applicable pollutant increment. Pursuant to the requirements of these rules, the owner or operator must submit for LRAPA's approval, a preconstruction air quality monitoring plan. This plan must be submitted in writing at least 60 days prior to the planned beginning of monitoring and approved in writing by LRAPA before monitoring begins.
      2) Required air quality monitoring must be conducted in accordance with 40 CFR 58 Appendix B, "Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring" (July 1, 2000) and with other methods on file with LRAPA.
      3) LRAPA may exempt the owner or operator of a proposed source or modification from preconstruction monitoring for a specific pollutant if the owner or operator demonstrates that the air quality impact from the

emissions increase would be less than the amounts listed below **or** that modeled competing source concentration (plus General Background Concentration) of the pollutant within the Source Impact Area are less than the following significant monitoring concentrations:

1) Carbon monoxide - 575 ug/m^3, 8 hour average;
2) Nitrogen dioxide - 14 ug/m^3, annual average;
3) PM10 - 10 ug/m3, 24 hour average;
4) Sulfur dioxide - 13 ug/m3, 24 hour average;
5) Ozone - Any net increase of 100 tons/year or more of VOCs from a source or modification subject to PSD requires an ambient impact analysis, including the gathering of ambient air quality data. However, requirement for ambient air monitoring may be exempted if existing representative monitoring data shows maximum ozone concentrations are less than 50% of the ozone NAAQS based on a full season of monitoring;
6) Lead - 0.1 ug/m^3, 24 hour average;
7) Fluorides - 0.25 ug/m^3, 24 hour average;
8) Total reduced sulfur - 10 ug/m^3, 1 hour average;
9) Hydrogen sulfide - 0.04 ug/m^3, 1 hour average;
10) Reduced sulfur compounds - 10 ug/m^3, 1 hour average.

4) LRAPA may allow the owner or operator of a source (where required by Titles 42 or 38) to substitute post construction monitoring for the requirements of 4.A.(1) for a specific pollutant if the owner or operator demonstrates that the air quality impact from the emissions increase would not cause or contribute to an exceedance of any air quality standard. This analysis must meet the requirements of Section 40-0050-2.B. and must use representative or conservative General Background Concentration data.

5) When PM10 preconstruction monitoring is required by this section, at least four months of data must be collected, including the season(s) LRAPA judges to have the highest PM10 levels. PM10 must be measured in accordance with 40 CFR part 50, Appendix J (July 1, 1999). In some cases, a full year of data will be required.

B. Post-construction: After construction has been completed, LRAPA may require ambient air quality monitoring as a permit condition to establish the effect of emissions, other than volatile organic compounds, on the air quality of any area that such emissions could affect.

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Section 40-0060 Requirements for Demonstrating Compliance with Standards and Increments in PSD Class I Areas

For determining compliance with standards and increments in PSD Class I areas, the following methods must be used:

1. Before January 1, 2003, the owner or operator of a source (where required by Titles 42 or 38) must model impacts and demonstrate compliance with standards and increments on all PSD Class I areas that may be affected by the source or modification.

2. On or after January 1, 2003, the owner or operator of a source (where required by Titles 42 or 38) must meet the following requirements:

   A. A single source impact analysis will be sufficient to show compliance with increments if modeled impacts from the source being evaluated are demonstrated to be less than the impact levels specified in Table I below.

Table I
Significant Impact Levels for PSD Class I Areas

Pollutant	Averaging Time	PSD Class I Significant Impact Level
PM10	24 hour	0.30 μg/m3
PM10	Annual	0.20 μg/m3
SO2	3-hour	1.0 μg/m3
SO2	24-hour	0.20 μg/m3
SO2	Annual	0.10 μg/m3
NO2	Annual	0.10 μg/m3

   B. If the above requirement is not satisfied, the owner or operator must also show that the increased source impacts (above Baseline Concentration) plus Competing PSD Increment Consuming Source Impacts are less than the PSD increments for all averaging times.

   C. A single source impact analysis will be sufficient to show compliance with standards if modeled impacts from the source being evaluated are demonstrated to be less than the impact levels specified in LRAPA Title 12, Table 1 for all pollutants.

   D. If the requirement of (2.A) is not satisfied, and background monitoring data for each PSD Class I area shows that the NAAQS is more controlling than the PSD increment then the source must also demonstrate compliance with the NAAQS by showing that their total modeled impacts plus total modeled Competing NAAQS Source Impacts plus General Background Concentrations are less than the NAAQS for all averaging times.

Section 40-0070 Requirements for Demonstrating Compliance with AQRV Protection

1. Sources that are not Federal Major Sources are exempt from the requirements of the remainder of this rule.

2. Notice of permit application for actions subject to the requirements of Titles 42 or 38:

A. If a proposed major source or major modification could impact air quality related values (including visibility) within a Class I area, LRAPA will provide written notice to the EPA and to the appropriate Federal Land Manager within 30 days of receiving such permit application. The notice will include a copy of all information relevant to the permit application, including analysis of anticipated impacts on Class I area air quality related values (including visibility). LRAPA will also provide at least 30 days notice to EPA and the appropriate Federal Land Manager of any scheduled public hearings and preliminary and final actions taken on the application;

B. If LRAPA receives advance notice of a permit application for a source that may affect Class I area visibility, LRAPA will notify all affected Federal Land Managers within 30 days of receiving the advance notice;

C. During its review of source impacts on Class I area air quality related values (including visibility) pursuant to this rule, LRAPA will consider any analysis performed by the Federal Land Manager that is received by LRAPA within 30 days of the notice required by subsection A. If LRAPA disagrees with the Federal Land Manager's demonstration, LRAPA will include a discussion of the disagreement in the Notice of Public Hearing;

D. As a part of the notification required in Section ~~14~~31-0060, LRAPA will provide the Federal Land Manager an opportunity to demonstrate that the emissions from the proposed source or modification would have an adverse impact on air quality related values (including visibility) of any federal mandatory Class I area. This adverse impact determination may be made even if there is no demonstration that a Class I maximum allowable increment has been exceeded. If LRAPA agrees with the demonstration, it will not issue the permit.

3. Visibility impact analysis requirements:

A. If Titles 42 or 38 require a visibility impact analysis, the owner or operator must demonstrate that the potential to emit any pollutant at a significant emission rate in conjunction with all other applicable emission increases or decreases, including secondary emissions, permitted since January 1, 1984 and other increases or decreases in emissions, will not cause or contribute to significant impairment of visibility on any Class I area.

B. The owner or operator must submit all information necessary to perform any analysis or demonstration required by these rules pursuant to Section 38-0030-1.

C. Determination of significant impairment: The results of the modeling must be sent to the affected Federal Land Managers and LRAPA. The land managers may, within 30 days following receipt of the source's visibility impact analysis,

determine whether or not significant impairment of visibility in a Class I area would result. LRAPA will consider the comments of the Federal Land Manager in its consideration of whether significant impairment will result. If LRAPA determines that impairment would result, it will not issue a permit for the proposed source.

4. Types of visibility modeling required. For receptors in PSD Class I areas within the PSD Class I Range of Influence, a plume blight analysis or regional haze analysis is required.

5. Criteria for visibility impacts:

   A. The owner or operator of a source (where required by Titles 42 or 38) is encouraged to demonstrate that their impacts on visibility satisfy the guidance criteria as referenced in the FLAG.

   B. If visibility impacts are a concern, LRAPA will consider comments from the Federal Land Manager when deciding whether significant impairment will result. Emission offsets may also be considered. If LRAPA determines that impairment would result, it will not issue a permit for the proposed source.

6. Deposition modeling may be required for receptors in PSD Class I areas where visibility modeling is required. This may include, but is not limited to an analysis of Nitrogen Deposition and Sulfur Deposition.

7. Visibility monitoring:

   A. If Titles 42 or 38 require visibility monitoring data, the owner or operator must use existing data to establish existing visibility conditions within Class I areas as summarized in the FLAG Report.

   B. After construction has been completed the owner or operator must conduct such visibility monitoring as LRAPA requires as a permit condition to establish the effect of the pollutant on visibility conditions within the impacted Class I area.

8. Additional impact analysis: the owner or operator subject to Section 38-0060-3. or Section 38-0070-2. must provide an analysis of the impact to visibility that would occur as a result of the proposed source or modification and general commercial, residential, industrial, and other growth associated with the source or major modification.

9. If the Federal Land Manager recommends and LRAPA agrees, LRAPA may require the owner or operator to analyze the potential impacts on other Air Quality Related Values and how to protect them. Procedures from the FLAG report should be used in this recommendation. Emission offsets may also be used. If the Federal Land Manager finds that significant impairment would result from the proposed activities and LRAPA agrees, LRAPA will not issue a permit for the proposed source.

Section 40-0090 Requirements for Demonstrating a Net Air Quality Benefit

Demonstrations of net air quality benefit for offsets must include the following:

1. Ozone areas (VOC and NOx emissions). For sources capable of impacting a designated ozone nonattainment or maintenance area;

    A. Offsets for VOC and NOx are required if the source will be located within the designated area or within the Ozone Precursor Distance.

    B. The amount and location of offsets must be determined in accordance with this subsection:

        1) For new or modified sources locating within a designated nonattainment area, the offset ratio is 1.1:1. These offsets must come from within either the same designated nonattainment area as the new or modified source or another ozone nonattainment area (with equal or higher nonattainment classification) that contributes to a violation of the NAAQS in the same designated nonattainment area as the new or modified source.

        2) For new or modified sources locating within a designated maintenance area, the offset ratio is 1.1:1. These offsets may come from within either the designated area or the ozone precursor distance.

        3) For new or modified sources locating outside the designated area, but within the ozone precursor distance, the offset ratio is 1:1. These offsets may come from within either the designated area or the ozone precursor distance.

        4) Offsets from outside the designated area but within the Ozone Precursor Distance must be from sources affecting the designated area in a comparable manner to the proposed emissions increase. Methods for determining offsets are described in the Ozone Precursor Offsets definition (Section 40-0020-11.).

    C. In lieu of obtaining offsets, the owner or operator may obtain an allocation at the rate of 1:1 from a growth allowance, if available, in an applicable maintenance plan.

2. Non-Ozone areas (PM10, SO2, CO, NOx, and Lead emissions):

    A. For a source locating within a designated nonattainment area, the owner or operator must:

1) Obtain offsets from within the same designated nonattainment area;
2) Provide a minimum of 1:1 offsets for emission increases over the Netting Basis;
3) Provide a net air quality benefit within the designated nonattainment area. "Net Air Quality Benefit" means a reduction in concentration at a majority of the modeled receptors and less than a significant impact level increase at all modeled receptors;
4) Provide offsets sufficient to demonstrate reasonable further progress toward achieving the NAAQS.

B. For a source locating outside a designated nonattainment area but causing a significant air quality impact on the area, the owner or operator must provide offsets sufficient to reduce the modeled impacts below the significant air quality impact level (LRAPA Title 12) at all receptors within the designated nonattainment area. These offsets may come from within or outside the designated nonattainment area.

C. For a source locating inside or causing a significant air quality impact on a designated maintenance area, the owner or operator must either provide offsets sufficient to reduce modeled impacts below the significant air quality impact level (LRAPA Title 12) at all receptors within the designated maintenance area or obtain an allocation from an available growth allowance as allowed by an applicable maintenance plan. These offsets may come from within or outside the designated maintenance area.

3. The emission reductions used as offsets must be of the same type of pollutant as the emissions from the new source or modification. Sources of PM10 must be offset with particulate in the same size range.

4. The emission reductions used as offsets must be contemporaneous, that is, the reductions must take effect before the time of startup but not more than two years before the submittal of a complete permit application for the new source or modification. This time limitation may be extended through banking, as provided for in LRAPA Title 41, Emission Reduction Credit Banking. In the case of replacement facilities, LRAPA may allow simultaneous operation of the old and new facilities during the startup period of the new facility, if net emissions are not increased during that time period. Any emission reductions must be federally enforceable at the time of the issuance of the permit.

5. Offsets required under this rule must meet the requirements of Emissions Reduction Credits in LRAPA Title 41.

6. Emission reductions used as offsets must be equivalent in terms of short-term, seasonal, and yearly time periods to mitigate the effects of the proposed emissions.

Lane Regional Air Protection Agency

TITLE 44 (Moved from Title 37)

HAZARDOUS AIR POLLUTANT PROGRAM

General Provisions for Stationary Sources

Definitions of words and terms used in Title 44 can be found in Title 12, Definitions.

Section 44-010 Policy and Purpose

The Lane Regional Air Protection Agency finds that certain air contaminants for which there are no ambient air quality standards may cause or contribute to an identifiable and significant increase in mortality or to an increase in serious irreversible or incapacitating reversible illness or to irreversible ecological damage, and are therefore considered to be hazardous air pollutants. It shall be the policy of LRAPA that no person may cause, allow, or permit emissions into the ambient air of any hazardous substance in such quantify, concentration, or duration determined by LRAPA to be injurious to public health or the environment. The purpose of this Title is to establish emissions limitations on sources of these air contaminants. In order to reduce the release of these hazardous air pollutants and protect public health and the environment, it is the intent of LRAPA to adopt by rule within this Title the source category-specific requirements that are promulgated by the EPA. Furthermore, it is hereby declared the policy of LRAPA that the standards contained in this Title are considered minimum standards, and as technology advances, protection of public health and the environment warrants, more stringent standards may be adopted and applied. *(Section 37-010 Original Adoption 06/11/02Bexpanded and amended language from 43-001)*

Section 44-015 Definitions

The definitions in Title 12, OAR 340-218-0030 and this rule apply to this Title. If the same term is defined in this rule and Title 12 or 340-218-0030, the definition in this rule applies to this title.

1. "Accidental Release" means an unanticipated emission of a regulated substance or other extremely hazardous substance into the ambient air from a stationary source.
2. "Act" and "FCAA" mean the Federal Clean Air Act, Public Law 88-206 as last amended by Public Law 101-549.
3. Actual Emissions" means the mass emissions of a pollutant from an emissions source during a specified time period.
    A. Actual emissions shall equal the average rate at which the source actually emitted the pollutant and which is representative of normal source operation. Actual emissions shall be directly measured with a continuous monitoring system or calculated using a material balance or verified emission factor in combination with the source's actual operating hours, production rates and types of materials processed, stored, or combusted during the specified time period;
    B. For any source which had not yet begun normal operation in the specified time period, actual emissions shall equal the potential to emit of the source;

C. For purposes of Section 44-040 through 44-120 actual emissions shall equal the actual rate of emissions of a pollutant, but does not include excess emissions from a malfunction, or startups and shutdowns associated with a malfunction.

4. “Area Source" means any stationary source which has the potential to emit hazardous air pollutants but is not a major source of hazardous air pollutants.
5. "Artificially or Substantially Greater Emissions" means abnormally high emissions such as could be caused by equipment malfunctions, accidents, unusually high production or operating rates compared to historical rates, or other unusual circumstances.
6. "Base Year Emissions" for purposes of Early Reductions only (Section 44-040), means actual emissions in the calendar year 1987 or later.
7. "CFR" means Code of Federal Regulations and, unless otherwise expressly identified, refers to the July 1, 2008 edition.
8. "Commission" means the Oregon Environmental Quality Commission
9. "Construct a major Source" means to fabricate, erect, or install at any greenfield site a stationary source or group of stationary sources which is located within a contiguous area and under common control and which emits or has the potential to emit 10 tons per year of any HAPs or 25 tons per year of any combination of HAP, or to fabricate, erect, or install at any developed site a new process or production unit which in and of itself emits or has the potential to emit 10 tons per year of any HAP or 25 tons per year of any combination of HAP, unless the process or production unit satisfies criteria A through F of this paragraph:
   A. All HAP emitted by the process or production unit that would otherwise be controlled under the requirements of this subpart will be controlled by emission control equipment which was previously installed at the same site as the process or production unit;
   B.
      1) The permitting authority has determined within a period of 5 years prior to the fabrication, erection, or installation of the process or production unit that the existing emission control equipment represented the best available control technology (BACT), lowest achievable emission rate (LAER) under 40 CFR part 51 or 52, toxics-best available control technology (T-BACT) or MACT abased on State air toxic rules for the category of pollutants which includes those HAP to be emitted by the process or production unit; or
      2) The permitting authority determines that the control of HAP emissions provided by the existing equipment will be equivalent to that level of control currently achieved by other well-controlled similar sources (i.e., equivalent to the level of control that would be provided by a current BACT, LAER, T-BACT, or State air toxic rule MACT determination).
   C. The permitting authority determines that the percent control efficiency for emission of HAP from all sources to be controlled by the existing control equipment will be equivalent to the percent control efficiency provided by the control equipment prior to the inclusion of the new process or production unit;
   D. The permitting authority has provided notice and an opportunity for public comment concerning its determination hat criteria in paragraphs A, B, and C of this definition apply and concerning the continued adequacy of any prior LAER, BACT, T-BACT, or State air toxic rule MACT determination;
   E. If any commenter has asserted that a prior LAER, BACT, T-BACT, or State air toxic rule MACT determination is no longer adequate, the permitting authority has

determined that the level of control required by that prior determination remains adequate; and

F. Any emission limitations, work practice requirements, or other terms and conditions upon which the above determinations by the permitting authority are predicated will be construed by the permitting authority as applicable requirements under section 504(a) and either have been incorporated into any existing title V permit for the affected facility or will be incorporated into such permit upon issuance

10. "Department" means the Department of Environmental Quality.
11. "Director" means the Director of the Department or LRAPA, and authorized deputies or officers.
12. "Early Reductions Unit" means a single emission point or group of emissions points defined as a unit for purposes of an alternative emissions limit issued under Section 44-040 through 44-120.
13. "Emission" means a release into the atmosphere of any regulated pollutant or air contaminant.
14. "Emissions Limitation" and "Emissions Standard" mean a requirement adopted by the Department or Regional Agency, or proposed or promulgated by the Administrator of the EPA, which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.
15. "Emissions Unit" means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant.
    A. A part of a stationary source is any machine, equipment, raw material, product, or by-product that produces or emits air pollutants. An activity is any process, operation, action, or reaction (e.g., chemical) at a stationary source that emits air pollutants. Except as described in subsection (d) of this section, parts and activities may be grouped for purposes of defining an emissions unit provided the following conditions are met:
        1) The group used to define the emissions unit may not include discrete parts or activities to which a distinct emissions standard applies or for which different compliance demonstration requirements apply; and
        2) The emissions from the emissions unit are quantifiable.
    B. Emissions units may be defined on a pollutant by pollutant basis where applicable;
    C. The term "emissions unit" is not meant to alter or affect the definition of the term "unit" for purposes of Title IV of the FCAA;
    D. Parts and activities shall not be grouped for purposes of determining emissions increases from an emissions unit under Section 38-0050 through 38-0070, or Title 34, or for purposes of determining the applicability of a New Source Performance Standard (NSPS).
16. "EPA" means the Administrator of the United States Environmental Protection Agency or the Administrator's designee.
17. "EPA Conditional Method" means any method of sampling and analyzing for air pollutants which has been validated by the EPA but which has not been published as an EPA reference method.
18. "EPA Reference Method" means any method of sampling and analyzing for an air pollutant as described in 40 CFR Part 60, 61, or 63.

19. "Equipment leaks" means leaks from pumps, compressors, pressure relief devices, sampling connection systems, open ended valves or lines, valves, connectors, agitators, accumulator vessels, and instrumentation systems in hazardous air pollutant service.
20. "Existing Source" means any source, the construction of which commenced prior to proposal of an applicable standard under sections 112 or 129 of the FCAA.
21. "Facility" means all or part of any public or private building, structure, installation, equipment, or vehicle or vessel, including but not limited to ships.
22. "Fugitive Emissions" means emissions of any air contaminant that escape to the atmosphere from any point or area that is not identifiable as a stack, vent, duct or equivalent opening.
23. "Generally Available Control Technology (GACT)" means an alternative emission standard promulgated by EPA for non-major sources of hazardous air pollutants which provides for the use of control technology or management practices which are generally available.
24. "Hazardous Air Pollutant" (HAP) means an air pollutant listed by the EPA pursuant to section 112(b) of the FCAA or determined by the Commission to cause, or reasonably be anticipated to cause, adverse effects to human health or the environment.
25. "High-Risk Pollutant" means any air pollutant listed in Table 2 of 44-080 for which exposure to small quantities may cause a high risk of adverse public health effects.
26. "Major Source" means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants. The EPA may establish a lesser quantity, or in the case of radionuclides different criteria, for a major source on the basis of the potency of the air pollutant, persistence, potential for bioaccumulation, other characteristics of the air pollutant, or other relevant factors.
27. "Maximum Achievable Control Technology (MACT)" means an emission standard applicable to major sources of hazardous air pollutants that requires the maximum degree of reduction in emissions deemed achievable for either new or existing sources.
28. "New Source" means a stationary source, the construction of which is commenced after proposal of a federal MACT or January 3, 1993 of this Title, whichever is earlier.
29. "Not Feasible to Prescribe or Enforce a Numerical Emission Limit" means a situation in which LRAPA determines that a pollutant or stream of pollutants listed in Section 44-020 cannot be emitted through a conveyance designed and constructed to emit or capture such pollutant, or that any requirement for, or use of, such a conveyance would be inconsistent with any state or federal law or regulation; or the application of measurement technology to a particular source is not practicable due to technological or economic limitations.
30. "Person" means the United States Government and agencies thereof, any state, individual, public or private corporation, political subdivision, governmental agency, municipality, industry, co-partnership, association, firm, trust, estate, or any other legal entity whatsoever.
31. "Potential to Emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the EPA. This section does not alter or affect the use of this section for any other purposes under the Act, or the term "capacity factor" as used in Title IV of the Act or the regulations promulgated thereunder. Secondary emissions shall not be considered in determining the potential to emit of a source.

32. "Reconstruct a Major Source" means the replacement of components at an existing process or production unit that in and of itself emits or has the potential to emit 10 tons per year of any HAP or 25 tons per year of any combination of HAP, whenever: the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable process or production unit; and; it is technically and economically feasible for the reconstructed major source to meet the applicable maximum achievable control technology emission limitation for new sources established under 40 CFR Part 63 Subpart B.
33. "Regional Agency" or "Agency" means Lane Regional Air Protection Agency.
34. "Regulated Air Pollutant" as used in this Title means:
    A. Any pollutant listed under OAR 340-200-0400 or Section 44-160; or
    B. Any pollutant that is subject to a standard promulgated pursuant to Section 129 of the Act.
35. "Secondary Emissions" means emissions from new or existing sources which occur as a result of the construction and/or operation of a source or modification, but do not come from the source itself. Secondary emissions shall be specific, well defined, and quantifiable, and impact the same general area as the source associated with the secondary emissions. Secondary emissions may include but are not limited to:
    A. Emissions from ships and trains coming to or from a facility;
    B. Emissions from offsite support facilities which would be constructed or would otherwise increase emissions as a result of the construction of a source or modification.
36. "Section 111" means that section of the FCAA that includes standards of performance for new stationary sources.
37. "Section 112(b)" means that subsection of the FCAA that includes the list of hazardous air pollutants to be regulated.
38. "Section 112(d)" means that subsection of the FCAA that directs the EPA to establish emission standards for sources of hazardous air pollutants. This section also defines the criteria to be used by EPA when establishing the emission standards.
39. "Section 112(e)" means that subsection of the FCAA that directs the EPA to establish and promulgate emissions standards for categories and subcategories of sources that emit hazardous air pollutants.
40. "Section 112(n)" means that subsection of the FCAA that includes requirements for the EPA to conduct studies on the hazards to public health prior to developing emissions standards for specified categories of hazardous air pollutant emission sources.
41. "Section 112(r)" means that subsection of the FCAA that includes requirements for the EPA promulgate regulations for the prevention, detection and correction of accidental releases.
42. "Section 129" means that section of the FCAA that requires EPA to promulgate regulations for solid waste combustion.
43. "Solid Waste Incineration Unit" as used in this Title shall have the same meaning as given in Section 129(g) of the FCAA.
44. "Stationary Source":
    A. As used in Title 44 means any building, structure, facility, or installation which emits or may emit any regulated air pollutant;
    B. As used in Section 44-160 means any buildings, structures, equipment, installations, or substance emitting stationary activities:
        1) That belong to the same industrial group;
        2) That are located on one or more contiguous properties;

3) That are under the control of the same person (or persons under common control); and
4) From which an accidental release may occur.

Section 44-020 List of Hazardous Air Pollutants

For purposes of this Title LRAPA adopts by reference the pollutants, including groups of substances and mixtures, listed in **Section 112(b) of FCAA**, as Hazardous Air Pollutants (Table 1). *(Section 37-020 Original Adoption 06/11/02Bexpanded and amended language from 43-002, Tables new to 06/11/02 rulemaking)*

Section 44-030 Amending the List of Hazardous Air Pollutants

1. Any person may file a petition with LRAPA to amend the HAP List. The petition must include at least the following information:

   A. Name and chemical abstract service number of the substance;

   B. Quantity of the substance used and released in Lane County;

   C. Sources or source categories emitting the substance;

   D. Potential adverse effects of the substance on public health and the environment;

   E. Potential exposure pathways; and

   F. Uncertainties in the data provided.

2. LRAPA shall present this information, or other information that LRAPA may develop, to the Department, consistent with OAR 240-244-0050(1), for presentation to the Commission which will consider it along with the best available scientific information developed by the EPA, the Oregon Health Division, other states, other scientific organizations, or by any person.

3. The Commission shall amend the HAP list if:

   A. It finds there is a scientifically defensible need to add a substance not on the EPA list to protect the public health or environment;

   B. A chemical is added to the list by the EPA;

   C. A substance is deleted from the list by the EPA and the Commission finds that the substance can be deleted without causing harm to public health or the environment; or

   D. A substance has previously been added to the list by the Commission but not by the EPA, and the Commission finds that the substance can be deleted without causing harm to public health or the environment.

(Section 37-030 Original Adoption 06/11/02)

COMPLIANCE EXTENSIONS FOR EARLY REDUCTIONS

Section 44-040 Applicability

The requirements of 44-040 through 44-120 apply to an owner or operator of an existing source who wishes to obtain a compliance extension and an alternative emission limit from a standard issued under **Section 112(d) of the FCAA**. Any owner or operator of a facility who elects to comply with a compliance extension and alternative emission limit issued under this section must complete a permit application as prescribed in 44-050. *(Section 37-040 Original Adoption 06/11/02)*

Section 44-050 Permit Application Procedures for Early Reductions

1. To apply for an alternative emission limitations under 44-040, an owner or operator of the source shall file a permit application with LRAPA.

2. Except as provided in subsection 3 of this rule, the permit application shall contain the information required in 44-080 and shall comply with additional permit application procedures as prescribed in **OAR 340 Division 218**.

3. Permit applications for Early Reductions shall be submitted no later than 120 days after proposal of an otherwise applicable standard issued under **Section 112(d) of the FCAA** provided that the reduction was achieved prior to the date of proposal of the standard.

4. The post-reduction emissions information required under 44-080-5.B, 5.C, and 5.E shall not be filed as part of the source=s initial permit application but shall be filed later as a supplement to the application. This supplementary information shall be filed no earlier than one (1) year after the date early reduction had to be achieved according to 44-060-1.B and no later than thirteen (13) months after such date.

5. If a source test is the supporting basis for establishing post-reduction emissions for one or more emission points in the Early Reductions Unit, the test results shall be submitted by the applicable deadline for submittal of a permit application as specified in subsection 3 of this rule.

6. LRAPA shall review and decide on permit applications for early reductions according to the provisions of **OAR 340 Division 218**.

(Section 37-050 Original Adoption 06/11/02)

Section 44-060 General Provisions for Compliance Extensions

1. LRAPA shall by permit, issued in accordance with **OAR 340 Division 218**, allow an existing source to meet an alternative emission limitation for an Early Reductions Unit in lieu of an emission limitation promulgated under **Section 112(d) of the FCAA** for a period of six (6) years from the compliance date of the otherwise applicable standard provided the owner or operator demonstrates:

A. According to the requirements of 44-080 that the Early Reductions Unit has achieved a reduction of at least 90 percent (95 percent or more in the case of HAP that are particulate) in emissions of:

(1) Total HAP from the Early Reductions Unit; or

(2) Total HAP from the Early Reductions Unit as adjusted for high-risk pollutant weighing factors (Table 2), if applicable.

B. That such reduction was achieved before the otherwise applicable standard issued under **Section 112(d) of the FCAA** was first proposed.

2. A source granted an alternative emission limitation shall comply with an applicable standard issued under **Section 112(d) of the FCAA** immediately upon expiration of the six-year compliance extension period specified in subsection 1 of this rule.

3. For each facility issued a permit under subsection 1 of this rule, there shall be established as part of the permit an enforceable alternative emission limitation for HAP for each Early Reductions Unit reflecting the reduction that qualified the Early Reductions Unit for the alternative emission limitation.

4. Any source that has received an alternative emissions limit from EPA, either pursuant to **40 CFR 63.75 Enforceable Commitments, dated December 29, 1992**, or as a Title V specialty permit, shall have the alternative emission limit(s) incorporated as an applicable requirement in its operating permit pursuant to **OAR 340-218-0150** upon permit issuance or renewal.

5. If a source fails to submit a timely and complete application according to **OAR 340-218-0040**, or does not adequately demonstrate the required reductions in emissions pursuant to 44-080, LRAPA shall not approve the source's application for a compliance extension and alternative emission limit, and the source is required to comply with any applicable emission standard established pursuant to **Section 112(d) of the FCAA** by the compliance date prescribed in the applicable standard.

(Section 37-060 Original Adoption 06/11/02)

Section 44-070 Determination of Early Reductions Unit

An alternative emission limitation may be granted under this section to an existing Early Reductions Unit as defined below provided that a 90 percent (or 95 percent in the case of particulate emissions) reduction in base year HAP emissions is achieved. For the purposes of compliance extensions for early reductions only, an Early Reductions Unit includes any of the following:

1. A building, structure, facility, or installation identified as a source under any proposed or promulgated standard issued under **Section 112(d) of the FCAA**;

2. All portions of an entire contiguous plant site under common ownership or control that emit hazardous air pollutants;

3. Any portion of an entire contiguous plant site under common ownership or control that emits HAP and can be identified as a facility, building, structure, or installation for the purposes of establishing standards under **Section 112(d) of the FCAA**; or

4. Any individual emission point or combination of emission points within a contiguous plant site under common control, provided that the base year emissions of HAP from such point or aggregation of points is at least ten (10) tons per year where the total base year emissions of HAP from the entire contiguous plant site is greater than 25 tons, or at least five (5) tons per year where the total base year emissions of HAP from the entire contiguous plant site is equal to or less than 25 tons.

(Section 37-070 Original Adoption 06/11/02)

Section 44-080 Demonstration of Early Reduction

1. For purposes of determining emissions for Early Reductions, Actual emissions: means the actual rate of emissions of a pollutant, but does not include excess emissions from a malfunction, or startups and shutdowns associated with a malfunction. Actual emissions shall be calculated using the source's actual operating rates, and types of materials processed, stored, or combusted during the selected time period.

2. An owner or operator applying for an alternative emission limitation shall demonstrate achieving early reductions as required by 44-060-1 by following the procedures in this rule.

3. An owner or operator shall establish the Early Reductions Unit for the purposes of a compliance extension and alternative emission limit by documenting the following information:

   A. A description of the Early Reductions Unit including a site plan of the entire contiguous plant site under common control that contains the Early Reductions Unit, markings on the site plan locating the parts of the site that constitute the Early Reductions Unit, and the activity at the Early Reductions Unit that causes HAP emissions;

   B. A complete list of all emission points of HAP in the Early Reductions Unit, including identification numbers and short descriptive titles; and

   C. A statement showing that the Early Reductions Unit conforms to one of the allowable definition options from 37-070. For an Early Reductions Unit conforming to the option in 37-070-4, the total base year emissions from the Early Reductions Unit, as determined pursuant to this section, shall be demonstrated to be at least:

      (1) Five (5) tons per year, for cases in which total HAP emissions from the entire contiguous plant site under common control are 25 tons per year or less as required under subsection 12 of this rule; or

      (2) Ten (10) tons per year in all other cases.

4. An owner or operator shall establish base year emissions for the Early Reductions Unit by providing the following information:

   A. The base year chosen, where the base year shall be 1987 or later;

   B. The best available data accounting for actual emissions, during the base year, of all HAP from each emission point listed in the Early Reductions Unit in subsection 3.B of this rule;

   C. The supporting basis for each emission number provided in subsection 4.B of this rule, including:

      (1) For test results submitted as the supporting basis, a description of the test protocol followed, any problems encountered during the testing, a discussion of the validity of the method for measuring the subject emissions, and evidence that the testing was conducted in accordance with the Department's ***Source Sampling Manual*** **or** ***Continuous Monitoring Manual***; and

      (2) For calculations based on emission factors, material balance, or engineering principles and submitted as the supporting basis, a step-by-step description of the calculations, including assumptions used and their bases, and a brief rationale for the validity of the calculation method used; and

   D. Evidence that the emissions provided under subsection 4.B of this rule are not artificially or substantially greater than emissions in other years prior to implementation of emission reduction measures.

5. An owner or operator shall establish post-reduction emissions by providing the following information:

   A. For the emission points listed in the Early Reductions Unit in subsection 3.B of this rule a description of all control measures employed to achieve the emission reduction required by 44-060-1.A;

   B. The best available data accounting for actual emissions, during the year following the applicable emission reduction deadlines as specified in 44-060-1.B, of all HAP from each emission point in the Early Reductions Unit listed in subsection 3.B of this rule;

   C. The supporting basis for each emission number provided in subsection 5.B of this rule, including:

      (1) For test results submitted as the supporting basis, a description of the test protocol followed, any problems encountered during the testing, a discussion of the validity of the method for measuring the subject emissions, and evidence that the testing was conducted in accordance with the Department's ***Source Sampling Manual*** **or** ***Continuous Monitoring Manual***; and

(2) For calculations based on emission factors, material balance, or engineering principles and submitted as the supporting basis, a step-by-step description of the calculations, including assumptions used and their bases, and a brief rationale for the validity of the calculation method used; and

D. Evidence that there was no increase in radionuclide emissions from the source.

6. A. An owner or operator shall demonstrate that both total base year emissions and total base year emission adjusted for high-risk pollutants (*Table 2*), as applicable, have been reduced by at least 90 (ninety) percent for gaseous HAP emitted and 95 (ninety-five) percent for particulate HAP emitted by determining the following for gaseous and particulate emissions separately:

(1) Total base year emissions, calculated by summing all base year emission data from subsection 4.B of this rule;

(2) Total post-reduction emissions, calculated by summing all post-reduction emission data from subsection 5.B of this rule;

(3) Total base year emissions adjusted for high-risk pollutants, calculated by multiplying each emission number for a pollutant from subsection 4.B of this rule by the appropriate weighing factor for the pollutant from *Table 2* and then summing all weighted emission data; and

(4) Fotal post-reduction emissions adjusted for high-risk pollutants, calculated by multiplying each emission number for a pollutant from subsection 5.B of this rule by the appropriate weighing factor the pollutant from *Table 2* and then summing all weighted emission data;

(5) Percent reductions, calculated by dividing the difference between base year and post-reduction emissions by the base year emissions. Separate demonstrations are required for total gaseous and particulate emissions, and total gaseous and particulate emissions adjusted for high-risk pollutants.

B. If any points in the Early Reductions Unit emit both particulate and gaseous pollutants, as an alternative to the demonstration required in subsection 6.A of this rule, an owner or operator may demonstrate:

(1) A weighted average percent reduction for all points emitting both particulate and gaseous pollutants where the weighted average percent reduction is determined by [Formula not included. See ED. NOTE.]

(2) The reductions required in subsection 6.A of this rule for all other points in each Early Reductions Unit.

7. If lower rates or hours are used to achieve all or part of the emission reduction, any HAP emissions that occur from a compensating increase in rates of hours from the same activity elsewhere within the plant site that contains the Early Reductions Unit shall be counted in the post-reduction emissions from the Early Reductions Unit. If emission reductions are

achieved by shutting down process equipment and the shutdown equipment is restarted or replaced anywhere within the plant site, any hazardous air pollutant emissions from the restarted or replacement equipment shall be counted in the post-reduction emissions for the Early Reductions Unit.

8. The best available data representing actual emissions for the purpose of establishing base year or post-reduction emissions under this rule shall consist of documented results from source tests using an EPA Reference Method, EPA Conditional Method, or the owner's or operator's source test method that has been validated pursuant to **Method 301** of **40 CFR Chapter 1 Part 63 Appendix A**, dated **June 1992**. However, if one of the following conditions exists, an owner or operator may submit, in lieu of results from source tests, calculations based on engineering principles, emission factors, or material balance data as actual emission data for establishing base year or post-reduction emissions:

   A. No applicable EPA Reference Method, EPA Conditional Method, or other source test method exists;

   B. It is not technologically or economically feasible to perform source tests;

   C. It can be demonstrated to the satisfaction of LRAPA that the calculations will provide emission estimates of accuracy comparable to that of any applicable source test method;

   D. For base year emission estimates, only, the base year conditions no longer exist at an emission point in the Early Reductions Unit, and emission data could not be produced for such an emission point by performing source tests under currently existing conditions, and converting the test results to reflect base year conditions, that is more accurate than an estimate produced by using engineering principles, emission factors, or a material balance; or

   E. The emissions from one or a set of emission points in the Early Reductions Unit are small compared to total Early Reductions Unit emissions, and potential errors in establishing emissions from such points will not have a significant effect on the accuracy of total emissions established for the Early Reductions Unit.

9. For base year or post-reduction emissions established under this rule that are not supported by source test data, the source owner or operator shall include the reason source testing was not performed.

10. The EPA average emission factors for equipment leaks cannot be used under this subpart to establish base year emissions for equipment leak Early Reductions Units, unless the base year emission number calculated using the EPA average emission factors for equipment leaks also is used as the post-reduction emission number for equipment leaks from the Early Reductions Unit.

11. A source owner or operator shall not establish base year or post-reduction emissions that include any emissions from the Early Reductions Unit exceeding allowable emission levels specified in any applicable law, regulation, or permit condition.

12. For Early Reductions Units subject to Section 44-080-3.C.(1), an owner or operator shall document total base year emissions from an entire contiguous plant site under common control by providing the following information for all HAP from all emission points in the contiguous plant site under common control:

    A. A complete list of all emission points of HAP;

    B. The best available data accounting for all HAP emissions during the base year from each HAP emission point;

    C. Total base year emissions calculated by summing all base year emissions data from Section 44-080-12.B.

13. If a new pollutant is added to the list of HAP or high-risk pollutants, any source emitting such pollutant will not be required to revise an early reduction demonstration pursuant to this rule if alternative emission limits have previously been specified by permit for the Early Reductions Unit as provided for in 44-060.

(Section 37-080 Original Adoption 06/11/02)

Section 44-090 Review of Base Year Emissions

1. Pursuant to the procedures of this rule, LRAPA shall review and approve or disapprove base year emissions data submitted in a permit application from an applicant that wishes to participate in the early reduction program. A copy of the permit application shall also be submitted to the EPA Region 10 Office.

2. Within 30 (thirty) days of receipt of base year emission data, LRAPA shall advise the applicant that:

    A. The base year emission data are complete as submitted; or

    B. The base year emission data are not complete and include a list of deficiencies that must be corrected before review can proceed.

3. Within 60 (sixty) days of a determination that a base year emission data submission is complete, LRAPA shall evaluate the adequacy of the submission with respect to the requirements of 44-080-2 through 4 and either:

    A. Propose to approve the submission and publish a notice in a newspaper of general circulation in the area where the source is located or in a state publication designed to give general public notice, providing the aggregate base year emission data for the source and the rationale for the proposed approval, noting the availability of the non-confidential information contained in the submission for public inspection in at least one location in the community in which the source is located, providing for a public hearing upon request by at least 10 (ten) interested persons, and establishing a 30

(thirty)-day public comment period that can be extended to 60 (sixty) days upon request by at least ten interested persons; or

B. Propose to disapprove the base year emission data and give notice to the applicant of the reasons for the disapproval. An applicant may correct disapproved base year data and submit revised data for review in accordance with this subsection, except that the review of a revision shall be accomplished within 30 (thirty) days.

4. If no adverse public comments are received by the reviewing agency on proposed base year data for a source, the data shall be considered approved at the close of the public comment period and a notice of the approval shall be sent to the applicant and published by the reviewing agency by advertisement in the area affected.

5. If adverse public comments are received and LRAPA agrees that corrections are needed, LRAPA shall give notice to the applicant of the disapproval and reasons for the disapproval. An applicant may correct disapproved base year emission data and submit revised emission data. If a revision is submitted by the applicant that, to the satisfaction of LRAPA, takes into account the adverse comments, LRAPA will publish by advertisement in the area affected a notice containing the approved base year emission data for the source and send notice of the approval to the applicant.

6. If adverse public comments are received and LRAPA determines that the comments do not warrant changes to the base year emission data, LRAPA will publish by advertisement in the area affected a notice containing the approved base year emission data for the source and the reasons for not accepting the adverse comments. A notice of the approval also shall be sent to the applicant.

(Section 37-090 Original Adoption 06/11/02)

Section 44-100 Early Reduction Demonstration Evaluation

1. LRAPA will evaluate an early reduction demonstration submitted by the source owner or operator in a permit application with respect to the requirements of 44-080.

2. An application for a compliance extension may be denied if, in the judgment of LRAPA, the owner or operator has failed to demonstrate that the requirements of 44-080 have been met. Specific reasons for denial include, but are not limited to:

A. The information supplied by the owner or operator is incomplete;

B. The required 90 (ninety) percent reduction (95[ninety-five] percent in cases where the HAP is particulate matter) has not been demonstrated;

C. The base year or post-reduction emissions are incorrect, based on methods or assumptions that are not valid, or not sufficiently reliable or well documented to determine with reasonable certainty that required reductions have been achieved; or

D. The emission of HAP or the performance of emission control measures is unreliable so as to preclude determination that the required reductions have been achieved or will continue to be achieved during the extension period.

(Section 37-100 Original Adoption 06/11/02)

Section 44-110 Approval of Applications

1. If an early reduction demonstration is approved and other requirements for a complete permit application are met, LRAPA shall establish by a permit issued pursuant to **OAR 340 Division 218**, enforceable alternative emissions limitations for each Early Reductions Unit reflecting the reduction which qualified the Early Reductions Unit for the extension. However, if it is not feasible to prescribe a numerical emissions limitation for one or more emission points in the Early Reductions Unit, LRAPA shall establish such other requirements, reflecting the reduction which qualified the Early Reductions Unit for an extension, in order to assure that the 90 (ninety) or 95 (ninety-five) percent reduction, as applicable, is achieved.

2. An alternative emissions limitation or other requirement prescribed pursuant to section 1 of this rule shall be effective and enforceable immediately upon issuance of the permit for the source and shall expire exactly 6 (six) years after the compliance date of an otherwise applicable standard issued pursuant to **Section 112(d) of the FCAA**.

(Section 37-110 Original Adoption 06/11/02)

Section 44-120 Rules for Special Situations

1. If more than one standard issued under **Section 112(d) of the FCAA** would be applicable to an Early Reductions Unit as defined under 44-070, then the date of proposal referred to in 44-050-3, 44-060-1.B, and 44-080-5.D is the date the first applicable standard is proposed.

2. Sources emitting radionuclides are not required to reduce radionuclides by 90 (95) percent. Radionuclides may not be increased from the source as a result of the early reductions demonstration.

(Section 37-120 Original Adoption 06/11/02)

EMISSION STANDARDS

Section 44-130 Emissions Limitation for New and Reconstructed Major Sources

1. Federal MACT. Any person who proposes to construct a major source of HAP after an applicable emissions standard has been proposed by the EPA pursuant to **Section 112(d)**, **Section 112(n)**, or **Section 129 of the FCAA** shall comply with the requirements and emission standard for new sources when promulgated by EPA.

2. State MACT. Any person who proposes to construct or reconstruct a major source of hazardous air pollutants before MACT requirements applicable to that source have been

proposed by the EPA and after the effective date of the program shall comply with new and reconstructed source MACT requirements of **40 CFR Part 63, Subpart B**.

(Section 37-130 Original Adoption 06/11/02)

Section 44-140 Emissions Limitation for Existing Sources

1. Federal MACT. Existing major and area sources shall comply with the applicable emissions standards for existing sources promulgated by the EPA pursuant to **Section 112(d)**, **section 112(n)**, or **Section 129 of the FCAA** and adopted by rule within this Title.

2. State MACT. After January 3, 1995 if the EPA fails to meet its schedule for promulgating a MACT standard for a source category, LRAPA shall approve HAP emissions limitations for existing major sources within that category on a case-by-case basis, in accordance with the requirements of **40 CFR, Part 63, Subpart B**.

   A. If, after a permit has been issued, the EPA promulgates a MACT standard applicable to a source, which is more stringent than the one established pursuant to this section, LRAPA shall revise the permit upon the next renewal to reflect the standard promulgated by the EPA. The source shall be given a reasonable time to comply, but no longer than 8 (eight) years after the standard is promulgated.

   B. LRAPA shall not establish a case-by-case MACT:

      (1) For existing solid waste incineration units where an emissions standard will be established for these units by the EPA pursuant to **Section 111 of the FCAA**. These sources are subject to applicable emissions standards under Title 46.

      (2) For existing major HAP sources where an emissions standard or alternative control strategy will be established by the EPA pursuant to **Section 112(n) of the FCAA**.

3. Compliance schedule

   A. The owner or operator of the source shall comply with the emission limitation:

      (1) Within the time frame established in the applicable Federal MACT standard, but in no case later than 3 (three) years from the date of federal promulgation of the applicable MACT requirements; or

      (2) Within the time frame established by LRAPA where a State- determined MACT has been established or a case-by-case determination has been made.

   B. The owner or operator of the source may apply for, and LRAPA may grant, a compliance extension of up to 1 (one) year if such additional period is necessary for the installation of controls.

   C. Notwithstanding the requirements of this section, no existing source that has installed Best Available Control Technology or been required to meet Lowest Achievable

Emission Rate prior to the promulgation of a federal MACT applicable to that emissions unit shall be required to comply with such MACT standard until 5 (five) years after the date on which such installation or reduction has been achieved, as determined by LRAPA.

(Section 37-140 Original Adoption 06/11/02)

Section 44-150 Federal Regulations Adopted by Reference

1. Except as provided in section 2 of this rule, **40 CFR Part 61, Subparts A, C through F, J, L, N through P, V, Y, BB, and FF (July 1, 2008)** and **40 CFR Part 63, Subparts A, F, G, H, I, L, M, N, O, Q, R, S, T, U, W, X, Y, AA, BB, CC, DD, EE, GG, HH, II, JJ, KK, LL, MM, OO, PP, QQ, RR, SS, TT, UU, VV, WW, YY, CCC, DDD, EEE, GGG, HHH, III, JJJ, LLL, MMM, NNN, OOO, PPP, QQQ, RRR, TTT, UUU, VVV, XXX, AAAA, CCCC, DDDD, EEEE, FFFF, GGGG,HHHH, IIII, JJJJ, KKKK, MMMM, NNNN, OOOO, PPPP, QQQQ, RRRR, SSSS, TTTT, UUUU, VVVV, WWWW, XXXX, YYYY, ZZZZ, AAAAA, BBBBB, CCCCC, , EEEEE, FFFFF, GGGGG, HHHHH, IIIII< JJJJJ, KKKKK, LLLLL, MMMMM, NNNNN, PPPPP, QQQQQ, RRRRR, SSSSS, and TTTTT** are by reference adopted and incorporated herein.

2. Where "Administrator" or "EPA" appears in **40 CFR Part 61** or **63**, "LRAPA" shall be substituted, except in any section of **40 CFR Part 61** or **63** for which a federal rule or delegation specifically indicates that authority will not be delegated to the state.

3. 40 CFR Part 63 Subpart M -- Dry Cleaning Facilities using Perchloroethylene: The exemptions in 40 CFR 63.320(d) and (e) do not apply.

4. **40 CFR Part 61** Subparts adopted by this rule are titled as follows:

   A. Subpart A-General Provisions;

   B. Subpart C-Beryllium;

   C. Subpart D-Beryllium Rocket Motor Firing;

   D. Subpart E-Mercury;

   E. Subpart F-Vinyl Chloride;

   F. Subpart J - Equipment Leaks (Fugitive Emission Sources) of Benzene;

   G. Subpart L-Benzene Emissions from Coke By-Product Recovery Plants;

   H. Subpart N-Inorganic Arsenic Emissions from Glass Manufacturing Plants;

   I. Subpart O-Inorganic Arsenic Emissions from Primary Copper Smelters;

   J. Subpart P-Inorganic Arsenic Emissions from Arsenic Trioxide and Metal Arsenic Facilities;

K. Subpart V-Equipment Leaks (Fugitive Emission Sources);

L. Subpart Y-Benzene Emissions from Benzene Storage Vessels; and

M. Subpart BB – Benzene Emissions from Benzene Transfer Stations

N. Subpart FF-Benzene Waste Operations.

~~4.~~ **5.** **40 CFR Part 63** Subparts adopted by this rule are titled as follows:

A. Subpart A-General Provisions;

B. Subpart F-SOCMI;

C. Subpart G-SOCMI-Process Vents, Storage Vessels, Transfer Operations;

D. Subpart H-SOCMI-Equipment Leaks;

E. Subpart I-Certain Processes Subject to the Negotiated Regulation for Equipment Leaks;

F. Subpart J - Polyvinyl Chloride and Copolymers Production (federally vacated)

G. Subpart L-Coke Oven Batteries;

H. Subpart M-Dry Cleaning Facilities using Perchloroethylene;

I. Subpart N-Hard and Decorative Electroplating and Anodizing;

J. Subpart O-Ethylene Oxide Sterilization;

K. Subpart Q-Industrial Process Cooling Towers;

L. Subpart R-Gasoline Distribution (Bulk Gasoline Terminals and Pipeline Breakout Stations);

M. Subpart S-Pulp and Paper Industry;

N. Subpart T-Halogenated Solvent Cleaning;

O. Subpart U-Group I Polymers and Resins;

P. Subpart W-Epoxy Resins and Non-Nylon Polyamides Production;

Q. Subpart X-Secondary Lead Smelting;

R. Subpart Y-Marine Tank Vessel Loading Operations;

S. Subpart AA-Phosphoric Acid Manufacturing Plants;

T. Subpart BB-Phosphate Fertilizer Production Plants;

U. Subpart CC-Petroleum Refineries;

V. Subpart DD-Off-Site Waste and Recovery Operations;

W. Subpart EE-Magnetic Tape Manufacturing Operations;

X. Subpart GG-Aerospace Manufacturing Operations;

Y. Subpart HH-Oil and Natural Gas Production Facilities;

Z. Subpart II-Shipbuilding and Ship Repair (Surface Coating);

AA. Subpart JJ-Wood Furniture Manufacturing Operations;

BB. Subpart KK-Printing and Publishing Industry;

CC. Subpart LL-Primary Aluminum Reduction Plants;

DD. Subpart MM-Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semi-Chemical Pulp Mills

EE. Subpart OO-TanksBLevel 1;

FF. Subpart PP-Containers;

GG. Subpart QQ-Surface Impoundments;

HH. Subpart RR-Individual Drain Systems;

II. Subpart SS-Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process;

JJ. Subpart TT-Equipment LeaksBControl Level 1;

KK. Subpart UU-Equipment LeaksBControl Level 2 Standards;

LL. Subpart VV-Oil-Water Separators and Organic-Water Separators;

MM. Subpart WW-Storage Vessels (Tanks)- Control Level 2;

NN. Subpart XX - Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations;

OO. Subpart YY-Generic Maximum Achievable Control Technology Standards;

PP. Subpart CCC-Steel Pickling-HCI Process Facilities and Hydrochloric Acid Regeneration Plants;

QQ. Subpart DDD-Mineral Wool Production;

RR. Subpart EEE-Hazardous Waste Combustors;

SS. Subpart GGG-Pharmaceuticals Production;

TT. Subpart HHH-Natural Gas Transmission and Storage Facilities;

UU. Subpart III-Flexible Polyurethane Foam Production;

VV. Subpart JJJ-Group IV Polymers and Resins;

WW. Subpart LLL-Portland Cement Manufacturing Facilities;

XX. Subpart MMM-Pesticide Active Ingredient Production;

YY. Subpart NNN-Wool Fiberglass Manufacturing;

ZZ. Subpart OOO-Manufacture of Amino/Phenolic Resins;

AAA. Subpart PPP-Polyether Polyols Production;

BBB. Subpart QQQ - Primary Copper Smelting;

CCC. Subpart RRR-Secondary Aluminum Production

DDD. Subpart TTT-Primary Lead Smelting;

EEE. Subpart UUU - Petroleum Refineries -- Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units;

FFF. Subpart VVV-Publicly Owned Treatment Works;

GGG. Subpart XXX-Ferro Alloys, Ferromanganese, and Silico Manganese Production

HHH. Subpart AAAA -- Municipal Solid Waste Landfills;

III. Subpart CCCC-Manufacturing of Nutritional Yeast

JJJ. Subpart DDDD -- Plywood and Composite Wood Products;

KKK. Subpart EEEE -- Organic Liquids Distribution (non-gasoline);

LLL. Subpart FFFF -- Miscellaneous Organic Chemical Manufacturing;

MMM. Subpart GGGG-Solvent Extraction for Vegetable Oil Production

NNN. Subpart HHHH -- Wet Formed Fiberglass Mat Production;

OOO. Subpart IIII -- Surface Coating of Automobiles and Light-Duty Trucks;

PPP. Subpart JJJJ -- Paper and Other Web Coating;

QQQ. Subpart KKKK -- Surface Coating of Metal Cans;

RRR. Subpart MMMM -- Surface Coating of Miscellaneous Metal Parts and Products;

SSS. Subpart NNNN -- Surface Coating of Large Appliances;

TTT. Subpart OOOO - Printing, Coating, and Dyeing of Fabrics and Other Textiles;

UUU. Subpart PPPP - Surface Coating of Plastic Parts and Products;

VVV. Subpart QQQQ - Surface Coating of Wood Building Products;

WWW. Subpart RRRR - Surface Coating of Metal Furniture;

XXX. Subpart SSSS - Surface Coating of Metal Coil;

YYY. Subpart TTTT - Leather Finishing Operations;

ZZZ. Subpart UUUU - Cellulose Production Manufacturing;

AAAA. Subpart VVVV - Boat Manufacturing;

BBBB. Subpart WWWW - Reinforced Plastics Composites Production;

CCCC. Subpart XXXX - Rubber Tire Manufacturing;

DDDD. Subpart YYYY - Stationary Combustion Turbines;

EEEE. Subpart ZZZZ - Reciprocating Internal Combustion Engines;

FFFF. Subpart AAAAA - Lime Manufacturing;

GGGG. Subpart BBBBB - Semiconductor Manufacturing;

HHHH. Subpart CCCCC - Coke Ovens: Pushing, Quenching & Battery Stacks;

IIII. Subpart EEEEE - Iron and Steel Foundries;

JJJJ. Subpart FFFFF - Integrated Iron and Steel Manufacturing Facilities;

KKKK. Subpart GGGGG - Site Remediation;

LLLL. Subpart HHHHH - Misc. Coating Manufacturing;

MMMM. Subpart IIIII - Mercury Cell Chlor-Alkali Plants;

NNNN. Subpart JJJJJ - Brick and Structural Clay Products Manufacturing (federally vacated);

OOOO. Subpart KKKKK - Clay Ceramics Manufacturing (federally vacated);

PPPP. Subpart LLLLL - Asphalt Processing & Asphalt Roofing Manufacturing;

QQQQ. Subpart MMMMM - Flexible Polyurethane Foam Fabrication Operations;

RRRR. Subpart NNNNN - Hydrochloric Acid Production;

SSSS. Subpart PPPPP - Engine Tests Cells/Stands;

TTTT. Subpart QQQQQ - Friction Materials Manufacturing Facilities;

UUUU. Subpart RRRRR - Taconite Iron Ore Processing;

VVVV. Subpart SSSSS - Refractory Products Manufacturing;

WWWW. Subpart TTTTT - Primary Magnesium Refining.

(Section 37-150 Original Adoption 06/11/02, includes updated provisions of 43-020 through 43-035 which were deleted from Title 43 by 06/11/02 rulamking)

Section 44-160 Accidental Release Prevention

1. List. For purposes of this rule LRAPA adopts by reference the List of Regulated Substances and Thresholds for Accidental Release Prevention **40 CFR Part 68 Subpart F (July 1, 2001)** which includes the **Department of Transportation Division 1.1 Explosive Standards List (49 CFR 172.101)**. (Table 3)

2. Risk Management Plan. The owner or operator of a stationary source at which a substance listed in Table 3 is present, as stored on site (not necessarily emitted to the air), in greater than the threshold quantity shall prepare and implement a written risk management plan to detect and prevent or minimize accidental releases, and to provide a prompt emergency response to any such releases in order to protect human health and the environment.

3. Compliance. The owner or operator of a stationary source required to prepare and implement a risk management plan under section 2 of this rule shall:

   A. Register the risk management plan with the EPA;

B. Submit copies of the risk management plan to the U.S. Chemical Safety and Hazard Identification Board, LRAPA, and the Oregon Office of Emergency Management; and

C. Submit; as part of the compliance certification required under **OAR 340-218-0080**, annual certification to LRAPA that the risk management plan is being properly implemented.

4. Compliance Schedule:

A. The owner or operator of a stationary source shall prepare and implement a risk management plan under section 2 of this rule according to the schedule promulgated by the EPA.

B. The owner or operator of a stationary source that adds a listed substance or exceeds the threshold shall prepare and implement a risk management plan according to the schedule promulgated by the EPA.

CAS NUMBER	TABLE 1 LIST OF HAZARDOUS AIR POLLUTANTS (44-020) **CHEMICAL NAME**
75070	Acetaldehyde
60355	Acetamide
75058	Acetonitrile
98862	Acetophenone
53963	2-Acetylaminofluorene
107028	Acrolein
79061	Acrylamide
79107	Acrylic acid
107131	Acrylonitrile
8107051	Allyl chloride
92671	4-Aminobiphenyl
62533	Aniline
90040	o-Anisidine
1332214	Asbestos
71432	Benzene (including benzene from gasoline)
92875	Benzidine
98077	Benzotrichloride
100447	Benzyl chloride
92524	Biphenyl

CAS NUMBER	TABLE 1 LIST OF HAZARDOUS AIR POLLUTANTS (44-020) **CHEMICAL NAME**
117817	Bis(2-ethylhexyl) phthalate (DEHP)
542881	Bis(chloromethyl)ether
75252	Bromoform
106900	1,3-Butadiene
156627	Calcium cyanamide
133062	Captan
63252	Carbaryl
75150	Carbon disulfide
56235	Carbon tetrachloride
463581	Carbon sulfide
120809	Catechol
133904	Chloramben
57749	Chlordane
7782505	Chlorine
97118	Chloroacetic acid
532274	2-Chloroacetophenone
108907	Chlorobenzene
510156	Chlorobenzilate
67663	Chloroform
107302	Chloromethyl methyl ether
126998	Chloroprene
19773	Cresols/Cresylic acid (isomers and mixture)
95487	o-Cresol
108394	m-Cresol
106445	p-Cresol
98828	Cumene
94757	2,4-D, salts and esters
3547044	DDE
334883	Diazomethane
132649	Dibenzofurans
96128	1,2-Dibromo-3-chloropropane
84742	Dibutylphthalate
106467	1,4-Dicholorobenzene(p)
91941	3,3-Dichlorobenzidene
111444	Dichloroethyl ether [Bis(2-chloroethyl)ether]

CAS NUMBER	TABLE 1 LIST OF HAZARDOUS AIR POLLUTANTS (44-020) **CHEMICAL NAME**
542756	1,3-Dichloropropene
62737	Dichlorvos
111422	Diethanolamine
121697	N,N-Diethyl aniline (N,N-Dimethylaniline)
64675	Diethyl sulfate
119904	3,3-Dimethyloxybenzidine
60117	Dimethyl aminoazobenzene
119937	3,3-Dimethyl benzidine
79447	Dimethyl carbamoyl chloride
68122	Dimethyl formamide
57147	1,1-Dimethyl hydrazine
131113	Dimethyl phthalate
77781	Dimethyl sulfate
534521	4,6-Dinitro-o-cresol, and salts
51285	2,4-Dinitrotoluene
121142	2,4-Dinitrotoluene
123911	1,4-Dioxane (1,4-Diethyleneoxide)
122667	1,2-Diphenylhydrazine
106898	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
106887	1,2-Epoxybutane
140885	Ethyl acrylate
100414	Ethyl benzene
51796	Ethyl carbamate (Urethane)
75003	Ethyl chloride (Chlorethane)
106934	Ethylene dibromide (Dibromoethane)
107062	Ethylene dichloride (1,2-Dichloroethane)
107211	Ethylene glycol
151564	Ethylene imine (Aziridine)
75218	Ethylene oxide
96457	Ethylene thiourea
75343	Ethylidene dichloride (1,1,-Dichloroethane)
50000	Formaldehyde
76448	Heptachlor
118741	Hexachlorobenzene
87683	Hexachlorobutadiene

CAS NUMBER	TABLE 1 LIST OF HAZARDOUS AIR POLLUTANTS (44-020) **CHEMICAL NAME**
77474	Hexachlorocyclopentadiene
67721	Hexachloroethane
822060	Hexamethylene-1,6-diisocyanate
680319	Hexamethylphosphoramide
110543	Hexane
302012	Hydrazine
7647010	Hydrochloric acid
7664393	Hydrogen fluoride (Hydrofluoric acid)
123319	Hydroquinone
78591	Isophorone
58899	Lindane (all isomers)
108316	Maleic anhydride
67561	Methanol
72435	Methoxychlor
74839	Methyl bromide (Bromomethane)
74873	Methyl chloride (Chloromethane)
71556	Methyl chloroform (1,1,1-Trichloroethane)
	EPA Delisted June 20, 2005
60344	Methyl hydrazine
74884	Methyl iodide (Iodomethane)
108101	Methyl isobutyl ketone (Hexone)
624839	Methyl isocyanate
80626	Methyl methacrylate
1634044	Methyl tert butyl ether
101144	4.4-Methylene bis(2-Chloroaniline)
75092	Methylene chloride (Dichloromethane)
101688	Methylene diphenyl diiocyanate (MDI)
101779	4,4-Methylenedianiline
91203	Naphthalene
98953	Nitrobenzene
92933	4-Nitrobiphenyl
100027	4-Nitrophenol
79469	2-Nitropropane
684935	N-Nitroso-N-methylurea
62759	N-Nitrosodimethylamine

CAS NUMBER	TABLE 1 LIST OF HAZARDOUS AIR POLLUTANTS (44-020) **CHEMICAL NAME**
59892	N-Nitrosomorpholine
56382	Parathion
82688	Pentachloronitrobenzene (Quintobenzene)
87865	Pentachlorophenol
108952	Phenol
106503	p-Phenylenediamine
75445	Phosgene
7803512	Phosphine
7723140	Phosphorus
85449	Phthalic anhydride
1336363	Polychlorinated biphenyls (Aroclors)
1120714	1,3-Propane sultone
57578	beta-Propriolactone
123386	Propionaldehyde
114261	Propoxur (Baygon)
78875	Propylene dichloride (1,2-Dichloropropane)
75569	Propylene oxide
75558	1,2-Propylenimine (2-Methyl aziridine)
91225	Quinoline
106514	Quinone
100425	Styrene
96093	Styrene oxide
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin
79345	1,1,2,2-Tetrachloroethane
127184	Tetrachloroethylene (Perchloroethylene)
7550450	Titanium tetrachloride
108883	Toluene
95807	2,4-Toluene diamine
584849	2,4-Toluene diisocyanate
95534	o-Toluidine
8001352	Toxaphene (chlorinated camphene)
120821	1,2,4-Trichlorobenzene
79005	1,1,2-Trichloroethane
79016	Trichloroethylene
95954	2,4,5-Trichlorophenol

CAS NUMBER	TABLE 1 LIST OF HAZARDOUS AIR POLLUTANTS (44-020) CHEMICAL NAME
88062	2,4,6-Trichlorophenol
121448	Triethylamine
1582098	Trifluralin
540841	2,2,4-Trimethylpentane
108054	Vinyl acetate
593602	Vinyl bromide
75014	Vinyl chloride
75354	Vinylidene chloride (1,1-Dichloroethylene)
1330207	Xylenes (isomers and mixture)
95476	o-Xylenes
108383	m-Xylenes
106423	p-Xylenes
0	Antimony Compounds
0	Arsenic Compounds (inorganic including arsine)
0	Beryllium Compounds
0	Cadmium Compounds
0	Chromium Compounds
0	Cobalt Compounds
0	Coke Oven Emissions
0	Cyanide Compounds[1]
0	Glycol ethers[2]
0	Lead Compounds
0	Manganese Compounds
0	Mercury Compounds
0	Fine mineral fibers[3]
0	Nickel Compounds
0	Polycyclic Organic Matter[4]
0	Radionuclides (including radon)[5]
0	Selenium Compounds

NOTE: For all listings above which contain the word "compounds" and for glycol ethers, the following applies: Unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic, etc.) as part of that chemical's infrastructure.

*1 X=CN where X = H= or any other group where a formal dissociation may occur. For example KCN or $Ca(CN)_2$
*2 Includes mono- and di-ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH_2CH_2)n-OR= where: n = 1,2, or 3; R - alkyl or aryl groups; R= - R,H, or groups which, when removed, yield glycol ethers with the structure: R-$(OCH_2CH)_n$-OH. Polymers are excluded from the glycol category.

*3 Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter 1 micrometer or less.
*4 Includes organic compounds with more than one benzene ring, and which have a boiling point greater than or equal to 100°C.
*5 A type of atom which spontaneously undergoes radioactive decay.

(Table 1 original adoption 06/11/02)

TABLE 2
LIST OF EARLY REDUCTIONS HIGH-RISK POLLUTANTS
(44-060)

CAS Number	Chemical Name	Weighing Factor
53-96-3	2-Acetylaminofluorene	100
107-02-8	Acrolein	100
79-06-1	Acrylamide	10
107-13-1	Acrylonitrile	10
1332-21-4	Asbestos	100
71-43-2	Benzene	10
92-87-5	Benzidine	1000
542-88-1	Bis(chloromethyl)ether	1000
106-99-0	1,3-Butadiene	10
57-74-9	Chlordane	100
532-27-4	2-Chloroacetophenone	100
107-30-2	Chloromethyl methyl ether	10
334-88-3	Diazomethane	10
132-64-9	Dibenzofurans	10
96-12-8	1,2-Dibromo-3-chloropropane	10
111-44-4	Dichloroethyl ether [Bis(2-chloroethyl)ether]	10
79-44-7	Dimethylcarbamoyl chloride	100
122-66-7	1,2-Diphenylhydrazine	10
106-93-4	Ethylene dibromide	10
151-56-4	Ethyleneimine (Aziridine)	100
75-21-8	Ethylene oxide	10
76-44-8	Heptachlor	100
118-74-1	Hexachlorobenzene	100
77-47-4	Hexachlorocyclopentadiene	10
302-01-2	Hydrazine	100
60-34-4	Methyl hydrazine	10
624-83-9	Methyl isocyanate	10
62-75-9	N-Nitrosodimethylamine	100
684-93-5	N-Nitroso-N-methylurea	1000

TABLE 2
LIST OF EARLY REDUCTIONS HIGH-RISK POLLUTANTS
(44-060)

CAS Number	Chemical Name	Weighing Factor
56-38-2	Parathion	10
75-44-5	Phosgene	10
7803-51-2	Phosphine	10
7723-14-0	Phosphorus	10
75-55-8	1,2-Propylenimine	100
1746-01-6	2,3,7,8-Tetrachlorodibenzo-p-dioxin	100,000
8001-35-2	Toxaphene (chlorinated camphene)	100
75-01-4	Vinyl chloride	10
0	Arsenic Compounds	100
0	Beryllium Compounds	10
0	Cadmium Compounds	10
0	Chromium Compounds	100
0	Coke Oven Emissions	10
0	Manganese Compounds	10
0	Mercury Compounds	100
0	Nickel Compounds	10

(Table 2 original adoption 06/11/02)

TABLE 3
LIST OF REGULATED TOXIC AND FLAMMABLE SUBSTANCES
FOR PURPOSES OF ACCIDENTAL RELEASE PREVENTION
(44-160)

PART ABREGULATED TOXIC SUBSTANCES

CAS Number	Chemical Name	Threshold Quantity Stored or Present Onsite (lbs.)
107-02-8	Acrolein (2-Propenal)	5,000
107-13-1	Acrylonitrile (2-Propenenitrile)	20,000
814-68-6	Acrylyl chloride (2-Propenoyl chloride)	5,000
107-18-6	Allyl alcohol (2-Propen-l-ol)	15,000
107-11-9	Allylamine (2-Propen-l-amine)	10,000
7664-41-7	Ammonia (anhydrous)	10,000
7664-41-7	Ammonia (concentration 20% or greater)	20,000
7784-34-1	Arsenous trichloride	15,000

TABLE 3
LIST OF REGULATED TOXIC AND FLAMMABLE SUBSTANCES FOR PURPOSES OF ACCIDENTAL RELEASE PREVENTION
(44-160)

PART ABREGULATED TOXIC SUBSTANCES

CAS Number	Chemical Name	Threshold Quantity Stored or Present Onsite (lbs.)
7784-42-1	Arsine	1,000
10294-34-5	Boron trichloride (Borane, trichloro-)	5,000
7637-07-2	Boron trifluoride (Borane, trifluoro-)	5,000
353-42-4	Boron trifluoride compound with methyl ether (1:1) (Boron, trifluoro[oxybis(methane)])	15,000
7726-95-6	Bromine	10,000
75-15-0	Carbon disulfide	20,000
7782-50-5	Chlorine	2,500
10049-04-4	Chlorine [Chlorine oxide (ClO_2)]	1,000
67-66-3	Chloroform (Methane trichloro-)	20,000
542-88-1	Chloromethyl ether [Methane, oxybis(chloro-)]	1,000
107-30-2	Chloromethyl methyl ether (Methane, Chloromethoxy-)	5,000
4170-30-3	Crotonaldehyde (2-Butenal)	20,000
123-73-9	Crotonaldehyde (2-Butenal)	20,000
506-77-4	Cyanogen chloride	10,000
108-91-8	Cyclohexylamine (Cyclohexanamine)	15,000
19287-45-7	Diborane	2,500
75-78-5	Dimetyldichlorosilane (Silane, dichlorodemethyl-)	5,000
57-14-7	1,1-Demethylhydrazine (Hydrazine, 1,1-dimethyl-)	15,000
106-89-8	Epichlorohydrin [Oxirane, (chloromethyl)-]	20,000
107-15-3	Ethylenediamine (1,2-Ethanediamine)	20,000
151-56-4	Ethyleneimine (Aziridine)	10,000
75-21-8	Ethylene oxide (Oxirane)	10,000
7782-41-4	Fluorine	1,000
50-00-0	Formaldehyde (solution)	15,000
110-00-9	Furan	5,000

TABLE 3
LIST OF REGULATED TOXIC AND FLAMMABLE SUBSTANCES FOR PURPOSES OF ACCIDENTAL RELEASE PREVENTION
(44-160)

PART ABREGULATED TOXIC SUBSTANCES

CAS Number	Chemical Name	Threshold Quantity Stored or Present Onsite (lbs.)
302-01-2	Hydrazine	15,000
7647-01-0	Hydrochloric acid (concentration 30% or greater)	15,000
74-90-8	Hydrocyanic acid	2,500
7647-01-0	Hydrogen chloride (anhydrous) [Hydrochloric acid]	5,000
7664-39-3	Hydrogen fluoride/Hydrofluoric acid (concentration 50% or greater) [Hydrofluoric acid]	1,000
7783-39-3	Hydrogen selenide	500
7783-06-4	Hydrogen sulfide	10,000
13463-40-6	Iron, pentacarbonyl-[Iron carbonyl-$Fe(CO)_5$	2,500
78-82-0	Isobutyronitrile [Propanenitrile, 2-methyl-]	20,000
108-23-6	Isopropyl chloroformate [Carbonochloric acid, 1-methylethyl ester]	15,000
126-98-7	Methacrylonitrile [2-Propenenitrile, 2-methyl-]	10,000
74-87-3	Methyl chloride [Methane,chloro-]	10,000
79-22-1	Methyl chloroformate [Carbonochloric acid, methylester]	5,000
60-34-4	Methyl hydrazine [Hydrazine, methyl-]	15,000
624-83-9	Methyl isocyanate [Methane, isocyanato-]	10,000
74-93-1	Methyl mercaptan [Methanethiol]	10,000
556-64-9	Methyl thiocyanate [Thiocyanic acid, methyl ester]	20,000
75-79-6	Methyltrichlorosilane [Silane, trichloromethyl-]	5,000
13463-39-3	Nickel carbonyl	1,000
7697-37-2	Nitric acid (concentration 80% or greater)	15,000
10102-43-9	Nitric oxide [Nitrogen oxide (NO)]	10,000
8014-95-7	Oleum (Fuming Sulfuric acid) [Sulfuric acid, mixture with sulfur trioxide][1]	10,000
79-21-0	Peracetic acid [Ethaneperoxoic acid]	10,000
594-42-3	Perchloromethylmercaptan [Methanesulfenyl chloride, trichloro-]	10,000
75-44-5	Phosgene [Carbonic dichloride]	500

TABLE 3
LIST OF REGULATED TOXIC AND FLAMMABLE SUBSTANCES
FOR PURPOSES OF ACCIDENTAL RELEASE PREVENTION
(44-160)

PART ABREGULATED TOXIC SUBSTANCES

CAS Number	Chemical Name	Threshold Quantity Stored or Present Onsite (lbs.)
7803-51-2	Phosphine	5,000
10025-87-3	Phosphorus oxychloride [Phosphoryl chloride]	5,000
7719-12-2	Phosphorus trichloride [Phosphoryl chloride]	15,000
110-89-4	Piperidine	15,000
107-12-0	Propionitrile [Propanenitrile]	10,000
109-61-5	Propyl chloroformate [Carbonochloric acid, propylester]	15,000
75-55-8	1,2-Propylenimine [Aziridine, 2-methyl-]	10,000
75-56-9	Propylene oxide [Oxirane, methyl-]	10,000
7446-09-5	Sulfur dioxide (anhydrous)	5,000
7783-60-0	Sulfur tetrafluoride [Sulfur fluoride (SF4)]	2,500
7446-11-9	Sulfur trioxide	10,000
75-74-1	Tetramethyllead [Plumbane, tetramethyl-]	10,000
509-14-8	Tetranitromethane]Methane, tetranitro-]	10,000
7550-45-0	Titanium tetrachloride [Titanium chloride ($TiCl_4$)]	2,500
584-84-9	Toluene 2,4-diisocyanate [Benzene, 2,4-diisocyanato-1-methyl-][1]	10,000
91-08-7	Toluene 2,6-diisocyanate [Benzene, 1,3-diiosocyanato-2-methyl-][1]	10,000
26471-62-5	Toluene diisocyanate (unspecified isomer) [Benzene, 1,3-isomer) [Benzene, 1,3-diiocyanatomethyl-][1]	10,000
75-77-4	Trimethylchlorosilane [Silane, chlorotrimethyl-]	10,000
108-05-4	Vinyl acetate monomer [Acetic acid ethenyl ester]	15,000

[1] The mixture exemption in **40 CFR Part 68.115(b)(1)** does not apply to the substance.

CAS Number	**TABLE 3** **LIST OF REGULATED TOXIC AND FLAMMABLE SUBSTANCES** **FOR PURPOSES OF ACCIDENTAL RELEASE PREVENTION (44-160)** --- **Part BBRegulated Flammable Substances** **Chemical Name**	**Threshold Quantity Stored or Present Onsite (Lbs.)**
75-07-0	Acetaldehyde	10,000
74-86-2	Acetylene [Ethyne]	10,000
598-73-2	Bromotrifluorethylene [Ethene, bromotrifluoro-]	10,000
106-99-0	1,3-Butadiene	10,000
106-97-8	Butane	10,000
106-98-9	1-Butene	10,000
107-01-7	2-Butene	10,000
25167-67-3	Butene	10,000
590-18-1	2-Butene-cis	10,000
624-64-6	2-Butene-trans [2-Butene]	10,000
463-58-1	Carbon oxysulfide [Carbon oxide sulfide (COS)]	10,000
7791-21-1	Chlorine monoxide [Chlorine oxide]	10,000
557-98-2	2-Chloropropylene [1-Propene, 2-Chloro-]	10,000
590-21-6	1-Chloropropylene [1-Propene, 1-chloro-]	10,000
460-19-5	Cyanogen [Ethanedinitrile]	10,000
75-19-4	Cyclopropane	10,000
4109-96-0	Dichlorosilane [Silane, dichloro-]	10,000
75-37-6	Difluoroethane [Ethane, 1,1-difluoro-]	10,000
124-40-3	Dimethylamine [Methanamine, N-methyl-]	10,000
463-82-1	2,2-Dimethylpropane [Propane, 2,2-dimethyl-]	10,000
84-84-0	Ethane	10,000
107-00-6	Ethyl acetylene [1-Butyne]	10,000
75-04-7	Ethylamine [Ethanamine]	10,000
75-00-3	Ethyl chloride [Ethane, chloro-]	10,000

CAS Number	**TABLE 3** **LIST OF REGULATED TOXIC AND FLAMMABLE SUBSTANCES** **FOR PURPOSES OF ACCIDENTAL RELEASE PREVENTION (44-160)** --- **Part BBRegulated Flammable Substances** **Chemical Name**	**Threshold Quantity Stored or Present Onsite (Lbs.)**
74-85-1	Ethylene [Ethene]	10,000
60-29-7	Ethyl ether [Ethane, 1,1'-oxybis-]	10,000
75-08-1	Ethyl mercaptan [Ethanethiol]	10,000
109-95-5	Ethyl nitrite [Nitrous acid, ethyl ester]	10,000
1333-74-0	Hydrogen	10,000
75-28-5	Isobutane [Propane, 2-methyl]	10,000
78-78-4	Isopentane [Butane, 2-methyl-]	10,000
78-79-5	Isoprene [1,3-Butadiene, 2-methyl-]	10,000
75-31-0	Isopropylamine [2-Propanamine]	10,000
75-29-6	Isopropy.l Chloride [Propane, 2-chloro-]	10,000
74-82-8	Methane	10,000
74-89-5	Methylamine [Methanamine]	10,000
563-45-1	3-Methyl-1-butene	10,000
563-46-2	2-Methyl-1-butene	10,000
115-10-6	Methyl ether [Methane, oxybis-]	10,000
107-31-3	Methyl formate [Formic acid, methyl ester]	10,000
115-11-7	Methylpropene [1-Propene, 2-methyl-]	10,000
504-60-9	1,3-Pentadiene	10,000
109-66-0	Pentane	10,000
109-67-1	1-Pentene	10,000
646-04-8	2-Pentene	10,000
627-20-3	2-Pentene	10,000
463-49-0	Propadiene [1,2-Propadiene]	10,000
74-98-6	Propane	10,000
115-07-1	Propylene [1-Propene]	10,000

CAS Number	**TABLE 3** **LIST OF REGULATED TOXIC AND FLAMMABLE SUBSTANCES** **FOR PURPOSES OF ACCIDENTAL RELEASE PREVENTION (44-160)** --- **Part BBRegulated Flammable Substances** **Chemical Name**	**Threshold Quantity Stored or Present Onsite (Lbs.)**
74-99-7	Propyne [1-Propyne]	10,000
7803-62-5	Silane	10,000
116-14-3	Tetrafluoroethylene [Ethene, tetrafluoro-]	10,000
75-76-3	Tetramethylsilane [Silane, tetramethyl-]	10,000
10025-78-2	Trichlorosilane [Silane, trichloro-]	10,000
79-38-9	Trifluororochloroethylene [Ethene, chlorotrifluoro-]	10,000
75-50-3	Trimethylamine [Methanamine, N,N-dimethyl-]	10,000
689-97-4	Vinyl acetate [1-Buten-3-yne]	10,000
75-01-4	Vinyl chloride [Ethene chloro-1]	10,000
109-92-2	Vinyl ethyl ether [Ethene, ethoxy-]	10,000
75-02-5	Vinyl fluoride [Ethene, fluoro-]	10,000
75-35-4	Vinylidene chloride [Ethene, 1, 1-dichloro-]	10,000
75-38-7	Vinylidene fluoride [Ethene, 1,1,-difluoro-]	10,000
107-25-5	Vinyl methyl ether [Ethene, methoxy-]	10,000

(Table 3 Original Adoption 06/11/02)