Invitation to Comment

Incorporate Lane Regional Air Protection Agency rules for permitting requirements into State Implementation Plan

DEQ invites input on a proposed permanent rule amendment to chapter 340 of the Oregon Administrative Rules.

State of Oregon Department of Environmental Quality

DEQ proposal

DEQ proposes to incorporate Lane Regional Air Protection Agency rules for New Source Review, Prevention of Significant Deterioration and national emission standards into Oregon's State Implementation Plan in OAR 340-200-0040.

Rulemaking goal

LRAPA adopted rules revisions to bring LRAPA in line with state rules and better coordinate with state and federal requirements.

The LRAPA rules revisions contain:

- U.S. Environmental Protection Agency's thresholds for New Source Review and Prevention of Significant Deterioration for fine particulate matter (PM2.5) and greenhouse gases
- New and amended federal New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants
- Permitting requirements necessary to implement the federal standards.
- Registration options as an alternative to permitting
- Exemptions to permitting for emergency-use and small electrical power generating units
- Statutory requirements for small scale local energy projects

In order for LRAPA and the state to maintain compliance with the Clean Air Act, the Environmental Quality Commission:

- Reviews LRAPA's rules
- Concludes whether the rules comply with state law and the Clean Air Act
- Approves the rules
- Directs DEQ to submit approved rules to EPA for approval and incorporation, as appropriate, into the federally-approved State Implementation Plan

DEQ requests public comment on whether to consider other options for achieving these rule's substantive goals while reducing negative economic impact of the rule on business.

Who does this affect?

This rulemaking regulates emissions of PM2.5 and greenhouse gases at all stationary sources emitting more than the 'de minimis' level of these pollutants. This rulemaking also regulates motor vehicle and mobile equipment surface coating and metal fabrication facilities subject to new and modified National Emission Standards for Hazardous Air Pollutants. The regulated parties are subject to LRAPA's Air Contaminant Discharge Permit requirements and Title V Operating Permit requirements.

Sign up for notices

Sign up to receive rulemaking notices by email: http://www.oregon.gov/deq/RulesandRegulations/Pages/2013/RulemakingActivities.aspx.

Comment deadline

To consider comments on the proposed rules, DEQ must receive the comment by
5 p.m. Monday, Jan. 27, 2014

Submit written comments

Online
Comment form

By mail
Oregon DEQ
Attn: Andrea Gartenbaum
811 SW 6th Ave.
Portland, OR 97204

By fax 503-229-5675
Attn: Andrea Gartenbaum

At hearing
See Attend a hearing

Comment deadline
Jan. 27, 2014 by 5 p.m.

Attend a hearing
DEQ invites you to attend the public hearing listed below. The presiding officer will provide a brief overview of the proposal before inviting your spoken or written comment.

Location: Springfield, Oregon
Lane County Regional Air Protection Agency
1010 Main Street
Time: 5:30 p.m.
Date: Wednesday, Jan. 22, 2014
Presiding Officer: Merlyn Hough

More information
The Rule Proposal and Notice for this rulemaking are on DEQ's website: http://www.oregon.gov/deq/RulesandRegulations/Pages/2013/LRAPAFED.aspx

What has happened so far?
Before LRAPA's Board adopted the rules, DEQ reviewed appropriate rules and found the regulations to be as stringent as comparable DEQ rules. DEQ also evaluated the rules in light of events that have occurred since the LRAPA Board adopted the rules in 2011. Typically, DEQ submits LRAPA rules to EQC for incorporation into the State Implementation Plan immediately upon the LRAPA Board's adoption. However, in this case, DEQ determined that the public notice process held jointly by DEQ and LRAPA several years ago did not meet requirements for State Implementation Plan rules, which are above and beyond requirements for normal rulemaking. Performing rulemaking is resource intensive and DEQ was unable to perform the additional public notice requirements until now.

Documents used to develop proposal
DEQ relied on the following documents to consider the need for the proposed rule and prepare the rulemaking documents.

- LRAPA rules adopted by the LRAPA Board of Directors on April 25, 2011
- Letter from DEQ to LRAPA, Nov. 22, 2013, Stringency review of LRAPA's rules
- Oregon Administrative Rules Chapter 340 Divisions 200, 202, 210, 215, 216, 222, 224, 225, 228, 244, and 246.

What will happen next?
DEQ will prepare a written response to each comment or summary of similar comments received by the comment deadline. DEQ may modify the rule proposal based on the comments.

Comments or summary of comments and responses will become part of the DEQ staff report that will go to the Oregon Environmental Quality Commission for a final decision.

Present proposal to the EQC
The Environmental Quality Commission is the board that reviews all proposed changes to division 340 of the Oregon Administrative Rules. The commission adopts, rejects, or adopts with changes, any proposed rule.

DEQ plans to take the final proposal including any modifications made in response to public comments to EQC for decision at its March 2014 meeting. If adopted, DEQ will submit the amendments to the U.S. Environmental Protection Agency as a revision to the State Implementation Plan required by the Clean Air Act.

Accessibility information
You may review copies of all websites and documents referenced in this announcement at:

1. Lane County Regional Air Protection Agency
   1010 Main Street
   Springfield, OR 97477

2. Oregon DEQ Floor 10
   811 SW 6th Avenue
   Portland, OR 97204

To schedule a review, call Andrea Gartenbaum at 503-229-5946.

Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ Communications and Outreach, Portland, at 503-229-5696 or call toll-free in Oregon at 1-800-452-4011; fax to 503-229-6762; or email to deqinfo@deq.state.or.us. Hearing impaired persons may call 711

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 200

GENERAL AIR POLLUTION PROCEDURES AND DEFINITIONS

General

340-200-0040

State of Oregon Clean Air Act Implementation Plan

(1) This implementation plan, consisting of Volumes 2 and 3 of the State of Oregon Air Quality Control Program, contains control strategies, rules and standards prepared by DEQ and is adopted as the state implementation plan (SIP) of the State of Oregon pursuant to the federal Clean Air Act, 42 U.S.C.A 7401 to 7671q.

(2) Except as provided in section (3), revisions to the SIP will be made pursuant to the Commission's rulemaking procedures in division 11 of this chapter and any other requirements contained in the SIP and will be submitted to the United States Environmental Protection Agency for approval. The State Implementation Plan was last modified by the Commission on [Insert EQC adoption date]~~October 16, 2013~~.

(3) Notwithstanding any other requirement contained in the SIP, DEQ may:

(a) Submit to the Environmental Protection Agency any permit condition implementing a rule that is part of the federally-approved SIP as a source-specific SIP revision after DEQ has complied with the public hearings provisions of 40 CFR 51.102 (July 1, 2002); and

(b) Approve the standards submitted by a regional authority if the regional authority adopts verbatim any standard that the Commission has adopted, and submit the standards to EPA for approval as a SIP revision.

NOTE: Revisions to the State of Oregon Clean Air Act Implementation Plan become federally enforceable upon approval by the United States Environmental Protection Agency. If any provision of the federally approved Implementation Plan conflicts with any provision adopted by the Commission, DEQ shall enforce the more stringent provision.

Stat. Auth.: ORS 468.020 & 468.065, 468A.035 & 468A.070
Stats. Implemented: ORS 468A.035, 468A.135

Oregon Department of Environmental Quality

December 18, 2013
Notice of Proposed Rulemaking

Incorporate Lane Regional Air Protection Agency Rules for permitting requirements into State Implementation Plan

Overview

Short summary

DEQ proposes to incorporate Lane Regional Air Protection Agency revised regulations for air quality permits into Oregon's State Implementation Plan in Oregon Administrative Rule 340-200-0040. The LRAPA Board of Directors adopted the rules revisions in an effort to bring LRAPA in line with state rules and better coordinate with state and federal requirements.

The LRAPA rules contain:

- U.S. Environmental Protection Agency's thresholds for New Source Review and Prevention of Significant Deterioration for fine particulate matter ($PM_{2.5}$) and greenhouse gases
- New and amended federal New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants applicable to non-major or area sources including aluminum, copper, and other nonferrous foundries; chemical manufacturing; ferroalloy production; metal fabrication and finishing; paint stripping and miscellaneous surface coating operations; and plating and polishing operations
- Permitting requirements necessary to implement the federal standards
- Registration options as an alternative to permitting
- Exemptions to permitting for emergency-use and small electrical power generating units
- Statutory requirements for small scale local energy projects
- Corrections to rule citations and definitions of terms

Brief history

LRAPA, in consultation with DEQ and the U.S. Environmental Protection Agency, is responsible for ensuring that Lane County communities comply with federal air quality health standards, including enacting plans to restore healthy air quality in any area violating standards. LRAPA conducts air monitoring, permitting and compliance, inspection and enforcement, and regulates open burning and asbestos abatement throughout Lane County. It also has a woodstove advisory program, an open burning advisory program and conducts special projects focused on air quality. The agency is funded by local dues from Lane County and the cities of Lane County, industrial and other permitting fees, and LRAPA coordinates with DEQ to obtain EPA funding and state general funds.

On April 25, 2011, the LRAPA Board of Directors adopted the permitting rules, provided at the end of this document, and the rules have been in effect in Lane County since their adoption. The Environmental Quality Commission and DEQ have oversight authority to ensure LRAPA meets Clean Air Act requirements. The State Implementation Plan is the State of Oregon Clean Air Act Implementation Plan as adopted by EQC under OAR 340-200-0040 and approved by EPA. EQC's role is to review LRAPA rules to determine if they comply with state law and the Clean Air Act, approve those rules if they comply, and direct DEQ to submit the approved rules to EPA for federal approval as State Implementation Plan amendments.

Typically, DEQ submits LRAPA rules to EQC for incorporation into the State Implementation Plan immediately upon adoption by the LRAPA board. However, in this case, DEQ determined that the public notice process held jointly by DEQ and LRAPA several years ago did not meet requirements for State Implementation Plan rules, which are above and beyond requirements for normal rulemaking. Performing rulemaking is resource intensive and DEQ was unable to perform the additional public notice requirements until now.

Regulated parties

This proposal does not change the regulated parties or requirements for regulated parties from the rules that LRAPA's board adopted in 2011. The regulated parties are subject to LRAPA's Air Contaminant Discharge Permit and Title V Operating Permit requirements. The 2011 LRAPA rules:

- Affect facilities in Lane County.
- Regulate emissions of $PM_{2.5}$ and greenhouse gases at all stationary sources emitting more than the 'de minimis' level of these pollutants.
- Regulate motor vehicle and mobile equipment surface coating and metal fabrication facilities subject to new and modified National Emission Standards for Hazardous Air Pollutants.

Oregon
John A. Kitzhaber, MD, Governor

Department of Environmental Quality
Headquarters
811 SW Sixth Avenue
Portland, OR 97204-1390
(503) 229-5696
FAX (503) 229-6124
TTY: 711

November 22, 2013

Merlyn Hough, Director
Lane Regional Air Protection Agency
1010 Main Street
Springfield, OR 97477

Re: Proposal to incorporate Lane Regional Air Protection Agency rules into the State Implementation Plan; and stringency review of LRAPA's rules adopting New Source Review, Prevention of Significant Deterioration, and federal emission standards

Dear Mr. Hough,

DEQ is proposing a rulemaking to incorporate LRAPA rules into the Oregon State Implementation Plan. This includes LRAPA rules for open burning, permit streamlining, New Source Review and Prevention of Significant Deterioration requirements for PM2.5 and greenhouse gases, and national emission standards for hazardous air pollutants. The LRAPA rules were adopted by the LRAPA Board of Directors several years ago and have been in effect in Lane County since their adoption.

Typically, DEQ submits LRAPA rules to the Environmental Quality Commission for incorporation into the State Implementation Plan upon adoption by the LRAPA Board. However, in this case, DEQ determined that the public notice process held jointly by DEQ and LRAPA several years ago did not meet requirements for State Implementation Plan rules, which are above and beyond requirements for normal rulemaking. Performing rulemaking is resource intensive and DEQ was unable to perform the additional public notice requirements until now.

DEQ is holding a 30-day public comment period beginning in December 2013 to incorporate relevant portions of the LRAPA rules as a modification to the State Implementation Plan in Oregon Administrative Rule 340-200-0040. The date of LRAPA Board adoption is provided for each rule:

- Open Burning: LRAPA Title 47 adopted March 14, 2008
- Industrial Streamlining Rules: LRAPA Titles 12, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, 42, 44, 45, 46, 48, 49, and 50 adopted October 14, 2008
- Industrial Streamlining Rules Updates and Corrections: LRAPA Titles 12, 13, 30, 31, 34, 37, 38, 40, and 44 adopted January 12, 2010.
- New Source Review, Particulate Matter 2.5 and Greenhouse Gas Permitting Requirements: LRAPA Titles 12, 32, 34, 36, 37, 38, 40, 42, 44, 46, and 50 adopted April 25, 2011

Before LRAPA's Board adopted each of the rules, DEQ reviewed the rules and found the regulations to be as stringent as comparable rules of DEQ. Because the 2010 industrial streamlining rules consist of technical, non-substantive corrections and permitting standards for

sources that are not required to be permitted under state rules, they therefore do not alter DEQ's conclusion that LRAPA's rules are "as stringent as comparable rules of DEQ."

DEQ hereby authorizes LRAPA to act as hearings Officer on behalf of the EQC for public comment on the rule amendments, including the proposal to amend OAR 340-200-0040 to incorporate relevant portions of these rules amendments as modification to the Oregon State Implementation Plan. The amendments will be presented to EQC for consideration in March 2014. If EQC adopts the rules, they will be submitted by DEQ to the U.S. Environmental Protection Agency as a revision to the State Implementation Plan under OAR 340-200-0040 as a requirement of the Clean Air Act.

If you have any questions, please contact Andrea Gartenbaum at 503-229-5946.

Sincerely,

Andrew Ginsburg
Air Quality Division Administrator
Oregon Department of Environmental Quality

CC: Andrea Gartenbaum, Air Quality Division Rules Coordinator

Statement of need

What need is DEQ trying to address?

For LRAPA and the state to maintain compliance with the Clean Air Act, EQC must review LRAPA's rules and, if the EQC concludes that the rules comply with state law and the Clean Air Act, approve the rules and direct DEQ to submit them to EPA for approval and incorporation, as appropriate, into the federally-approved State Implementation Plan. LRAPA's permitting rules are already in effect in Lane County, but the rules have not been incorporated into the State Implementation Plan.

The 2011 LRAPA rules are needed to retain EPA's approval to implement the Prevention of Significant Deterioration and Title V operating permit programs. Had LRAPA not adopted the rules, it could have lost federal approval to implement these programs and faced sanctions. The 2011 rules are also needed to align LRAPA with statutory requirements for small-scale local energy projects by providing the ability to obtain offsets within a nonattainment area.

How would the proposed rule address the need?

The LRAPA rules are effectively equivalent to DEQ rules and help LRAPA coordinate with and meet state and federal requirements.

How will DEQ know the need has been addressed?

If EQC adopts the rules, DEQ would submit the rules to EPA to update the federally-approved State Implementation Plan including a request for federal delegation of certain rule aspects, where appropriate. DEQ will know the goals of this rulemaking have been addressed when EPA reviews and approves the delegation request and changes to the State Implementation Plan.

Request for other options

During the public comment period, DEQ requests public comment on whether to consider other options for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

Rules affected, authorities, supporting documents

Lead division: Air Quality

Program or activity: State Implementation Plan

Chapter 340 action

Amend 340-200-0040

Statutory authority

ORS 468.020, 468.065, 468A.135

Other authority

LRAPA Title 13 General Duties and Powers of Board and Director
LRAPA Title 14 Rules of Practice and Procedure

Statute implemented: ORS 468 and 468A

Legislation

Documents relied on for rulemaking ORS 183.335(2)(b)(C)

Document title	Document location
LRAPA rules adopted April 25, 2011	Provided at the end of this document
LRAPA Board of Directors Meeting, April 25, 2011, Item 5: Adoption of $PM_{2.5}$ and Greenhouse Gas Air Contaminant Discharge Permitting, ACDP Permitting for Area Sources of Hazardous Air Pollutants, and Greenhouse Gas Reporting Fee Requirements, Titles 12, 32, 34, 36, 37, 38, 40, 42, 44, 46, and 50	DEQ Headquarters 811 SW 6th Avenue Portland, OR 97204
Oregon Administrative Rules Chapter 340 Divisions 200, 202, 210, 215, 216, 222, 224, 225, 228, 246, and OAR 340-244-0238 through 0246	http://www.deq.state.or.us/regulations/rules.htm
Letter from DEQ to LRAPA, November 22, 2013, Proposal to incorporate Lane Regional Air Protection Agency rules into the State Implementation Plan and stringency review of LRAPA's rules	DEQ Headquarters 811 SW 6th Avenue Portland, OR 97204
DEQ Agenda item D, Rule adoption: New Source Review/particulate matter and greenhouse gas permitting requirements and other permitting updates April 21-22, 2011, Environmental Quality Commission Meeting	http://www.deq.state.or.us/about/eqc/agendas/attachments/2011apr/D-GHG.pdf
DEQ Agenda item P, Rule adoption: Adoption of federal air quality regulations December 10-11, 2009 Environmental Quality Commission Meeting	http://www.deq.state.or.us/about/eqc/agendas/attachments/2009dec/P-NESHAP.pdf

Fee Analysis

This rulemaking does not establish or revise fees.

Statement of fiscal and economic impact ORS 183.335 (2)(b)(E)

Fiscal and Economic Impact

This rule proposal does not have a fiscal or economic impact. The proposed rule would incorporate Lane Regional Air Protection Agency revised regulations for air quality permits into Oregon's State Implementation Plan in Oregon Administrative Rule 340-200-0040.

The LRAPA rules have been in effect in Lane County since their adoption in 2011. DEQ, in consultation with LRAPA, evaluated the rules and determined LRAPA's original analysis of fiscal and economic impacts is reasonable and still correct considering events that have occurred since LRAPA's rule adoption several years ago. This notice describes the fiscal and economic impacts resulting from LRAPA's rule adoption in two sections. One section describes the impacts of LRAPA's rules for New Source Review and Prevention of Significant Deterioration and second section describes the impacts of LRAPA's permitting updates, including adoption of federal emission standards, and adoption of permit attachments and registrations as an alternative to permitting.

To reduce the administrative burden and cost of the new standards on affected businesses, LRAPA adopted options for General permit attachments as an alternative to requiring multiple permits, and LRAPA adopted registration as an alternative to permitting for auto body shops and dry cleaners certified through an approved environmental compliance certification program.

This notice does not describe LRAPA's rule alignment with 2009 Oregon law (House Bill 2952) that established requirements for small-scale local energy sources in Lane County. Any fiscal and economic impacts occurred when the 2009 legislation became effective.

The LRAPA board adopted EPA standards for new electric power generating units on Jan. 12, 2010. The adoption triggered permitting of sources with emergency generators or extremely small engines. Any negative fiscal and economic impacts occurred when EPA adopted the rules because the rules applied in Lane County upon EPA's adoption. LRAPA rules adopted April 25, 2011 provide an exemption for emergency generators and small electric power generating units to reduce the regulatory burden on these sources.

Statement of Cost of Compliance

Impacts on public: This rule proposal does not have an impact on the public.

New Source Review/Prevention of Significant Deterioration: DEQ does not anticipate any direct, negative fiscal or economic impacts from LRAPA's 2011 rules on the public. Indirect fiscal or economic impacts to the public could occur through increased prices for services or products as a result of costs associated with additional control or process equipment that may be

required if a facility triggers the new requirements. DEQ expects any such price increases to be small and lacks available information upon which it could accurately estimate potential increases.

The LRAPA rules could create positive, direct economic benefits by reducing health care costs because of the reduction in $PM_{2.5}$ emissions allowed from new or expanding large businesses. EPA adopted standards for $PM_{2.5}$ based on their link to serious health problems such as heart and lung disease. In addition, the rules could create positive, direct economic benefits by reducing health care costs because of reductions in greenhouse gas emissions allowed from new or expanding large businesses. Global warming may create public health problems that could have negative economic impacts. DEQ is unable to estimate those impacts because it lacks available information to project the complicated connection between reductions in those pollutants and the costs of health care.

Permitting updates: LRAPA's 2011 adoption of the new federal area source National Emission Standards for Hazardous Air Pollutants does not indirectly impact the public because any negative fiscal and economic impacts occurred when EPA adopted the rules and EPA rules applied in Oregon upon adoption. The requirement that sources affected by a new federal area source emission standard obtain a permit could have an indirect impact on the public if the source increases the cost of goods and services to offset permitting fees.

Impact on other government entities other than DEQ

a. Local governments: This proposal does not have an impact on government entities.

   New Source Review/Prevention of Significant Deterioration: LRAPA's 2011 rule adoption has a negative fiscal and economic impact on local government agencies that build new sources and or modify existing sources and trigger New Source Review or Prevention of Significant Deterioration in Lane County. The costs are similar to those of small businesses. Currently, three county and local government agencies are subject to air permitting regulations. New facilities that would be large sources of $PM_{2.5}$ and greenhouse gases would also be subject to the rules.

   Permitting updates: The fiscal and economic impacts of LRAPA's 2011 rules on local governments are expected to be the same as those estimated for small businesses.

b. State agencies: This proposal does not have an impact on state agencies.

   New Source Review/Prevention of Significant Deterioration: State and federal government agencies incur the same fiscal and economic impacts as local government agencies mentioned above. Currently there are two state and no federal government agencies subject to air permitting regulations in Lane County.

   Permitting updates: The fiscal and economic impacts of LRAPA's 2011 rules on state agencies are expected to be the same as those estimated for small businesses.

Impact on DEQ ORS 183.335

New Source Review/Prevention of Significant Deterioration: Workload for DEQ does not increase as a result of LRAPA incorporating $PM_{2.5}$ and greenhouse gases into permits. DEQ does not review nor coordinate in the issuance of LRAPA permits.

Permitting updates: There is no impact on DEQ for the implementation of the LRAPA permitting rules in Lane County.

Impact on large businesses (all businesses that are not small businesses below)

New Source Review/Prevention of Significant Deterioration: Nineteen large businesses are required to hold federal Title V Operating Permits and 101 large businesses hold Air Contaminant Discharge Permits with LRAPA. These permit holders are subject to the $PM_{2.5}$ and greenhouse gas portions of the LRAPA rules. Additionally, proposed new facilities in Lane County that would be large sources of $PM_{2.5}$ and greenhouse gases would also be subject to the rules. The fiscal and economic impacts of LRAPA's 2011 rules on large businesses are expected to be the same as those estimated for small businesses.

Permitting updates: The fiscal and economic impacts on large businesses are expected to be the same as those estimated for small businesses.

Impact on small businesses (those with 50 or fewer employees) ORS 183.336

This proposal does not have an impact on small businesses. The 2011 LRAPA rules have the following impact on small businesses.

a) Estimated number of small businesses and types of businesses and industries with small businesses subject to proposed rule.

New Source Review/Prevention of Significant Deterioration: About 100 small businesses in Lane County hold Air Contaminant Discharge Permits and none hold Title V permits. Some of these businesses are in the categories of businesses affected by the rules, including asphalt manufacturing; chemical manufacturing; coffee roasting; commercial bakeries; commercial boilers; crematories; educational institutions; electric power generation; furniture manufacturing; food processing; hospitals; natural gas and oil production and processing; pipe coaters; printers; sand, rock and gravel operations; seed and grain companies; synthetic resin manufacturing; and wood products manufacturing.

Permitting updates: About 50 small businesses in Lane County are subject to new area source emission standards or the requirement to have a permit, including paint stripping and miscellaneous surface coating facilities, metal fabrication, plating and polishing and dry cleaners.

b) Projected reporting, recordkeeping and other administrative activities, including costs of professional services, required for small businesses to comply with the proposed rule.

New Source Review/Prevention of Significant Deterioration: The fiscal and economic impact of LRAPA's rulemaking is primarily due to federal requirements, although a portion of the impact is caused by incorporating the federal requirements into LRAPA's unique program for New Source Review and Prevention of Significant Deterioration. LRAPA's rule adoption created additional costs for reporting, recordkeeping and administrative activities. Affected businesses are required to make an initial estimate of $PM_{2.5}$ and greenhouse emissions at time of permit renewal or modification so LRAPA can incorporate emission levels into permits. Businesses have the option of assuming that $PM_{2.5}$ emissions are the same as PM_{10} emissions (already included in their permits), eliminating any additional costs for reporting, recordkeeping or other administrative activities. Affected businesses can estimate their greenhouse gas emissions using a process similar to their greenhouse gas reporting requirements, which were established separately.

Permitting updates: LRAPA's adoption of national emission standards by reference has no negative fiscal and economic impacts because any negative fiscal and economic impacts occurred when EPA adopted the rules, and because the rules applied in Lane County upon EPA's adoption. LRAPA's rules are substantively identical to their federal counterparts.

The requirement that businesses affected by the new area source emission standards obtain a permit may increase the administrative activities or costs of professional services on small businesses. LRAPA adopted permitting requirements for facilities subject to area source National Emission Standards for Hazardous Air Pollutants. Sources that trigger the permitting requirement obtain a Standard Air Contaminant Discharge Permit and pay permitting fees. Standard permitting fees would have a negative fiscal and economic impact on affected businesses. To mitigate the fiscal and economic impact on affected businesses, many of which are small businesses, LRAPA's rules added the new emission standards to the list of business categories eligible to obtain a Simple or General permits, which are less costly than Standard

permits. At the time of LRAPA's rule adoption, General permits in Lane County cost between $134 per year to $2,092 per year, Simple permits cost between $2,145 per year and $4,290 per year, and Standard permits cost $8,580 per year.

LRAPA's rule adoption allows business subject to multiple emission standards or multiple General permits to obtain one General permit and one or more General permit attachments in lieu of a second permit. Affected businesses are charged the full annual fee for one General permit and a reduced annual fee for each permit attachment. This has a positive fiscal and economic impact on small businesses because it allows some businesses to avoid the requirement to obtain multiple general permits or a more costly Simple permit that covers all of the relevant emission standards.

LRAPA's rule adoption allows LRAPA to use registration as an alternative to permitting. This is available to businesses that participate in an environmental certification program. Registered businesses pay an annual registration fee that is equal to or less than the corresponding annual permitting fee. Registration helps ensure that businesses comply with the new area source emission standards and encourages them to adopt sustainable practices to achieve greater environmental benefits. The registration fee pays LRAPA's cost for developing and implementing the registration program and ensuring compliance with the applicable standards. Registration has a positive fiscal and economic impact because the registration fee is equal to or less than the corresponding permitting fee and registrations carry fewer administrative reporting requirements compared to permitting.

c) Projected equipment, supplies, labor and increased administration required for small businesses to comply with the proposed rule.

New Source Review/Prevention of Significant Deterioration: Most of the costs are the result of federal requirements and do not change as a result of adding $PM_{2.5}$ and greenhouse gases to the list of regulated pollutants in Lane County. This includes costs for employees or consultants to estimate emissions and prepare permit applications and labor for consultants to test stack emissions if a small business triggers New Source Review or Prevention

of Significant Deterioration through facility modification or new construction. Additional costs could be incurred if the business had to add control equipment to meet control technology requirements. LRAPA requires businesses perform computer modeling to ensure they meet health standards and do not degrade air quality in wilderness areas. Because LRAPA performs New Source Review and Prevention of Significant Deterioration on a case-by-case analysis and the type of pollution controls and computer modeling varies for each case, DEQ lacks available information to estimate those costs accurately. However, DEQ acknowledges that the cost impact is typically significant. The application fee alone for this type of permit in Lane County was $46,922 at the time of LRAPA's rule adoption in 2011.

Permitting updates: LRAPA's adoption of national emission standards by reference has no negative fiscal and economic impacts because any negative fiscal and economic impacts occurred when EPA adopted the rules, and because the rules applied in Lane County upon EPA's adoption. LRAPA's rules are substantively identical to their federal counterparts. The requirement that businesses affected by the new area source emission standards obtain a permit may require small businesses to add equipment, supplies, labor or administration. To mitigate the burden on small businesses, this rulemaking proposes to allow businesses to register with LRAPA in lieu of obtaining a permit, as described in section b) above.

d) Describe how DEQ involved small businesses in developing this proposed rule.

DEQ did not involve small businesses in this rulemaking. LRAPA followed appropriate requirements for rulemaking when it adopted its rules, including outreach to small businesses.

The following table illustrates the permit fees LRAPA adopted for area sources subject to the new area source emissions standards for General permits and General permit attachments; these are the actual fees paid in 2012.

Area Source National Emission Standards for Hazardous Air Pollutants	Air Contaminant Discharge Permit Type	Number of facilities in Lane County	Total annual fees for all facilities combined
Motor Vehicle and Mobile	Registration	2	$480

Equipment Surface Coating Operations (6H)	Basic (< 20 gallons/yr)	2	$786
	General (>20 gallons/yr)	18	$15,680
Paint Stripping and Miscellaneous Surface Coating Operations (6H)	General	0	--
Metal Fabrication and Finishing Operations (6X)	General	6	$8,478
	General Attachment	0	--
Paints and Allied Products Manufacturing (7C)	General	0	--
Plating and Polishing Operations (6W)	General	2	$1,568
	General Attachment	2	$232
Aluminum, Copper and Other Nonferrous Foundries (6Z)	General	0	--
Ferroalloy Production Facilities (6Y)	General	0	--
Perchloroethylene Dry Cleaning Operations (M)	Registration	3	$540
Total fees collected by LRAPA in 2012 resulting from LRAPA's 2011 rule adoption:			$27,764

Documents relied on for fiscal and economic impact

Document title	Document location
LRAPA rules adopted April 25, 2011	Provided at the end of this document
LRAPA Board of Directors Meeting, April 25, 2011, Item 5: Adoption of $PM_{2.5}$ and Greenhouse Gas Air Contaminant Discharge Permitting, ACDP Permitting for Area Sources of Hazardous Air Pollutants, and Greenhouse Gas Reporting Fee Requirements, Titles 12, 32, 34, 36, 37, 38, 40, 42, 44, 46, and 50	DEQ Headquarters 811 SW 6th Avenue Portland, OR 97204
Oregon Administrative Rules Chapter 340 Divisions 200, 202, 210, 215, 216, 222, 224, 225, 228, 246, and OAR 340-244-0238 through 0246	http://www.deq.state.or.us/regulations/rules.htm
Letter from DEQ to LRAPA, November 22, 2013, Proposal to incorporate Lane Regional Air Protection Agency rules into the State Implementation Plan and stringency review of LRAPA's rules	DEQ Headquarters 811 SW 6th Avenue Portland, OR 97204
DEQ Agenda item D, Rule adoption: New Source Review/particulate matter and greenhouse gas permitting requirements and other permitting updates April 21-22, 2011, Environmental Quality Commission Meeting	http://www.deq.state.or.us/about/eqc/agendas/attachments/2011apr/D-GHG.pdf
DEQ Agenda item P, Rule adoption: Adoption of federal air quality regulations December 10-11, 2009 Environmental Quality Commission Meeting	http://www.deq.state.or.us/about/eqc/agendas/attachments/2009dec/P-NESHAP.pdf

Advisory committee

DEQ did not appoint an advisory committee. LRAPA followed appropriate requirements for rulemaking when it adopted its rules.

Housing cost

To comply with ORS 183.534, DEQ determined the proposed rule does not have an effect on the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached, single-family dwelling on that parcel. Adoption of DEQ's rule would provide for DEQ to submit LRAPA's rules to EPA for incorporation into the State Implementation Plan. Any impact on housing costs occurred when LRAPA adopted the rules, and the rules applied in Lane County upon LRAPA's adoption. LRAPA's rules may have had an effect on housing cost. This impact could occur if permit holders affected by LRAPA's rules pass their permitting fees or other costs to comply with the rules through to the consumer. DEQ does not have available information to quantify how many permit holders would pass the permit fee through to the consumer and any such estimate would be speculative.

Federal relationship

http://www.leg.state.or.us/ors/468a.html

"It is the policy of this state that agencies shall seek to retain and promote the unique identity of Oregon by considering local conditions when an agency adopts policies and rules. However, since there are many federal laws and regulations that apply to activities that are also regulated by the state, it is also the policy of this state that agencies attempt to adopt rules that correspond with equivalent federal laws and rules..."

Relationship to federal requirements

This section complies with OAR 340-011-0029 and ORS 468A.327 to clearly identify the relationship between the proposed rule and applicable federal requirements.

The proposed rule is "in addition to federal requirements." Adoption of DEQ's rule would provide for DEQ to submit LRAPA's rules to EPA for incorporation into the State Implementation Plan. Below, we describe how and why LRAPA's rules adopted in 2011are different from the federal requirements. LRAPA's rules protect public health, protect environment, and address administrative issues.

New Source Review/Prevention of Significant Deterioration: The LRAPA program provides a workable program to accomplish the Clean Air Act goal of preventing significant deterioration of air quality. LRAPA's rules incorporate two new federally regulated pollutants (greenhouse gases and fine particulates) into LRAPA's existing program which is, and has been different from the federal program since its inception in 1982.

The primary difference between LRAPA's rules and the federal rules is how the baseline emission level, or netting basis, is established. Both the LRAPA and federal programs require preconstruction approval for new major air pollution sources or existing sources making modifications that will increase their emissions above a baseline level by a defined amount known as a "Significant Emission Rate." The netting basis is the emission level in a defined baseline year, adjusted by any required decreases and approved increases of emissions. Under LRAPA's program, the netting basis is based on actual emissions from a set time period, often the year 1977 or 1978, and is adjusted accordingly based on subsequent changes at the facility. If emissions increase above the netting basis by the Significant Emission Rate for a pollutant, the source triggers New Source Review or Prevention of Significant Deterioration. Under the federal program, New Source Review or

Prevention of Significant Deterioration is also triggered by an increase over a Significant Emission Rate; however the concept of baseline and netting basis is different. Instead of having a fixed baseline period, the federal program typically requires a review of the highest actual emissions at a source over any two year period in the previous ten years. Following that review, an annual highest emission level is established and that level is used as the baseline for determining if emissions will increase by more than a Significant Emission Rate.

LRAPA's rules maintain inherent differences between LRAPA's permitting program rules and the federal rules for the purpose of administrative consistency with the exception of the Significant Impact Levels that are more stringent for Class II and Class III for environmental and administrative reasons. Significant Impact Levels are used to determine if additional air quality analysis is required during preconstruction approval. EPA's Significant Impact Levels for PM2.5 were developed by scaling the existing PM10 levels using a PM2.5-to-PM10 National Ambient Air Quality Standard ratio. LRAPA adopted EPA's Class I Significant Impact Levels. LRAPA adopted Class II and Class III Significant Impact Levels lower than EPA's values because LRAPA established lower levels in the early 1990's for PM_{10} due to DEQ's establishment of the Significant Impact Levels statewide to address significant air quality problems in the Medford area. Air quality in this area has improved over time but it is still an area of concern. The lower Significant Impact Levels have been maintained as part of LRAPA's State Implementation Plan to ensure that air quality does not deteriorate. Despite the lower PM_{10} levels, LRAPA has one area in the Lane County that does not meet ambient air quality standards for $PM_{2.5}$. Since PM2.5 emissions consist of smaller particles and are considered a subset of PM10 emissions, LRAPA adopted a PM2.5 Significant Impact Level equal to LRAPA's PM10 Significant Impact Level.

EPA Significant Impact Levels	**Air Quality Area Designation**		
Averaging Time:	Class I	Class II	Class III
Annual	0.06 $\mu g/m^3$	0.3 $\mu g/m^3$	0.3 $\mu g/m^3$
24-hour	0.07 $\mu g/m^3$	1.2 $\mu g/m^3$	1.2 $\mu g/m^3$
LRAPA Significant Impact Levels	**Air Quality Area Designation**		
Averaging Time:	Class I	Class II	Class III
Annual	0.06 $\mu g/m^3$	0.2 $\mu g/m^3$	0.2 $\mu g/m^3$
24-hour	0.07 $\mu g/m^3$	1.0 $\mu g/m^3$	1.0 $\mu g/m^3$

Adopting the federal program for some pollutants while maintaining the Oregon program for other pollutants could cause confusion and it would be resource intensive to administer two different programs in the state. Also converting the entire program to match the federal program would be a major undertaking, requiring significant resources and technical challenges. In addition to maintaining administrative consistency there are a number of other benefits to the LRAPA program.

For instance, Oregon's New Source Review and Prevention of Significant Deterioration program was used as one of the models to support the development of the federal New Source Review reform rules. In particular, Oregon's Plant Site Emission Limit was a model for the federal Plant-wide Applicability Limit. The federal limit is set by adding the Significant Emission Rate to the highest actual emissions over any two year period in the previous ten years.

The foundation for calculating net emission increases or decreases for determining applicability of the New Source Review and Prevention of Significant Deterioration program in the LRAPA rules is the Plant Site Emission Limit established for each source. Plant Site Emission Limits manage airshed capacity and provide the basis for:

1) assuring reasonable further progress towards attainment of ambient standards;
2) assuring compliance with ambient standards and Prevention of Significant Deterioration increments (the maximum concentration increase that is allowed to occur above a baseline concentration for a specific pollutant);
3) administering the emissions trading program; and
4) tracking Prevention of Significant Deterioration increment consumption (the cumulative impact of emissions growth in areas that meet air quality standards).

It is also important to note that any increase in actual emissions above the Plant Site Emission Limit requires the source to apply for, and LRAPA to approve, a revision to the Plant Site Emission Limit in the LRAPA air quality construction permit. The Plant Site Emission Limit rules are consistent with the requirements of the Clean Air Act as they allow increases in actual emissions only if such increases would not exceed applicable emission limitations, or cause ambient air quality standards, Prevention of Significant Deterioration increments or reasonable further progress to be violated. The LRAPA rules, therefore, have a more clearly established baseline than in EPA rules.

Because the Plant Site Emission Limit is typically based on actual emissions in the 1978 baseline year, the LRAPA approach is equivalent to how EPA determines whether there is a net emissions increase. Furthermore, LRAPA accumulates **all** emissions increases and decreases from physical changes or changes in operation since the baseline year or last major source permit, whichever is more recent, rather than just during a "contemporaneous" time period. This aspect of LRAPA's program is similar to the federal Plantwide Applicability Limit. Both provide a net environmental benefit and flexibility because they create an incentive for sources to voluntarily reduce emissions in order to avoid triggering New Source Review and Prevention of Significant Deterioration. The Plant Site Emission Limit and Plantwide Applicability Limit both have provisions to be reduced if emission reductions at the sources occur and make the caps excessively high. The Plant Site Emission Limit and Plantwide Applicability Limit also eliminate the possibility of a gradual increase of emissions over time by piecemeal projects not triggering New Source Review and Prevention of Significant Deterioration. Under the federal rules where a Plantwide Applicability Limit is not chosen, an increase or decrease in actual emissions is contemporaneous. The increases from previous changes at the facility are only looked at if they occurred with 10 years of the date of a proposed new change.

In Lane County, all emissions units that contribute to the emissions increase above the Significant Emission Rate are required to install retrofit Best Available Control Technology, which is an emission limitation based on the maximum degree of emission reduction by the most stringent technology available for controlling emissions. This technology is required unless it can be demonstrated that it is not feasible for energy, environmental, or economic reasons. Under the federal program, the technology requirement applies to each individual new or modified affected emissions unit and pollutant emitting activity at which a net emissions increase would occur. Individual determinations are performed for each pollutant subject to a Prevention of Significant Deterioration review emitted from the same emission unit. Consequently, the determination must separately address, for each regulated pollutant with a significant emissions increase at the source, air pollution controls for each emissions unit or pollutant emitting activity subject to review.

Small Scale Local Energy Project: LRAPA's rules changed how small scale local energy projects are evaluated under LRAPA's rules based on recent changes to Oregon's statutes resulting from House Bill 2952. EPA requires states to have minor source construction approval programs, in addition to the major source program described above, but gives flexibility in how to do this. LRAPA's existing minor source construction approval program in effect applies major source New Source Review and Prevention of Significant Deterioration requirements to any source with emissions over the Significant Emission Rate. This is above and beyond what is required by the federal rules. HB 2952 revised how minor source construction approval works for small scale local energy projects in Lane County providing LRAPA with greater flexibility on how to implement the program. The changes in the proposed rule still meet EPA's general requirement to have a construction approval program for minor sources and do not change the stringency of the rule.

Permitting updates: For the most part, LRAPA's rulemaking adopted federal air quality requirements by reference and did not add new substantive requirements that are different or in addition to federal requirements contained in 40 CFR Part 63.

What alternatives did DEQ consider if any?

DEQ did not consider alternatives to this rulemaking. DEQ's objective is to incorporate LRAPA's rules into the State Implementation Plan and maintain consistency statewide in regards to implementing federal requirements

New Source Review/Prevention of Significant Deterioration: LRAPA considered EPA's proposed options for Significant Impact Levels for Class II and Class III areas. However, EPA's Class II and III Significant Impact Levels for $PM_{2.5}$ are higher than LRAPA's PM_{10} Significant Impact Levels since $PM_{2.5}$ emissions consist of smaller particles and are considered a subset of PM_{10} emissions. Also adopting higher Significant Impact Levels for $PM_{2.5}$ would not be consistent with the need to bring Oakridge (and Klamath Falls) into attainment, or meeting the ambient air quality standards for $PM_{2.5}$.

LRAPA considered not taking delegation of the New Source Review and Prevention of Significant Deterioration program for greenhouse gases. The result of this alternative would be confusion in terms of administering, issuing, enforcing and complying with these requirements since New Source Review and Prevention of Significant Deterioration permits would be issued both by EPA and LRAPA. Depending on the pollutant, the New Source Review and Prevention of Significant Deterioration programs are implemented differently. It would require additional coordination and staffing to ensure LRAPA and EPA approved permits within a similar timeframe, otherwise construction could be delayed. This alternative was not pursued because it would make the New Source Review and Prevention of Significant Deterioration program very disconnected and would make administration of the program impractical.

There are at least two steps in EPA's greenhouse gas tailoring rule that phase-in applicability for Prevention of Significant Deterioration and Title V permits for the largest emitters of greenhouse gases. For the first step, beginning on January 2, 2011, Prevention of Significant Deterioration or Title V requirements applied to sources' greenhouse gas emissions only if the sources are subject to Prevention of Significant Deterioration or Title V anyway due to their non-greenhouse gas pollutants. Therefore, EPA doesn't require sources or modifications to evaluate whether they are subject to Prevention of Significant Deterioration or Title V requirements solely on account of their greenhouse gas emissions. The second step of the Tailoring Rule, beginning on July 1, 2011, will phase in

additional large sources of greenhouse gas emissions. New sources as well as existing sources not already subject to Title V that emit, or have the potential to emit, at least 100,000 tons per year CO2e (carbon dioxide equivalent) will become subject to the Prevention of Significant Deterioration and Title V requirements. In addition, sources that emit or have the potential to emit at least 100,000 tons per year CO2e and that undertake a modification that increases net emissions of greenhouse gases by at least 75,000 tons per year CO2e will also be subject to Prevention of Significant Deterioration requirements.

Small Scale Local Energy Project: LRAPA did not consider alternatives to this proposal because it the proposal is consistent with changes directed by legislature.

Permitting Updates: LRAPA's rulemaking adopted federal air quality requirements by reference and did not add new substantive requirements that are different or in addition to federal requirements contained in 40 CFR Part 63.

Land use

"It is the Commission's policy to coordinate the Department's programs, rules and actions that affect land use with local acknowledged plans to the fullest degree possible." ORS 197.180, OAR 018-0010

Land-use considerations

To determine whether the proposed rule involves programs or actions that are considered a *land-use action*, DEQ considered:

- Statewide planning goals for specific references. Section III, subsection 2 of the DEQ State Agency Coordination Program document identifies the following statewide goal relating to DEQ's authority:

Goal	Title
5	Open Spaces, Scenic and Historic Areas, and Natural Resources
6	Air, Water and Land Resources Quality
11	Public Facilities and Services
16	Estuarial resources
19	Ocean Resources

- OAR 340-018-0030 for EQC rules on land-use coordination. Division 18 requires DEQ to determine whether proposed rule will significantly affect land use. If yes, how will DEQ:
  - Comply with statewide land-use goals, and
  - Ensure compatibility with acknowledged comprehensive plans, which DEQ most commonly achieves by requiring a Land Use Compatibility Statement.
- DEQ's mandate to protect public health and safety and the environment.
- Whether DEQ is the primary authority responsible for land-use programs or actions in the proposed rule.
- Present or future land uses identified in acknowledged comprehensive plans.

Determination

DEQ determined that OAR 340-200-0040 is an existing rule that affect programs or activities that the DEQ State Agency Coordination Program considers a land-use program. DEQ's statewide goal compliance and local plan compatibility procedures adequately cover the proposed rules. LRAPA implements these rules through their ACDP and Title V permitting programs. In LRAPA's Rules and Regulations, new regulated pollutants will be added to those that are required to be permitted but the requirements for the permitting of these activities and the review of their land use impacts remain unchanged. Currently cities and counties must provide a Land Use Compatibility Statement approval before LRAPA issues these permits or approves a Notice of Construction.

Stakeholder and public involvement

Advisory committee

DEQ did not appoint an advisory committee. LRAPA followed appropriate requirements for rulemaking when it adopted its rules.

EQC prior involvement

DEQ shares general rulemaking information with EQC through the monthly Director's Report. DEQ did not present additional information specific to this proposed rule revision.

Public notice

The January 2014 *Oregon Bulletin* will publish the Notice of Proposed Rulemaking with Hearing.

DEQ also:

- Posted notice on DEQ's webpage http://www.oregon.gov/deq/RulesandRegulations/Pages/2013/LRAPAFED.aspx on Dec. 18, 2013.
- E-mailed notice on Dec. 18, 2013 to:
  - Interested parties through GovDelivery
  - Interested parties and stakeholders provided to DEQ by LRAPA
  - The following key legislators required under ORS 183.335:
    - Jules Bailey, Chair, House Energy and Environment Committee
    - Michael Dembrow, Chair, Senate Environment and Natural Resources Committee
  - Members of LRAPA's advisory committee.
  - Members of LRAPA's Board of Directors
- Mailed the notice by U.S. Postal Service to 508 interested parties on December 18, 2013.
- Sent notice to EPA on Aug. 20, 2013.
- Published legal advertisement in the following newspapers on Dec. 18, 2013:
    - Oregonian
    - Register Guard

Public hearings

DEQ authorized LRAPA to act as hearings officer for the public hearing listed in the table below that includes information about how to participate in the public hearing. DEQ's authorization is in the letter to LRAPA in the Stringency Review and Authorization section of this document.

Before taking public comment and according to Oregon Administrative Rule 137-001-0030, the staff presenter will summarize the content of the notice given under Oregon Revised Statute 183.335 and respond to any questions about the rulemaking.

DEQ will add the names, addresses and affiliations of all hearing attendees to the interested parties list for this rule if provided on a registration form or the attendee list. DEQ will consider all oral and written comments received at the hearings listed below before finalizing the proposed rule. DEQ will summarized and respond to all comments on the Environmental Quality Commission staff report.

	Hearing
Date	Wednesday Jan. 22, 2014
Time	5:30 p.m.
Address	LRAPA 1010 Main Street
City	Springfield, Oregon 97477
Presiding officer	Merlyn Hough, Agency Director, Operations
Staff presenter	Max Hueftle, Permit Section Manager, Operations

Close of public comment period

The comment period will close on Jan. 27, 2014 at 5 p.m.

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) and (3), 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 operations but was permitted or approved to construct and operate in accordance with title 37 during the baseline period, actual emissions equal the potential to emit of the source.
  B. For any source that had not begun normal operations during any specified period but was permitted to construct and operate, actual emissions equal the potential to emit of the source during that specified period.
  ~~B~~C. 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~~D. 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 determined in accordance with OAR 340 Division 220 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 PM_{10} in a PM_{10} nonattainment area;
  C. 500 pounds for $PM_{2.5}$ in a $PM_{2.5}$ nonattainment area;
  ~~C~~D. 120 pounds for lead;
  ~~D~~E. 600 pounds for fluoride;
  ~~E~~F. 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~~G. an aggregate of 5,000 pounds for all Hazardous Air Pollutants.
  H. 1,000 tons (short tons) of GHGs

- "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.

- "Average Operating Opacity" means the opacity of emissions determined using EPA Method 9 on any three days within a 12-month period which are separated from each other by at least 30 days.

- "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.
  - A. A baseline emission rate will only be established for regulated pollutants subject to Title 38 as specified in the definition of regulated pollutant.
  - B. With the first permitting action for a source after July 1, 2010, the baseline emission rate will be frozen for all pollutants required to have a baseline emission rate other than PM2.5 and GHG and recalculated only if:
    - (1) A better emission factor is established for the baseline period;
    - (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;
    - (3) A new pollutant is added to the list of regulated pollutants; or
    - (4) LRAPA determines that a material mistake or an inaccurate statement was made in establishing the baseline emission rate.
  - C. The baseline emission rate for PM2.5:
    - (1) Will be established for a source with the first permitting action involving a public notice after March 1, 2011;
    - (2) Will be frozen with the permit action involving public notice that is five years or more after the baseline emission rate is established and recalculated only as specified in (B)(1) through (4).
  - D. The baseline emission rate for GHG:
    - (1) Will be established for a source with the first permitting action involving a public notice after March 1, 2011.
    - (2) For combustion sources, is based on the production rate used to establish the current netting basis in effect on March 1, 2011 for other combustion related pollutants or the actual GHG emissions during the baseline period if the source does not have a netting basis for other combustion related pollutants;
    - (3) For non-combustion sources, is determined using one of the following procedures;
      - i. If GHG emissions are related to the production parameters used to establish the netting basis in effect on March 1, 2011 for other pollutants, the GHG baseline emission rate must be calculated using the relationship between GHG emissions and the same production parameters used to establish the netting basis in effect on March 1, 2011 for other pollutants; or

ii. If GHG emissions are not related to the production parameters used to establish the netting basis in effect on March 1, 2011 for other pollutants, the GHG baseline emission rate is the actual GHG emissions during the baseline period.

(4) Will be frozen with the permit action involving public notice that is five years or more after the baseline emission rate is established and recalculated only as specified in (B)(1) through (4).

E. Any owner or operator who fails to submit any relevant facts or who has submitted incorrect information in a permit application must, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information.

- "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~~.

  A. For any regulated pollutant other than PM2.5 and GHG, calendar years 1977 or 1978. LRAPA may allow the use of a prior time period upon a determination that it is more representative of normal source operation.

  B. For PM2.5 and GHG, any consecutive 12 calendar month period during calendar years 2000 through 2010.

- "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.

- "Carbon dioxide equivalent" or "CO_2e" means an amount of greenhouse gas or gases expressed as the equivalent amount of carbon dioxide, and shall be computed by multiplying the mass of each of the greenhouse gases by the global warming potential published for each gas at 40 CFR Part 98, subpart A, Table A–1—Global Warming Potentials, and adding the resulting value for each greenhouse gas to compute the total equivalent amount of carbon dioxide.

- "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.

- "CFR" means Code of Federal Regulations.

- "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.

- "Collection Efficiency" means the overall performance of the air cleaning device in terms of ratio of weight of material collected to total weight of input to the collector.

- "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.

- "Control Device" means equipment, other than inherent process equipment, that is used to destroy or remove air pollutant(s) prior to discharge to the atmosphere. The types of equipment that may commonly be used as control devices include, but are not limited to, fabric filters, mechanical collectors, electrostatic precipitators, inertial separators, afterburners, thermal or catalytic incinerators, adsorption devices(such as carbon beds), condensers, scrubbers(such as wet collection and gas absorption devices), selective catalytic or non-catalytic reduction systems, flue gas recirculation systems, spray dryers, spray towers, mist eliminators, acid plants, sulfur recovery plants, injection systems(such as water, steam, ammonia, sorbent or limestone injection), and combustion devices independent of the particular process being conducted at an emissions unit(e.g., the destruction of emissions achieved by venting process emission streams to flares, boilers or process heaters). For

purposes of Section 35-0200 through 35-0280, a control device does not include passive control measures that act to prevent pollutants from forming, such as the use of seals, lids, or roofs to prevent the release of pollutants, use of low-polluting fuel or feedstocks, or the use of combustion or other process design features or characteristics. If an applicable requirement establishes that particular equipment which otherwise meets this definition of a control device does not constitute a control device as applied to a particular pollutant-specific emissions unit, then that definition will be binding for purposes of Section 35-0200 through 35-0280.

- "Criteria Pollutant" means nitrogen oxides, volatile organic compounds, particulate matter, PM10, sulfur dioxide, carbon monoxide, or lead

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

- "De minimis emission level" means:

Pollutant	**De minimis (tons/year, except as noted)**
GHG (CO2e)	1,000
CO	1
NO_x	1
SO_2	1
VOC	1
PM	1
PM_{10}	1
Direct $PM_{2.5}$	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.

- "Direct $PM_{2.5}$" has the meaning provided in the definition of $PM_{2.5}$.

- "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 100,000 short tons per year of GHG; or for any regulated pollutants other than GHG, 100 tons per year if in a source category listed below, or for non-listed sources 250 tons per year. The fugitive emissions of a stationary source are considered in determining whether it is a federal major stationary source. 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)**
GHG (CO2e)	74,000
CO	99
NO_x	39
SO_2	39
VOC	39
PM	24
PM_{10}	14
$PM_{2.5}$	9
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.

- "Greenhouse Gas" or "GHG" means the aggregate group of six greenhouse gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride. Each gas is also individually a greenhouse gas.

- "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 in the method of operation of a source that results in ~~the following~~ satisfying the requirements of both subsections A and B, or subsection C below for any regulated air pollutant~~:~~. Major modifications for ozone or PM2.5 precursors are also major modifications of ozone and PM2.5, respectively:
  A. ~~An increase in the~~ PSEL that exceeds the netting basis by an amount that is equal to or ~~more~~ greater than the significant emission rate ~~over the netting basis; and~~.

  ~~A.~~B. The accumulation of emission increases due to physical changes and changes in the method of operation ~~since baseline that would result in~~as determined in accordance with paragraphs B.1 and B.2 is equal to or greater than the 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 in the method of operation occurring at the source since the applicable 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 fugitive emissions and 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 the method of 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~~C. ~~Any~~ Except as provided in 3. 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, that is described by paragraphs C.1 or C.2~~; or~~:

1. Obtained permits to construct and operate after the applicable baseline period but have not undergone New Source Review; or
2. Meet all of the following conditions:
   i. Obtained permits to construct and operate before or during the baseline period for that regulated pollutant;
   ii. Have not undergone New Source Review for that regulated pollutant; and
   iii. After the end of that baseline period, but before the effective date of administrative rules making that pollutant a regulated pollutant subject to New Source Review, made a change that would have constituted a major modification pursuant to subsections A. and B. for that pollutant if, at the time of the change, that pollutant had been a regulated pollutant subject to New Source Review.

~~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~~3., proposed increases in hours of operation or production rates that would cause emission increases above the levels allowed in a permit and 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 fugitive emissions and emissions from insignificant activities. Potential to emit calculations must include emission increases due to a new or modified source.
  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 GHG means any source that directly emits or has the potential to emit 100,000 short tons per year or more of GHG. The fugitive emissions of a stationary source must be considered in determining whether it is a major source of GHG.
     (~~2~~3) 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 (other than GHG), 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 (PM_{10}) nonattainment areas classified as "serious," sources with the potential to emit 70 tpy or more of PM_{10}.

- "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. A netting basis will only be established for regulated pollutants subject to Title 38 as specified in the definition of regulated pollutant.

~~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~~

B. ~~3. A new pollutant is added to the regulated pollutant list (e.g., $PM_{2.5}$).~~ For a pollutant that is newly regulated after ~~11/15/90~~March 1, 2011, 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 if a baseline period is not defined for the 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.~~

C. The netting basis for PM2.5 will be established for a source with the first permitting action involving a public notice after September 1, 2010.

D. The netting basis for GHG will be established for a source with the first permitting action involving a public notice after March 1, 2011.

~~B~~E. Netting basis is zero for:

1. Any regulated pollutant emitted from a source that first obtained a permits to construct~~ed~~ and operate after the applicable baseline period for that regulated pollutant, and has not undergone New Source Review for that pollutant;
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~~F. 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~~G. 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. The netting basis reduction will be effective on the effective date of the rule, order, or permit condition

requiring the reduction. The PSEL reduction will be effective on the compliance date of the rule, order, or permit condition.

~~E~~H. 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~~I. 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 Precursor" means nitrogen oxides and volatile organic compounds.
- "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}" , when used in the context of ambient concentration, 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.

- "$PM_{2.5}$" means:
  A.~~A.~~ When used in the context of direct PM2.5 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 PM2.5 Precursor emissions, means sulfur dioxide (SO2) and nitrogen oxides (NOx) emitted to the ambient air as measured by an EPA reference method in 40 CFR Part 60, appendix A
  ~~B~~C. 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 52, 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.
   6. Greenhouse Gases.

B. As used in OAR 340 division 220, ~~means any air pollutant as included in subsection A. of this rule, except the following~~regulated pollutant means particulates, volatile organic compounds, oxides of nitrogen and sulfur dioxide:
   ~~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~~, regulated pollutant does not include any pollutant listed ~~under LRAPA Title 44, Section 44-020 or Section 44-160 is not a regulated pollutant~~in Titles 44 and 46, unless the pollutant is listed in the Significant Emission Rate (SER) table in this Title.

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

A. For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
   1. The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars); or
   2. The delegation of authority to such representative is approved in advance by the Department or Lane Regional Air Protection Agency.

B. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
C. For a municipality, State, Federal, or other public agency: either a principal executive

officer or ranking elected official. For the purposes of Title 12, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency(e.g., a Regional Administrator of the EPA); or

D. For affected sources:

1. The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the Act or the regulations promulgated there under are concerned; and

~~1.~~2. The designated representative for any other purposes under the Oregon Title V Operating Permit program.

- "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.

- "Section 502(b)(10) change" means a change which contravenes an expressed Title V permit term but is not a change that:

  A. Would violate applicable requirements;
  B. Would contravene federally enforceable permit terms and conditions that are monitoring, recordkeeping, reporting, or compliance certification requirements; or
  C. Is a Title I modification.

- ~~"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 NO_x, 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/m^3 (24 hour average) is emitting at a significant emission rate. This provision does not apply to GHG emissions.

- "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.

- "Small scale local energy project" means:
  A. A system, mechanism or series of mechanisms located primarily in Oregon that directly or indirectly uses or enables the use of, by the owner or operator, renewable resources including, but not limited to, solar, wind, geothermal, biomass, waste heat or water resources to produce energy, including heat, electricity and substitute fuels,

to meet a local community or regional energy need in this state;

B. A system, mechanism or series of mechanisms located primarily in Oregon or providing substantial benefits to Oregon that directly or indirectly conserves energy or enables the conservation of energy by the owner or operator, including energy used in transportation;

C. A recycling project;

D. An alternative fuel project;

E. An improvement that increases the production or efficiency, or extends the operating life, of a system, mechanism, series of mechanisms or project otherwise described in this section, including but not limited to restarting a dormant project;

F. A system, mechanism or series of mechanisms installed in a facility or portions of a facility that directly or indirectly reduces the amount of energy needed for the construction and operation of the facility and that meets the sustainable building practices standard established by the State Department of Energy by rule; or

G. A project described in subsections (A) to (F), whether or not the existing project was originally financed under ORS 470, together with any refinancing necessary to remove prior liens or encumbrances against the existing project.

H. A project described in subsections (A) to (G) that conserves energy or produces energy by generation or by processing or collection of a renewable resource.

- "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~~/~~ and 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.

- "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); dimethyl carbonate; propylene carbonate; 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); difluorormethane (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.

- "Wigwam Waste Burner" means a burner which consists of a single combustion chamber, has the general features of a truncated cone, and is used for incineration of wastes.
- "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.
- "CO2e" means carbon dioxide equivalent
- ~~(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.

- "GHG" means greenhouse gases
- ~~(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.
- "PM2.5" means particulate matter less than 2.5 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 µg/m^3~~	~~5 µg/m^3~~		~~25 µg/m^3~~	
~~PM_{10}~~	~~0.2 µg/m^3~~	~~1.0 µg/m^3~~			
~~NO_2~~	~~1.0 µg/m^3~~				
~~CO~~			~~0.5 mg/m^3~~		~~2 mg/m^3~~

TABLE 1

LRAPA Title 12

SIGNIFICANT AMBIENT AIR QUALITY IMPACT WHICH IS EQUAL TO OR GREATER THAN:

Pollutant	Averaging Time	Air Quality Area Designation		
		Class I	Class II	Class III
SO_2 (µg/m^3)	Annual	0.10	1.0	1.6
	24-hour	0.20	5.0	7.3
	3-hour	1.0	25.0	28
PM_{10} (µg/m^3)	Annual	0.20	0.2	0.2
	24-hour	0.30	1.0	2.4
$PM_{2.5}$ (µg/m^3)	Annual	0.06	0.2	0.2
	24-hour	0.07	1.0	1.0
NO_2 (µg/m^3)	Annual	0.10	1.0	1.0
CO (mg/m^3)	8 hour	---	0.5	0.5
	1-hour	---	2.0	2.0

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

	~~*Significant*~~ *Pollutant*	*Emission Rate*
	GHG (CO2e)	75,000 tons/year
~~(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
	Direct $PM_{2.5}$	10 tons/year
	$PM_{2.5}$ Precursors (NOx and SO_2)	40 tons/year
~~(E)~~	Sulfur Dioxide	40 tons/year
~~(F)~~	Volatile Organic Compounds (VOC)	40 tons/year
	Ozone Precursors (NOx and SO_2)	40 tons/year
~~(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

TABLE 2 LRAPA Title 12 SIGNIFICANT EMISSION RATES FOR POLLUTANTS REGULATED UNDER THE CLEAN AIR ACT		
	~~*Significant*~~ *Pollutant*	*Emission Rate*
~~(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 32

EMISSION STANDARDS

Section 32-075 Federal Acid Rain Regulations Adopted by Reference

1. **40 CFR Part 72, 75, and 76 (July ~~1~~2, ~~2000~~2010)** is by this reference adopted and incorporated herein, for purposes of implementing an acid rain program that meets the requirements of Title IV of the Clean Air Act. The term "permitting authority" shall mean the LRAPA, and the term "Administrator" shall mean the Administrator of the United States Environmental Protection Agency.

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.

Registration

Section 34-025 ~~Highest and Best Practicable Treatment and Control Requirements~~Registration in General

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

~~*Section 34-025 Amended 09/09/97*~~

1. 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.
2. The following air contaminant sources that are certified through an LRAPA approved environmental certification program and subject to an Area Source NESHAP may register with LRAPA pursuant to LRAPA Section 34-030 in lieu of obtaining a permit in accordance with LRAPA 37-0020, unless LRAPA determines that the source has not complied with the requirements of the environmental certification program.
   A. Motor vehicle surface coating operations.
   B. Dry cleaners using perchloroethylene,
3. Approved environmental certification program. To be approved, the environmental certification program must, at a minimum, require certified air contaminant sources to comply with all applicable state and federal rules and regulations and require additional measures to increase environmental protection.
4. Fees. In order to obtain and maintain registration, owners and operators of air contaminant sources registered pursuant to section 2. of this rule must pay the applicable fees in Title 37 Table 2 by March 1 of each year:
   A. Failure to pay fees. Registration is may be terminated upon failure to pay annual fees within 90 days of invoice by LRAPA, unless prior arrangements for payment have been approved in writing by LRAPA.
5. Recordkeeping. In order to maintain registration, owners and operators of air contaminant sources registered pursuant to section 2 of this rule must maintain records required by the approved environmental performance program under section 3 of this rule. The records must be kept on site and in a form suitable and readily available for expeditious inspection and review.
6. Revocation. LRAPA may revoke a registration if a source fails to meet any requirement in LRAPA 34-030.

Section 34-030 ~~Source~~ Registration and Re-Registration Requirements

~~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. In order to obtain registration pursuant to Section 34-025-1, ~~The~~ 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. In order to obtain registration pursuant to Section 34-025-2 a source must submit the information in section 3.A, B, C, and I of this rule and the following:
   A. Information demonstrating that the air contaminant source is operating in compliance with all applicable state and federal rules and regulations, as requested by LRAPA.
   B. Information demonstrating that the source is certified through an approved environmental certification program.
   C. A signed statement that the submitted information is true, accurate, and complete. This signed statement shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

45. ~~Once a year, upon the annual date of registration~~In order to re-register or maintain registration, a person responsible for an air contaminant source shall reaffirm in writing, by March 1st each year, 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.~~

6. Any changes in any of the factual data reported under subsection 3 or 4 of this section shall be reported to LRAPA, at which time re-registration may be required on forms furnished by LRAPA.

7. In order to re-register, a person must not have had their registration terminated or revoked within the last 3 years, unless the air contaminant source has changed ownership since termination or revocation

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

~~d.~~E. Are not subject to NESHAP or NSPS requirements; and

~~e.~~F. 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 not increase emissions above the Plant Site Emission Limit by more than the de minimis levels defined in OAR 340-200-0020 for sources required to have a permit; ~~Would meet the criteria of sub-sections 1.A, 1.B., 1.D., and 1.E. of this Section; and~~

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

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

~~a.~~D. Would not require a TACT determination under Section 32-008 or a MACT determination under Section 44-130; and

~~b.~~E. 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 42-0041-3.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~~036, 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~~ 036 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 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.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 36
Excess Emissions

Section 36-020 All Other Excess Emissions

1. For all other excess emissions not addressed in Sections 36-010, 36-015, or 36-040, the following requirements apply:

   A. The owner or operator of a large source, as defined by Section 36-005-4, must immediately notify LRAPA the first onset per calendar day of any excess emissions event.

   B. The owner or operator, of a small source, as defined by Section 36-005-~~8~~7, need not notify LRAPA of excess emissions events immediately unless otherwise required by permit condition, written notice by LRAPA, or if the excess emission is of a nature that could endanger public health.

   C. Additional reporting and recordkeeping requirements are specified in Section 36-025.

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~~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. Sources referred to in Table 1 of this title are subject to fees set forth in Table 2 of this title.

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 ODEQ or LRAPA unless otherwise deferred from the requirement to obtain an ACDP in Section 1.C or D. of this rule. No person may continue to operate an air contaminant source if the ACDP expires, or is terminated or revoked; except as provided in 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.

   C. An air contaminant source required to obtain an ACDP or ACDP Attachment pursuant to a NESHAP or NSPS adopted by the LRAPA Board by rule is not required to submit an application for an ACDP or ACDP Attachment until four months after the effective date of the LRAPA Board's adoption of the NESHAP or NSPS, and is not required to obtain an ACPD or ACDP Attachment until six months after the LRAPA Board's adoption of the NESHAP or NSPS. In addition, LRAPA may defer the requirement to submit an application for, or to obtain an ACDP or ACDP Attachment, or both, for up to an additional 12 months.

   ~~b.~~D. Deferrals of LRAPA and/or ODEQ permitting requirements do not relieve an air contaminant source from the responsibility of complying with the federal NESHAP or NSPS requirements.

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 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.

~~3.~~4. Any owner or operator who fails to submit any relevant facts or who has submitted incorrect information in a permit application must, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information.

~~4.~~5. LRAPA must receive the application at least 60 days before a permit or modified permit is needed.

~~5.~~6. The application must be completed in full and signed by the applicant or the applicant's legally authorized representative.

~~6.~~7. 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.~~8. A copy of NSR permit applications and supplemental information must also be submitted directly to the EPA.

~~8.~~9. 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.~~10. All applications must include the appropriate fees as specified in Table 2 of Section 37-0020.

~~10.~~11. 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.~~12. 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.~~13. 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.~~14. 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 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 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 31 for Category I permit actions.

2) Non-NSR/PSD Moderate and Complex technical modifications require public notice in accordance with LRAPA Title 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 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 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~~ covered operations can be contained in a General ACDP;

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

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

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

1) All relevant requirements for the operations covered by the General ACDP;

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~~ expiration date not to exceed 10 years from the date of issuance.

C. Permit issuance procedures: A new General ACDP requires public notice and opportunity for comment in accordance with ~~ORS 183.325 to 183.410~~LRAPA Title 31 for Category III permit actions. A reissued General ACDP or a modification to a General ACDP requires public notice and opportunity for comment in accordance with LRAPA Title 31 for Category II permit actions. 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. The fee class for each General ACDP is as follows:

1) Hard chrome platers – Fee Class Three;
~~2) Decorative chrome platers – Fee Class Two;~~
3) Halogenated solvent degreasers -- batch cold – Fee Class Two;
4) Perchloroethylene dry cleaners – Fee Class Six;
5) Asphalt plants – Fee Class Three;
6) Rock crushers – Fee Class Two;
7) Ready-mix concrete – Fee Class One;
8) Sawmills, planing mills, millwork, plywood manufacturing and veneer drying – Fee Class Three;
9) Boilers – Fee Class Two;
10) Crematories – Fee Class Two;
11) Coffee roasters – Fee Class One;
12) Bulk gasoline plants – Fee Class One;
13) Electric power generators – Fee Class Two;
14) Clay ceramics – Fee Class One;
15) Secondary nonferrous metals – Fee Class One;
16) Gasoline dispensing facilities -- stage I – Fee Class Five;
17) Wood preserving – Fee Class Four;
18) Metal fabrication and finishing – Fee Class Two;
19) Plating and polishing – Fee Class One;
20) Surface coating operations (Miscellaneous, motor vehicle and mobile equipment) – Fee Class One;
21) Paint stripping – Fee Class One;
22) Spray coating – Fee Class One;
23) Motor vehicle and mobile equipment surface coating operations – Fee Class One;
24) Aluminum, copper, and nonferrous foundries – Fee Class Two;
25) Paints and allied products manufacturing – Flee Class Two;
~~b.~~26) Any General ACDP not listed above – Fee Class One.

C. Source assignment procedures:

1) Assignment of a source to a General ACDP is subject to public notice in accordance with LRAPA Title 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 and ACDP Attachment(s) terminate when the General ACDP or ACDP Attachment(s) expires or is modified, terminated or revoked.

4) Once a source has been assigned to a General ACDP, if the assigned General ACDP does not cover all requirements applicable to the source, the other

applicable requirements must be covered by assignment to one or more General ACDP Attachments in accordance with Section 37-0062, otherwise the source must obtain a Simple or Standard ACDP.

~~3)~~5) A source requesting to be assigned to a General ACDP Attachment, in accordance with Section 37-0062, for a source category in a higher annual fee class than the General ACDP the source is currently assigned to, must be reassigned to the General ACDP for the source category in the higher annual fee class.

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.

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~~ a 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 or Attachment or both if conditions, standards or rules have changed so the permit or attachment no longer meets the requirements of this rule.

~~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];~~

~~11) AQGP-017, Bulk Gasoline Plants (Month, Day, Year adopted)[1];~~

~~12) AQGP-018, Electric power generators (October 14, 2008)[2];~~

~~13) AQGP-022, Gasoline dispensing facilities – Stage I (January 12, 2010)[5];~~

~~**NOTES:**~~

~~1 The referenced General ACDPs specify that they are Fee Class One under Section 37-0060, Table 2.~~
~~2 The referenced General ACDPs specify that they are Fee Class Two under Section 37-0060, Table 2.~~
~~3 The referenced General ACDPs specify that they are Fee Class Three under Section 37-0060, Table 2.~~
~~4 The referenced General ACDPs specify that they are Fee Class Four under Section 37-0060, Table 2.~~
~~5 The referenced General ACDPs specify that they are Fee Class Five under Section 37-0060, Table 2.~~

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

37-0062
General ACDP Attachments

1. Purpose. This rule allows a source to be assigned to one General ACDP and one or more General ACDP Attachments, as long as the General ACDP and General ACDP Attachment(s) contain all requirements applicable to the source. This would allow a source to avoid having to obtain a more costly Simple or Standard ACDP if there are no General ACDPs that contain all requirements applicable to the source.
2. Applicability.
   A. LRAPA may issue a General ACDP Attachment 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 covered operations can be contained in a General ACDP Attachment;
      3) The emission limitations, monitoring, recordkeeping, reporting and other enforceable conditions are the same for all operations covered by the General ACDP Attachment;
      4) The pollutants emitted are of the same type for all covered operations. If a General ACDP and a General ACDP Attachment(s) cannot address all activities at a source, the owner or operator of the source must apply for Simple or Standard ACDP in accordance with this Title.
   B. Attachment content. Each General ACDP Attachment must include the following:
      1) All relevant requirements for the operations covered by the General ACDP Attachment;
      2) Testing, monitoring, recordkeeping, and reporting requirements necessary to ensure compliance with the applicable emissions limits and standards; and
      3) An attachment expiration date not to exceed 10 years from the date of issuance.
   C. Attachment issuance procedures: A General ACDP Attachment requires public notice and opportunity for comment in accordance with LRAPA Title 31 for Category II permit actions. All General ACDP Attachments will be on file and available for review at LRAPA.
3. Source assignment:

A. Application requirements. Any person requesting to be assigned to a General ACDP Attachment must submit a written application for each requested General ACDP Attachment that specifies the requested General ACDP Attachment and shows that the source qualifies for the requested General ACDP Attachment.

B. Fees. Permittees must pay set forth in Table 2 of Section 37-0020 for each assigned General ACDP Attachment.

C. Assignment procedures:

1) Assignment to a General ACDP Attachment is a Category I permit action and is subject to the Category I public notice requirements in accordance with LRAPA Title 31.

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

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

4) A source may not be assigned to a General ACDP Attachment for a source category in a higher annual fee class than the General ACDP the source is currently assigned to. Instead a source must be reassigned to the General ACDP for the source category in the higher annual fee class in accordance with Section 37-0060-2.C.5) and may be assigned to one or more General ACDP Attachments associated with source categories in an equal or lower annual fee class.

D. If all activities at a source cannot be addressed by a General ACDP and General ACDP Attachments, the owner or operator of the source must apply for a Simple or Standards ACDP in accordance with this Title.

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~~,~~ or 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;

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

(d) Category 30. Galvanizing & Pipe coating;

(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);

(f) Category 37. Gypsum products;

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

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

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

(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;

~~(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 direct $PM_{2.5}$ or PM_{10} if located in a direct $PM_{2.5}$ or PM_{10}** non-attainment or maintenance area, or 10 or more tons of any single criteria pollutant in any part of Lane County~~; 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 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 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 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 or renewed Standard ACDP requires public notice in accordance with LRAPA Title 31 for Category III permit actions for any increase in allowed emissions, or Category II permit actions if no emissions increase is allowed.

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

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

3) NSR/PSD modifications require public notice in accordance with LRAPA Title 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 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 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 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 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 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.

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.~~ Decorative chrome plating
2. ~~Natural Gas and Propane Fired~~ Boilers and other fuel-burning equipment (with or without #2 diesel oil back-up***~~(a)~~) of 2.5 or more MMBTU but less than 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 less than 250 gallons per month, excluding sources that exclusively use non-VOC and non-HAP containing coatings ~~)~~.
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)

~~10.~~11. Motor Vehicle and Mobile Equipment Surface Coating Operations subject to an Area Source NESHAP and using less than 20 gallons of coating per year excluding motor vehicle surface coating operations registered pursuant to LRAPA 34-025-2.

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
18. Charcoal Manufacturing
19. Chlorine and Alkalies Manufacturing
20. Chrome Plating (Hard)
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 and less than 500kW~~)~~
26. Ethylene Oxide Sterilization
27. Flatwood Coating
28. Flexographic or Rotogravure Printing
29. Flour, Blended and/or Prepared and Associated Grain Elevators
30. Galvanizing and Pipe Coating
31. Gasoline Bulk Plants, Bulk Terminals, and Pipeline Facilities
32. **Gasoline Dispensing Facilities (GDFs)
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~~ Dry ~~cleaners~~ Cleaning Operations subject to an Area Source NESHAP, excluding perchoroethylene dry cleaning operations registered pursuant to

LRAPA 34-025-2~~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 manufacturing 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 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.
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 direct $PM_{2.5}$ or PM_{10} if located in a $PM_{2.5}$ or PM_{10} non-attainment or maintenance area, or 10 or more tons of any single criteria pollutant in any part of Lane County.
76. Aluminum, Copper, and Other Nonferrous Foundries subject to an Area Source NESHAP.
77. Ferroalloy Production Facilities subject to an Area Source NESHAP.
78. Metal Fabrication and Finishing Operations subject to an Area Source NESHAP
79. Motor Vehicle and Mobile Equipment Surface Coating Operations subject to an Area Source NESHAP using more than 20 gallons of coating per year excluding motor vehicle surface coating operations registered pursuant to LRAPA 34-025-2.
80. Paint Stripping and Miscellaneous Surface Coating Operations subject to an Area Source NESHAP.
81. Paint and Allied Products Manufacturing subject to an Area Source NESHAP
82. Plating and Polishing Operations subject to an Area Source NESHAP
~~75.~~83. Fiberglass lay-up and/or reinforced plastic composites production

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.
   c. Sources registered pursuant to LRAPA 34-025-2.
   d. Electrical power generation units used exclusively as emergency generators and units less than 500 kW.
   e. Gasoline dispensing facilities with exclusively above ground tanks, provided the gasoline dispensing facility has monthly throughput of less than 10,000 gallons of gasoline per month and does not sell gasoline for use in motor vehicles.
   ~~b.~~f. Motor vehicle surface coating and mobile equipment surface coating operations subject to an area source NESHAP using less than 20 gallons of coating per year.
5. All sources having the potential to emit more than 100,000 short tons of GHG emissions in a year.
~~5.~~6. All Sources having the Potential to Emit more than 100 tons of any regulated air contaminant in a year, other than GHGs and HAPs.
~~6.~~7. All Sources having the Potential to Emit more than 10 tons of a single hazardous air pollutant in a year
~~7.~~8. 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
**~~Gasoline dispensing facilities are not required to be registered or obtain an ACDP before adoption of area source NESHAPs standards.~~ Gasoline dispensing facilities with 1) gasoline storage tanks greater than or equal to 250 gallons and less than 5,000 gallons must obtain registration or 2) exclusively above ground tanks are required to obtain an ACDP only if they have month throughput of 10,000 gallons of gasoline per month or more or sell gasoline for use in motor vehicles.
~~(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

TITLE 37 (Section 37-0020) Table 2

Part 1. Initial Permitting Application Fees: (in addition to first annual fee)

a. Short Term Activity ACDP	$ 3,138
b. Basic ACDP	$ 126
c. Assignment to General ACDP	$ 1,255*
d. Simple ACDP	$ 6,276
e. Construction ACDP	$ 10,042
f. Standard ACDP	$ 12,552
g. Standard ACDP (PSD/NSR)	$ 43,932

*LRAPA may waive the assignment fee for an existing source requesting to be assigned to a General ACDP because the source is subject to a newly adopted area source NESHAP as long as the existing source requests assignment within 90 days of notification by LRAPA.

Part 2. Annual Fees: (~~due~~ Due date 12/1* for 1/1 to 12/31 of the following year)

a. Short Term Activity ACDP	$ NA
b. Basic ACDP	$ 377
c. General ACDP	
(A) Fee Class One	$ 753
(B) Fee Class Two	$ 1,356
(C) Fee Class Three	$ 1,958
(D) Fee Class Four	$ 377
(E) Fee Class Five	$ 126
(F) Fee Class Six	$ 251
d. Simple ACDP	
(A) Low Fee	$ 2,008
(B) High Fee	$ 4,017
e. Standard ACDP	$ 8,033

~~*If LRAPA issues an invoice for Dry Cleaners or Gasoline Dispensing Facilities that combines fees from other Titles on a single invoice the payment due may be extended by LRAPA until March 1st.~~

Part 3. Specific Activity Fees:

a. Non-Technical Permit Modification (1)	$ ~~377~~126
b. Non-PSD/NSR Basic Technical Permit Modification (2)	$ 377
c. Non-PSD/NSR Simple Technical Permit Modification(3)	$ 1,255
d. Non-PSD/NSR Moderate Technical Permit Modification (4)	$ 6,276
e. Non-PSD/NSR Complex Technical Permit Modification (5)	$ 12,552
f. PSD/NSR Modification	$ 43,932
g. Modeling Review (outside PSD/NSR)	$ 6,276
h. Public Hearing at Source's Request	$ 2,510
i. LRAPA MACT Determination	$ 6,276

j. Compliance Order Monitoring (6)	$ 126/month
k. Greenhouse Gas reporting, as required by OAR 340-215-0050(2),	15% of the applicable annual fee in Part 2 of this Table

~~k. Registration(7)~~

Part 4. Late Fees for annual fees and greenhouse gas reporting fees:

a. 8-30 days late 5% ~~of annual fee~~

b. 31-60 days late 10% ~~of annual fee~~

c. 61 or more days late 20% ~~of annual fee~~

1. Non-Technical modifications include, but are not limited to name changes, change of ownership and similar administrative changes.
2. Basic Technical Modifications include, but are not limited to corrections of emission factors in compliance methods, changing source test dates for extenuating circumstances, and similar changes.
3. Simple Technical Modifications include, but are not limited to, incorporating a PSEL compliance method from a review report into an ACDP, modifying a compliance method to use different emission factors or process parameter, changing source test dates for extenuating circumstances, changing reporting frequency, incorporating NSPS and NESHAP requirements that do not require judgment, and similar changes.
4. Moderate Technical Modifications include, but are not limited to incorporating a relatively simple new compliance method into a permit, adding a relatively simple compliance method or monitoring for an emission point or control device not previously addressed in a permit, revising monitoring and reporting requirements other than dates and frequency, adding a new applicable requirement into a permit due to a change in process or change in rules and that does not require judgment by LRAPA, incorporating NSPS and NESHAP requirements that do not require judgment, and similar changes.
5. Complex Technical Modifications include, but are not limited to incorporating a relatively complex new compliance method into a permit, adding a relatively complex compliance method or monitoring for an emission point or control devise not previously addressed in a permit, adding a relatively complex new applicable requirement into a permit due to a change in process or change in rules and that requires judgment by LRAPA, and similar changes.
6. This is a ~~one~~ one-time fee payable when a Compliance Order is established in a Permit or an LRAPA Order containing a compliance schedule becomes a Final Order of LRAPA and is based on the number of months LRAPA will have to oversee the Order.
7. ~~Gasoline Dispensing Facilities subject to area source NESHAPs not required to otherwise obtain an LRAPA permit must pay a one time registration fee of $35.00.~~

Part 5. Specific Registration Fees:

1. Gasoline Dispensing Facilities subject to area source NESHAPs not required to otherwise obtain an LRAPA permit must pay a one-time registration fee of $35.
2. Motor vehicle surface coating operations registered pursuant to Section 34-025 must pay $240 per year.
3. Dry cleaners using perchloroethylene registered pursuant to LRAPA Section 34-025 must pay $180 per year.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 38

MAJOR NEW SOURCE REVIEW

Section 38-0010 Applicability and General Prohibitions

1. Within designated ~~Nonattainment~~ nonattainment and ~~Maintenance~~ maintenance areas, this title applies to owners and operators of proposed major sources and major modifications ~~of air contaminant sources~~for the regulated pollutants for which the area is designated nonattainment or maintenance.

2. Within attainment and unclassifiable areas, this title applies to owners and operators of proposed ~~Federal~~ federal ~~Major~~ major ~~sources~~ and major modifications at federal major sources for the regulated pollutants for which the area is designated attainment or unclassified.

~~1.~~3. Owners and operators of sources that do not meet the applicability criteria of sections 1. or 2. of this rule ~~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).

4. No owner or operator of a source that meets the applicability criteria of sections 1. or 2. of this rule 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.

5. Beginning May 1, 2011, the pollutant GHGs is subject to regulation if:
   A. The source is a new federal major source for a regulated pollutant that is not GHGs, and also emits, will emit or will have the potential to emit 75,000 tons per year of CO_2e or more; or
   B. The source is or becomes a federal major source subject to Section 38-0070 as a result of a major modification for a regulated pollutant that is not GHGs, and will

have an emissions increase of 75,000 tons per year CO_2e or more over the netting basis,

6. Beginning July 1, 2011, in addition to the provisions in section 5 of this rule, the pollutant GHGs shall also be subject to regulation at:
   A. A new federal major source; or
   B. A source that is or becomes a federal major source when such source undertakes a major modification.

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 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~~ Within a designated nonattainment area, proposed major sources and major modifications ~~that would emit~~of a nonattainment pollutant, ~~within a designated nonattainment~~

~~area,~~ including VOC or NO_x in a designated ~~Ozone~~ ozone ~~Nonattainment~~ nonattainment ~~Area~~area or SO_2 or NO_x in a designated $PM_{2.5}$ 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~~ apply ~~the~~ LAER for each nonattainment pollutant or precursor(s) emitted at or above the significant emission rate (SER). LAER applies separately to the nonattainment pollutant or precursor(s) if emitted at or above a SER over the netting basis.

   A. For a major modification, the requirement for LAER applies ~~only~~ to the following:
      1) ~~E~~each emissions unit that emits the nonattainment pollutant or precursor(s) ~~in question~~ and ~~was installed since the baseline period or the most recent New Source Review construction approval~~is not included in the most recent netting basis established for that pollutant~~,~~; and
      ~~a.~~2) ~~to e~~Each ~~modified~~ emission unit that emits the non attainment pollutant or precursor(s) and is included in the most recent netting basis but has been modified and the modification resulted in an increase in actual emissions above the portion of the most recent netting basis attributable to the emission unit or the nonattainment pollutant precursor(s) ~~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~~ Modifications ~~with~~ to individual emission units that increase the 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 or more of any regulated ~~NSR~~ pollutant subject to this title 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 or more of any regulated ~~NSR~~ pollutant subject to this title 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

Within a designated nonattainment area, ~~P~~proposed major sources and major modifications ~~that would emit~~of a maintenance pollutant, ~~within a designated ozone or carbon monoxide maintenance area,~~ including VOC or NO_x in a designated ozone maintenance area, or SO_2 or NOx in a designated $PM_{2.5}$ 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 or precursor(s) emitted at or above a significant emission rate (SER). BACT applies separately to the maintenance pollutant or precursor(s) if emitted at or above a SER over the netting basis.

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

1) Each ~~new~~ emissions unit that emits the maintenance pollutant ~~in question and was installed since the baseline period or the~~ or precursor(s) and is not included in the most recent ~~New Source Review construction approval~~netting basis established for that pollutant; and

2) Each ~~modified~~ emissions unit that emits the maintenance pollutant or precursor(s) and is included in the most recent netting basis but has been modified and the modification resulted in an increase in actual emissions above the portion of the most recent netting basis attributable to the emissions unit or the maintenance pollutant or precursor(s).~~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~~ Modifications ~~with~~ to individual emissions units that increase the 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 subsections B. 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~~ Within a designated attainment or unclassified area, proposed ~~new~~ federal major sources ~~or~~ and major modifications at federal major sources ~~locating in areas designated attainment or unclassifiable~~for the pollutant(s) for which the area is designated attainment or unclassified, must meet the ~~following~~ requirements listed below:

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 or precursor(s) emitted at or above a significant emission rate (SER) ~~over the netting basis~~. BACT applies separately to the pollutant or precursor(s) if emitted at or above a SER over the netting basis.

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

      1) Each ~~new~~ emissions unit that emits the pollutant or precursor(s) ~~in question and was installed since the baseline period or~~and is not included in the most recent ~~New Source Review construction approval~~netting basis established for that pollutant; and

      2) Each ~~modified~~ emissions unit that emits the pollutant or precursor (s) and is included in the most recent netting basis but has been modified and the modification resulted in an increase in actual emissions above the portion of the most recent netting basis attributable to the emissions unit or the nonattainment pollutant or precursor(s).~~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~~ Modifications ~~with~~ to individual emissions units that increase the 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~~ or operator of a source subject to this rule must provide an analysis of the air quality impacts of each pollutant for which emissions will exceed the netting basis by the SER or more due to ~~for~~ the proposed source or modification in accordance with Section 40-0050 through 40-0070.

A. For increases of direct $PM_{2.5}$ or $PM_{2.5}$ precursors equal to or greater than the significant emission rate, the owner or operator must provide an analysis of $PM_{2.5}$ air quality impacts based on all increases of direct $PM_{2.5}$ and $PM_{2.5}$ precursors.

B. The owner or operator or any source subject to this rule that significantly ~~affects~~ impacts air quality in a designated nonattainment or maintenance area must meet the requirements of net air quality benefit in Section 40-0090.

~~2.~~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.

~~3.~~4. The owner or operator of a source subject to this rule and significantly impacting a PM_{10} 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 PM_{10} 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.

~~b.~~

C. The ambient concentration level for $PM_{2.5}$ that existed in an area during the calendar year 2007.

D. If no ambient air quality data is available in an area, the baseline concentration may be estimated using modeling based on actual emissions for the years specified in subsections A. through D. of this section.

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 -REVISED. See ~~66~~ 75 Federal Register ~~2~~66125, ~~January 3~~October 27, ~~2001~~ 2010~~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 NO_x 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 NO_x 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 NO_x 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 NO_x 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 NO_x in the designated area during high ozone conditions. The modeled reductions of ambient VOC or NO_x 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 NO_x 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:

Constant K for Range of Influence Calculation					
Pollutant	$PM_{2.5}$/PM_{10}	SO_x	NO_x	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 Class II 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 consistent with the ambient air quality standards in Title 50 –Ambient Air Standards.~~:~~

~~PM_{10}~~	~~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. For each maintenance pollutant and its precursors, ~~A~~ a single source impact analysis is sufficient to show compliance with standards, PSD increments, and limits if modeled impacts from emission increases equal to or greater than a significant emission rate above the netting basis due to the proposed source or modification being evaluated are less than the Class II Significant Air Quality Impact ~~levels~~ Levels specified in LRAPA Title 12, Table 1 ~~for all maintenance pollutants~~.
2. If the ~~above~~ requirement in section 1. of this rule 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. For each pollutant and its precursors, ~~A~~ a single source impact analysis is sufficient to show compliance with standards and increments if modeled impacts from emission

increases equal to or greater than a significant emission rate above the netting basis due to the proposed source or modification being evaluated are less than the Class II Significant Air Quality Impact levels specified in LRAPA Title 12, Table 1 ~~for all pollutants~~.

2. If the ~~above~~ requirement in section 1. of this rule 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) PM_{10} - 10 ug/m^3, 24 hour average;
~~3)~~4) $PM_{2.5}$; 4 ug/m^3, 24-hour average;
~~4)~~5) Sulfur dioxide - 13 ug/m^3, 24 hour average;
~~5)~~6) 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)~~7) Lead - 0.1 ug/m^3, 24 hour average;
~~7)~~8) Fluorides - 0.25 ug/m^3, 24 hour average;
~~8)~~9) Total reduced sulfur - 10 ug/m^3, 1 hour average;
~~9)~~10) Hydrogen sulfide - 0.04 ug/m^3, 1 hour average;
~~10)~~11) 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 PM_{10} 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 PM_{10} levels. PM_{10} 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.

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. For each pollutant and its precursors, ~~A~~ a single source impact analysis will be sufficient to show compliance with increments if modeled impacts from emission increases equal to or greater than a significant emission rate (SER) above the netting basis due to the proposed source or modification~~the source~~ being evaluated are demonstrated to be less than the Class I impact levels specified in LRAPA Title 12, Table I ~~below~~.

~~Table I~~
~~Significant Impact Levels for PSD Class I Areas~~

~~Pollutant~~	~~Averaging Time~~	~~PSD Class I Significant Impact Level~~
~~PM_{10}~~	~~24 hour~~	~~0.30 $\mu g/m^3$~~
~~PM_{10}~~	~~Annual~~	~~0.20 $\mu g/m^3$~~
~~SO_2~~	~~3 hour~~	~~1.0 $\mu g/m^3$~~
~~SO_2~~	~~24 hour~~	~~0.20 $\mu g/m^3$~~
~~SO_2~~	~~Annual~~	~~0.10 $\mu g/m^3$~~

~~NO_2~~	~~Annual~~	~~0.10 µg/m^3~~

B. If the ~~above~~ requirement in subsection A. of this section 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~~ For each pollutant and its precursors, a single source impact analysis will be sufficient to show compliance with standards if modeled impacts from emission increases equal to or greater than a significant emission rate above the netting basis due to the proposed source or modification~~the source~~ being evaluated are demonstrated to be less than the Class II impact levels specified in LRAPA Title 12, Table 1 ~~for all pollutants~~.

D. If the requirement of subsection ~~(~~2.A~~)~~ of this section 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 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 NO_x emissions). For sources capable of impacting a designated ozone nonattainment or maintenance area;

   A. Offsets for VOC and NO_x 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 (PM2.5, PM_{10}, SO_2, CO, NO_x, and Lead emissions):

A. For a source locating within a designated nonattainment area, the owner or operator must comply with paragraphs 1) through 5) of this subsection:

1) Obtain offsets from within the same designated nonattainment area for the nonattainment pollutant(s);

2) Except as provided in paragraph 3) of this subsection, ~~Provide~~ provide a minimum of 1:1 offsets for each nonattainment pollutant and precursor with emission increases over the Netting Basis;

3) For $PM_{2.5}$, inter-pollutant offsets are allowed as follows:
(a) 1 ton of direct $PM_{2.5}$ may be used to offset 40 tons of SO_2;~~;~~
(b) 1 ton of direct $PM_{2.5}$ may be used to offset 100 tons of NOx;
(c) 40 tons of SO_2 may be used to offset of 1 ton of direct $PM_{2.5}$; or
~~2)~~(d) 100 tons of NO_x may be used to offset 1 ton of direct $PM_{2.5}$.

4) Provide a net air quality benefit within the designated nonattainment area. "Net Air Quality Benefit" means:
(a) Offsets obtained result in a reduction in concentration at a majority of the modeled receptors and the emission increases from

the proposed source or modification will result in less than a significant impact level increase at all modeled receptors; or

~~3)~~(b) For a small scale local energy project and any infrastructure related to that project located in the same area, a reduction of the nonattainment pollutant emissions equal to the ratio specified in this subsection, provided that the proposed major source or major modification would not cause or contribute to a violation of the national ambient air quality standard or otherwise pose a material threat to compliance with air quality standards in the nonattainment area..

~~4)~~5) 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.

~~c.~~

3. Except as provided in paragraph 2.A.3) of this rule, ~~The~~ 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 PM_{10} must be offset with particulate in the same size range.

~~3.~~

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 42

STATIONARY SOURCE PLANT SITE EMISSION LIMITS

Section 42-0010 Policy

LRAPA recognizes the need to establish a more definitive method for regulating increases and decreases in air emissions of permit holders. However, except as needed to protect ambient air quality standards, prevention of significant deterioration increments and visibility, LRAPA does not intend to: limit the use of existing production capacity of any air quality permittee; cause any undue hardship or expense to any permittee who wishes to use existing unused productive capacity; or create inequity within any class of permittees subject to specific industrial standards that are based on emissions related to production.

Section 42-0020 Applicability

1. Plant Site Emission Limits (PSELs) will be included in all Air Contaminant Discharge Permits (ACDP) and LRAPA Title V Operating Permits, except as provided in section 42-0020-3., as a means of managing airshed capacity by regulating increases and decreases in air emissions. Except as provided in Section 42-0060 or 42-0070, all ACDP and Title V sources are subject to PSELs for all regulated pollutants. LRAPA will incorporate PSELs into permits when issuing a new permit or renewing or modifying an existing permit.

2. The emissions limits established by PSELs provide the basis for:

   A. Assuring reasonable further progress toward attaining compliance with ambient air standards;

   B. Assuring compliance with ambient air standards and Prevention of Significant Deterioration increments;

   C. Administering offset and banking programs; and

   D. Establishing the baseline for tracking the consumption of Prevention of Significant Deterioration Increments.

3. PSELs are not required for:

   A. Pollutants that will be emitted at less than the de minimis emission level listed in LRAPA Title 12 from the entire source,

   B. Short Term Activity and Regulated Source ACDPs, or

   C. Hazardous air pollutants as listed in ~~Section 44-020 Table 1; Early Reduction High Risk Pollutants listed in Section 44-060 Table 2; or Accidental Release Substances listed in Section 44-160 Table 3.~~LRAPA Title 44, or

~~c.~~D. Air toxics as listed in LRAPA Title 46, unless listed in Table 2 of LRAPA Title 12 (significant emission rates).

4. Generic PSELs may be used for any category of ACDP or Title V permit.

Section 42-0030 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.

Criteria for Establishing Plant Site Emission Limits

Section 42-0040 Generic annual PSEL

1. Sources with capacity less than the Significant Emission Rate (SER) will receive a Generic PSEL unless they have a netting basis and request a source specific PSEL under 42-0041.

2. A Generic PSEL may be used for any pollutant that will be emitted at less than the SER. The netting basis for a source with a generic PSEL is zero (0).

Section 42-0041 Source specific annual PSEL

1. For sources with potential to emit less than the SER, that request a source specific PSEL, an initial source specific PSEL will be set equal to the Generic PSEL.

2. For sources with potential to emit greater than or equal to the SER, an initial source specific PSEL will be set equal to the source's potential to emit or netting basis, whichever is less.

3. If an applicant wants an annual PSEL at a rate greater than the netting basis, the applicant must:

   A. Demonstrate that the requested increase over the netting basis is less than the SER or

   B. For increases equal to or greater than the SER over the netting basis, but not subject to New Source Review (LRAPA Title 38):

1) If located within an area designated as nonattainment in LRAPA Title 52, obtain offsets and demonstrate a net air quality benefit in accordance with Section 40-0090.

2) If located within an area designated as maintenance in LRAPA Title 52, either:

(a) Obtain offsets and demonstrate a net air quality benefit in accordance with Section 40-0090;
(b) Obtain an allocation from an available growth allowance in accordance with the applicable maintenance plan; or
(c) For carbon monoxide, 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).

3) If located within an attainment or unclassifiable area, conduct an air quality analysis, in accordance with Section 40-0050-1. through 3. and 40-0060.

4) For federal major sources demonstrate compliance with AQRV protection in accordance with Section 40-0070.

C. For increases equal to or greater than the SER over the netting basis and subject to New Source Review (Title 38), demonstrate that the applicable New Source Review requirements in Title 38 have been satisfied.

Section 42-0042 Short Term PSEL

1. For sources located in areas with established short term SER (LRAPA Title 12 Table 3), PSELs are required on a short term basis for those pollutants that have a short term SER. The short term averaging period is daily, unless emissions cannot be monitored on a daily basis. The averaging period for short term PSELs can never be greater than monthly.

A. For existing sources, the initial short term PSEL will be set as:

1) the lesser of the short term capacity or the current permit's short term PSEL, if each is greater than or equal to the short term SER; or

2) the generic PSEL, if either the short term capacity or the current short term PSEL is less than the short term SER.

B. For new sources, the initial short term PSEL will be zero (0).

2. If an applicant wants a short term PSEL at a rate greater than the initial short term PSEL, the applicant must:

A. Demonstrate that the requested increase over the initial short term PSEL is less than the significant emission rate (Note: In this case new sources would get a generic PSEL); or

B. For increases equal to or greater than the SER over the initial short term PSEL:

1) Obtain offsets and demonstrate a net air quality benefit in accordance with Section 40-0090;

2) Obtain an allocation from an available growth allowance in accordance with the applicable maintenance plan; or

3) For carbon monoxide, demonstrate that the source or modification will not cause or contribute to an air quality impact equal to or greater than 0.5 mg/m^3 (8 hour average) and 2 mg/m^3 (1 hour average).

4) For federal major sources, demonstrate compliance with air quality related values (AQRV) protection in accordance with Section 40-0070.

3. Once the short term PSEL is increased pursuant to section 2. of this rule, the increased level becomes the initial short term PSEL for future evaluations.

Section 42-0043 General Requirements for all PSEL

1. No PSEL may allow emissions in excess of those allowed by any applicable federal or state regulation or by any specific permit conditions unless the source meets the specific provisions of Section 32-~~0400~~ 100 (Alternative Emission Controls).

2. Source specific PSELs may be changed pursuant to LRAPA's rules for permit modifications when:

A. Errors are found or better data is available for calculating PSELs

B. More stringent control is required by a rule adopted by the Commission; or

C. LRAPA modifies a permit pursuant to Section 37-0084, Modification of a Permit, or OAR 340-218-0200, Reopenings.

3. Annual PSELs are established on a rolling 12 consecutive month basis and will limit the source's potential to emit.

4. In order to maintain the netting basis, permittees must maintain either a Standard ACDP or an LRAPA Title V Operating Permit. A request by a permittee to be assigned any other type of an ACDP sets the netting basis at zero upon issuance of the other type of permit.

Section 42-0045 Unassigned Emissions

1. Purpose. The purpose of unassigned emissions is to track and manage the difference in the quantity of emissions between the netting basis and what the source could emit based on the facility's current physical and operational design.

2. Establishing unassigned emissions.

   A. Unassigned emissions equal the netting basis minus the source's current PTE, minus any banked emission reduction credits. Unassigned emissions are zero if this result is negative.

   B. Unused capacity created after the effective date of this rule due to reduced potential to emit that is not banked or expired emission reduction credits (Section 41-0030), increase unassigned emissions on a ton for ton basis.

3. Maximum unassigned emissions

   A. Except as provided in paragraph (C) of this section, unassigned emissions will be reduced to not more than the SER (LRAPA Title 12 Table 2) on July 1, 2010 and at each permit renewal following this date.

   B. The netting basis is reduced by the amount that unassigned emissions are reduced.

   C. In an AQMA where the EPA requires an attainment demonstration based on dispersion modeling, unassigned emissions are not subject to reduction under this rule.

4. Using unassigned emissions

   A. Unassigned emissions may be used for internal netting to allow an emission increase at the existing source in accordance with the permit.

   B. Unassigned emissions may not be banked or transferred to another source.

   C. Emissions that are removed from the netting basis are unavailable for netting in any future permit actions.

5. Upon renewal, modification or other reopening of a permit after October 14, 2008 the unassigned emissions will be established with an expiration date of July 1, 2010 for all unassigned emissions in excess of the SER. Each time the permit is renewed after July 1, 2010 the unassigned emissions will be established again and reduced upon the following permit renewal to no more than the SER for each pollutant in LRAPA Title 12 Table 2.

Section 42-0060 Plant Site Emission Limits for Sources of Hazardous Air Pollutants

1. LRAPA may establish PSELs for hazardous air pollutants (HAPs) if an owner or operator:

   A. Elects to establish a PSEL for combined HAPs emitted for purposes of determining emission fees as prescribed in OAR 340 division 220; or

   B. Asks LRAPA to create an enforceable PTE limit.

2. PSELs will be set only for individual or combined HAPs and will not list HAPs by name. The PSEL will be set on a rolling 12 month basis and will be either:

   A. The generic PSEL if the permittee proposes a limit less than that level; or

B. The level the permittee establishes necessary for the source if greater than the generic PSEL.

3. The Alternative Emissions Controls (Bubble) provisions of Section 32-100 do not apply to emissions of HAPs.

Section 42-0070 Plant Site Emission Limits for Insignificant Activities

1. For purposes of establishing PSELs, emissions from categorically insignificant activities listed in LRAPA Title 12 are not considered under Section 42-0020, except as provided in section 3. of this rule.

2. For purposes of establishing PSELs, emissions from aggregate insignificant emissions listed in LRAPA Title 12 are considered under Section 42-0020.

3. For purposes of determining New Source Review or Prevention of Significant Deterioration applicability under LRAPA Title 38, emissions from insignificant activities are considered.

Section 42-0080 Plant Site Emission Limit Compliance

1. The permittee must monitor pollutant emissions or other parameters that are sufficient to produce the records necessary for demonstrating compliance with the PSEL.

2. The frequency of the monitoring and associated averaging periods must be as short as possible and consistent with that used in the compliance method.

3. Annual and Short-term PSEL Monitoring and Recordkeeping:

   A. For annual PSELs, the permittee must monitor appropriate parameters and maintain all records necessary for demonstrating compliance with the annual PSEL at least monthly and be able to determine emissions on a rolling 12 consecutive month basis.

   B. For short term PSELs, the permittee must monitor appropriate parameters and maintain all records necessary for demonstrating compliance with any short term PSEL at least as frequently as the short term PSEL averaging period.

4. The applicant must specify in the permit application the method(s) for determining compliance with the PSEL. LRAPA will review the method(s) and approve or modify, as necessary, to assure compliance with the PSEL. LRAPA will include PSEL compliance monitoring methods in all permits that contain PSELs.

5. Depending on source operations, one or more of the following methods may be acceptable:

   A. Continuous emissions monitors,

B. Material balance calculations,

C. Emissions calculations using approved emission factors and process information,

D. Alternative production or process limits, and

E. Other methods approved by LRAPA.

6. When annual reports are required, the permittee must include the emissions total for each consecutive 12 month period during the calendar year, unless otherwise specified by a permit condition.

Section 42-0090 Combining and Splitting Sources

1. When two or more sources combine into one source:

   A. The sum of the netting basis for all the sources is the combined source netting basis.

   B. The combined source is regulated as one source, except:

      1) The simple act of combining sources, without an increase over the combined PSEL, does not subject the combined source to New Source Review.

      2) If the combined source PSEL, without a requested increase over the existing combined PSEL, exceeds the combined netting basis plus the SER, the source may continue operating at the existing combined source PSEL without becoming subject to New Source Review until an increase in the PSEL is requested or the source is modified. If an increase in the PSEL is requested or the source is modified, LRAPA will evaluate whether New Source Review applies.

2. When one source is split into two or more separate sources:

   A. The netting basis and the SER for the original source is split amongst the new sources as requested by the original permittee.

   B. The split of netting basis and SER must either:

      1) Be sufficient to avoid New Source Review for each of the newly created sources or

      2) The newly created source(s) that become subject to New Source Review must comply with the requirements of LRAPA Title 38 before beginning operation under the new arrangement.

3. The owner of the device or emissions unit must maintain records of physical changes and changes in operation occurring since the baseline period.

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 44-015 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~~ 2010 edition.

EMISSION STANDARDS

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, DDDDD, EEEEE, FFFFF, GGGGG, HHHHH, IIIII, JJJJJ, KKKKK, LLLLL, MMMMM, NNNNN, PPPPP, QQQQQ, RRRRR, SSSSS, TTTTT, WWWWW, YYYYY, ZZZZZ, BBBBBB, DDDDDD, EEEEEE, FFFFFF, GGGGGG, HHHHHH, JJJJJJ, LLLLLL, MMMMMM, NNNNNN, OOOOOO, PPPPPP, QQQQQQ, RRRRRR, SSSSSS, TTTTTT, VVVVVV, WWWWWW, XXXXXX, YYYYYY, ~~and~~ ZZZZZZ, AAAAAAA, BBBBBBB, CCCCCCC, DDDDDDD** 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.

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;

~~hhhh.~~IIII. Subpart DDDDD - Industrial, Commercial, and Institutional Boilers and Process Heaters

~~iiii.~~JJJJ. Subpart EEEEE - Iron and Steel Foundries;

~~jjjj.~~KKKK. Subpart FFFFF - Integrated Iron and Steel Manufacturing Facilities;

~~kkkk.~~LLLL. Subpart GGGGG - Site Remediation;

~~llll.~~MMMM. Subpart HHHHH – Misc. Coating Manufacturing;

~~mmmm.~~NNNN. Subpart IIIII - Mercury Cell Chlor-Alkali Plants;

~~nnnn.~~OOOO. Subpart JJJJJ - Brick and Structural Clay Products Manufacturing (federally vacated);

~~oooo.~~PPPP. Subpart KKKKK - Clay Ceramics Manufacturing (federally vacated);

~~pppp.~~QQQQ. Subpart LLLLL - Asphalt Processing & Asphalt Roofing Manufacturing;

~~qqqq.~~RRRR. Subpart MMMMM - Flexible Polyurethane Foam Fabrication Operations;

~~rrrr.~~SSSS. Subpart NNNNN - Hydrochloric Acid Production;

~~ssss.~~TTTT. Subpart PPPPP - Engine Tests Cells/Stands;

~~tttt.~~UUUU. Subpart QQQQQ - Friction Materials Manufacturing Facilities;

~~uuuu.~~VVVV. Subpart RRRRR - Taconite Iron Ore Processing;

~~vvvv.~~WWWW. Subpart SSSSS - Refractory Products Manufacturing;

~~wwww.~~XXXX. Subpart TTTTT - Primary Magnesium Refining

~~xxxx.~~YYYY. Subpart WWWWW - Area Sources: Hospital Ethylene Oxide Sterilization.

~~yyyy.~~ZZZZ. Subpart YYYYY - Area Sources: Electric Arc Furnace Steelmaking Facilities.

~~zzzz.~~AAAAA. Subpart ZZZZZ - Area Sources: Iron and Steel Foundries.

~~aaaaa.~~BBBBB. Subpart BBBBBB- Area Source: Gasoline Distribution Bulk Plant and Pipeline Facilities.

~~bbbbb.~~CCCCC. Subpart DDDDDD- Area Source: PVC and Coplymer Production.

~~ccccc.~~DDDDD. Subpart EEEEEE - Area Sources: Primary Copper Smelting.

~~ddddd.~~EEEEE. Subpart FFFFFF - Area Sources: Secondary Copper Smelting.

~~eeeee.~~FFFFF. Subpart GGGGGG - Area Sources: Primary Nonferrous Metals Zinc, Cadmium, and Beryllium.

GGGGG. Subpart HHHHHH -- Area Sources: Paint Stripping and Miscellaneous Surface Coating Operations.

~~fffff.~~HHHHH. Subpart JJJJJJ – Area Sources: Industrial, Commercial, and Institutional Boilers

~~ggggg.~~IIIII. Subpart LLLLLL - Area Sources: Acrylic and Modacrylic Fibers Production.

~~hhhhh.~~JJJJJ. Subpart MMMMMM - Area Sources: Carbon Black Production.

~~iiiii.~~KKKKK. Subpart NNNNNN - Area Sources: Chemical Manufacturing: Chromium Compounds.

~~jjjjj.~~LLLLL. Subpart OOOOOO - Area Sources: Flexible Polyurethane Foam Production.

~~kkkkk.~~MMMMM. Subpart PPPPPP - Area Sources: Lead Acid Battery Manufacturing.

~~lllll.~~NNNNN. Subpart QQQQQQ - Area Sources: Wood Preserving.

~~mmmmmm.~~OOOOO. Subpart RRRRRR - Area Sources: Clay Ceramics Manufacturing.

~~nnnnn.~~PPPPP. Subpart SSSSSS - Area Sources: Glass Manufacturing.

QQQQQ. Subpart TTTTTT - Area Sources: Secondary Nonferrous Metals Processing.

~~ooooo.~~RRRRR. Subpart VVVVVV – Area Sources: Chemical Manufacturing

~~ppppp.~~SSSSS. Subpart WWWWWW - Area Source: Plating and Polishing Operations.

~~qqqqq.~~TTTTT. Subpart XXXXXX - Area Source: Nine Metal Fabrication and Finishing Source Categories.

~~rrrrr.~~UUUUU. Subpart YYYYYY - Area Sources: Ferroalloys Production Facilities.

VVVVV. Subpart ZZZZZZ - Area Sources - Aluminum, Copper, and Other Nonferrous Foundries.

WWWWW. Subpart AAAAAAA – Area Sources: Asphalt Processing and Asphalt Roof Manufacturing.

XXXXX. Subpart BBBBBBB – Area Sources: Chemical Preparations Industry.

YYYYY. Subpart CCCCCCC – Area Sources: Paints and Allied Products Manufacturing

~~sssss.~~ZZZZZ. Subpart DDDDDDD – Area Sources: Prepared Feeds Manufacturing

(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; Amended 1/12/2010)

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 46

NEW SOURCE PERFORMANCE STANDARDS

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

PERFORMANCE STANDARDS

Section 46-535 Federal Regulations Adopted by Reference

1. Except as provided in subsection 2 of this section, **40 CFR Part 60, Subparts D through XX, BBB through NNN, PPP through WWW**, and AAAA and CCCC are by this reference adopted and incorporated herein. **40 CFR Part 60, Subpart OOO** is by this reference adopted and incorporated herein for major sources only.

2. Where "Administrator" or "EPA" appears in **40 CFR Part 60**, "LRAPA" shall be substituted, except in any section of **40 CFR Part 60** for which a federal rule or delegation specifically indicates that authority will not be delegated to the state or regional authority.

3. 40 CFR Part 60 Subparts adopted by this rule are titled as follows:

   A. Subpart D -- Fossil-fuel-fired steam generators for which construction is commenced after August 17, 1971;

   B. Subpart Da -- Electric utility steam generating units for which construction is commenced after September 18, 1978;

   C. Subpart Db -- Industrial-commercial-institutional steam generating units;

   D. Subpart Dc -- Small industrial-commercial-institutional steam generating units;

   E. Subpart E -- Incinerators;

   F. Subpart Ea -- Municipal waste combustors for which construction is commenced after December 20, 1989 and on or before September 20, 1994;

   G. Subpart Eb -- Municipal waste combustors for which construction is commenced after September 20, 1994;

H. Subpart Ec -- Hospital/Medical/Infectious waste incinerators that commenced construction after June 20, 1996, or for which modification is commenced after March 16, 1998;

I. Subpart F -- Portland cement plants;

J. Subpart G -- Nitric acid plants;

K. Subpart H -- Sulfuric acid plants;

L. Subpart I -- Hot mix asphalt facilities;

M. Subpart J -- Petroleum refineries;

N. Subpart K -- Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after June 11, 1973, and before May 19, 1978;

O. Subpart Ka -- Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after May 18, 1978, and before July 23, 1984;

P. Subpart Kb -- Volatile organic liquid storage vessels (including petroleum liquid storage vessels) for which construction, reconstruction, or modification commenced after July 23, 1984;

Q. Subpart L -- Secondary lead smelters;

R. Subpart M -- Secondary brass and bronze production plants;

S. Subpart N -- Primary emissions from basic oxygen process furnaces for which construction is commenced after June 11, 1973;

T. Subpart Na -- Secondary emissions from basic oxygen process steelmaking facilities for which construction is commenced after January 20, 1983;

U. Subpart O -- Sewage treatment plants;

V. Subpart P -- Primary copper smelters;

W. Subpart Q -- Primary Zinc smelters;

X. Subpart R -- Primary lead smelters;

Y. Subpart S -- Primary aluminum reduction plants;

Z. Subpart T -- Phosphate fertilizer industry: wet-process phosphoric acid plants;

AA. Subpart U -- Phosphate fertilizer industry: superphosphoric acid plants;

BB. Subpart V -- Phosphate fertilizer industry: diammonium phosphate plants;

CC. Subpart W -- Phosphate fertilizer industry: triple superphosphate plants;

DD. Subpart X -- Phosphate fertilizer industry: granular triple superphosphate storage facilities;

EE. Subpart Y -- Coal preparation plants;

FF. Subpart Z -- Ferroalloy production facilities;

GG. Subpart AA -- Steel plants: electric arc furnaces constructed after October 21, 1974 and on or before August 17, 1983;

HH. Subpart AAa -- Steel plants: electric arc furnaces and argon-oxygen decarburization vessels constructed after August 7, 1983;

II. Subpart BB -- Kraft pulp mills;

JJ. Subpart CC -- Glass manufacturing plants;

KK. Subpart DD -- Grain elevators;

LL. Subpart EE -- Surface coating of metal furniture;

MM. Subpart GG -- Stationary gas turbines;

NN. Subpart HH -- Lime manufacturing plants;

OO. Subpart KK -- Lead-acid battery manufacturing plants;

PP. Subpart LL -- Metallic mineral processing plants;

QQ. Subpart MM -- Automobile and light-duty truck surface coating operations;

RR. Subpart NN -- Phosphate rock plants;

SS. Subpart PP -- Ammonium sulfate manufacture;

TT. Subpart QQ -- Graphic arts industry: publication rotogravure printing;

UU. Subpart RR -- pressure sensitive tape and label surface coating operations;

VV. Subpart SS -- Industrial surface coating: large appliances;

WW. Subpart TT -- Metal coil surface coating;

XX. Subpart UU -- Asphalt processing and asphalt roofing manufacture;

YY. Subpart VV -- Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry;

ZZ. Subpart WW -- Beverage can surface coating industry;

AAA. Subpart XX -- Bulk gasoline terminals;

BBB. Subpart AAA – New Residential Wood Heaters

CCC. Subpart BBB -- Rubber tire manufacturing industry;

DDD. Subpart DDD -- Volatile organic compound (VOC) emissions for the polymer manufacture industry;

EEE. Subpart FFF -- Flexible vinyl and urethane coating and printing;

FFF. Subpart GGG -- equipment leaks of VOC in petroleum refineries;

GGG. Subpart HHH -- Synthetic fiber production facilities;

HHH. Subpart III -- Volatile organic compound (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) air oxidation unit processes;

III. Subpart JJJ -- Petroleum dry cleaners;

JJJ. Subpart KKK -- Equipment leaks of VOC from onshore natural gas processing plants;

KKK. Subpart LLL -- Onshore natural gas processing; SO2 emissions;

LLL. Subpart NNN -- Volatile organic compound (VOC) emissions from synthetic organic chemical manufacturing industry (SOCMI) distillation operations;

MMM. Subpart OOO -- Nonmetallic mineral processing plants (adopted by reference for major sources only);

NNN. Subpart PPP -- Wool fiberglass insulation manufacturing plants;

OOO. Subpart QQQ -- VOC emissions from petroleum refinery wastewater systems;

PPP. Subpart RRR -- Volatile organic compound emissions from synthetic organic chemical manufacturing industry (SOCMI) reactor processes;

QQQ. Subpart SSS -- Magnetic tape coating facilities;

RRR. Subpart TTT -- Industrial surface coating: surface coating of plastic parts for business machines;

SSS. Subpart UUU -- Calciners and dryers in mineral industries;

TTT. Subpart VVV -- Polymeric coating of supporting substrates facilities;

UUU. Subpart WWW -- Municipal solid waste landfills, as clarified by OAR 340-238-

0100;

VVV. Subpart AAAA -- Small municipal waste combustion units;

WWW. Subpart BBBB – Emission Guidelines and Compliance Times for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999

XXX. Subpart CCCC -- Commercial and industrial solid waste incineration units

YYY. Subpart DDDD— Emissions Guidelines and Compliance Times for Commercialand Industrial Solid Waste Incineration Units that Commenced Construction On or Before November 30, 1999

ZZZ. Subpart EEEE— Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006

AAAA. Subpart FFFF – Other Solid Waste Incineration Units That Commenced Construction On or Before December 9, 2004

BBBB. Subpart HHHH -- Coal-Fired Electric Steam Generating Units

CCCC. Subpart IIII -- Stationary Compression Ignition Internal Combustion Engines

DDDD. Subpart KKKK Stationary Combustion Turbines.

EEEE. Subpart JJJJ Stationary Spark Ignition Internal Combustion Engines

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 50

Ambient Air Standards and PSD Increments

Section 50-001 Definitions

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

1. "Ambient Air" means that portion of the atmosphere external to buildings, to which the general public has access.

2. "Ambient Air Monitoring Site Criteria" means the general probe siting specifications as set forth in **Appendix E** of **40 CFR 58**.

3. "Approved Method" means an analytical method for measuring air contaminant concentrations described or referenced in **40 CFR 50** and Appendices. These methods are approved by LRAPA.

4. "Baseline Concentration" means:

   A. The ambient concentration level for sulfur dioxide and PM_{10} 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 major source or major 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.

   C. The ambient concentration level for $PM_{2.5}$ that existed in an area during the calendar year 2007.

   ~~b.~~D. If no ambient air quality data is available in an area, the baseline concentration may be estimated using modeling based on actual emissions for the years specified in subsections A. through C. of this section.

5. "Oregon Standard Method" means any method of sampling and analyzing for an air contaminant approved by LRAPA. Oregon standard methods are kept on file by LRAPA.

6. "PPM" means parts per million by volume. It is a dimensionless unit of measurement for gases that expresses the ratio of the volume of one component gas to the volume of the

entire sample mixture of gases.

Section 50-005 Purpose and Scope of Ambient Air Quality Standards

1. An ambient air quality standard is an established concentration, exposure time, and frequency of occurrence of an air contaminant or multiple contaminants in the ambient air that must not be exceeded. The ambient air quality standards set forth in Section 50-005 through 50-045 were established to protect both public health and public welfare.

2. Ambient air quality standards are not generally used to determine the acceptability or unacceptability of emissions from a specific source of air contamination. More commonly, the measured ambient air quality is compared with the ambient air quality standards to determine the adequacy or effectiveness of emission standards for all sources in a general area. However, if a source or combination of sources are singularly responsible for a violation of ambient air quality standards in a particular area, it may be appropriate to impose emission standards that are more stringent than those otherwise applied to the class of sources involved. Similarly, proposed construction of new sources or expansions of existing sources, that may prevent or interfere with the attainment and maintenance of ambient air quality standards are grounds for issuing an order prohibiting such proposed construction as authorized by ORS 468A.055 and pursuant to LRAPA 34-010 through 34-038 and OAR 340-218-0190.

3. In adopting the ambient air quality standards in this title, LRAPA recognizes that one or more of the standards are currently being exceeded in certain parts of the state. It is hereby declared to be the policy of LRAPA to achieve, by application of a timely but orderly program of pollution abatement, full compliance with ambient air quality standards throughout the state at the earliest possible date.

Section 50-010 Particle Fallout

1. The particle fallout rate as measured by an Oregon standard method at a location approved by LRAPA must not exceed:

   A. 10 grams per square meter per month in an industrial area.

   B. 5.0 grams per square meter per month in an industrial area if visual observations show a presence of wood waste or soot and the volatile fraction of the sample exceeds 70 percent.

   C. 5.0 grams per square meter per month in residential and commercial areas.

   D. 3.5 grams per square meter per month in residential and commercial areas if visual observations show the presence of wood waste or soot and the volatile fraction of the sample exceeds 70 percent.

Section 50-015 Particulate Matter

1. Concentrations of the fraction of suspended particulate that is equal to or less than 2.5 microns in aerodynamic diameter in ambient air as measured by an approved method must not exceed:~~Concentrations of particulate matter at a location meeting the EPA ambient air monitoring site criteria, and as measured by an approved method, shall not exceed:~~

   A. 15~~.0~~ ug/m^3 of $PM_{2.5}$ as a 3-year average of annual 98th percentile 24-hour average values recorded at each monitoring site~~an annual arithmetic mean~~. ~~To attain this~~This standard is attained~~,~~ when the 3-year average of annual 98th percentile 24-hour average concentrations is equal to or less than 15 ug/m^3 ~~the weighted annual mean PM2.5 concentrations from single or multiple community-oriented monitors must not exceed 15.0 ug/m^3~~as determined in accordance with **Appendix N of 40 CFR 50**.

   B. 35 ug/m^3 of $PM_{2.5}$ as a 3-year average of annual 98th percentile 24-hour average values recorded at each monitoring site~~a 24-hour average concentration~~. ~~To attain this~~This standard~~,~~ is attained when the 3-year average of annual 98th percentile 24-hour average concentrations is equal to or less than 35 ug/m^3~~the 98th percentile of 24-hour concentrations at each population-oriented monitor within an area must not exceed 35 ug/m^3~~ as determined in accordance with **Appendix N of 40 CFR 50**.

2. Concentrations of the fraction of suspended particulate matter that is equal to or less than ten microns in aerodynamic diameter in ambient air as measured by an approved method must not exceed:

   C. 150 ug/m^3 of PM_{10} as a 24-hour average concentration for any calendar day. This standard is attained when the expected number of days per calendar year with a 24-hour average concentration~~, rounded to the nearest 10 ug/m^3,~~ above 150 ug/m^3, as determined in **Appendix K of 40 CFR 50** is equal to or less than one at any site.

Section 50-020 Odors

(Deleted 10/09/01)

Section 50-025 Sulfur Dioxide

1. Concentrations of sulfur dioxide at a location meeting ambient air monitoring site criteria, and as measured by an approved method, shall not exceed:

   A. 0.02 ppm as an annual arithmetic mean for any calendar year;

   B. 0.10 ppm as a 24-hour average concentration more than once per year;

   C. 0.50 ppm as a 3-hour average concentration more than once per year.

Section 50-030 Carbon Monoxide

1. For comparison to the standard, averaged ambient concentrations of carbon monoxide shall be rounded to the nearest integer in parts per million (ppm). Fractional parts of 0.5 or greater shall be rounded up.

2. Concentrations of carbon monoxide at a location meeting ambient air monitoring site criteria, and as measured by an approved method, shall not exceed:

   A. 9 ppm as an 8-hour average concentration more than once per year;

   B. 35 ppm as a 1-hour average concentration more than once per year.

Section 50-035 Ozone

Concentrations of ozone in ambient air as measured by an approved method must not exceed 0.08 ppm as a daily maximum eight-hour average concentration. This standard is attained when, at any site the average of the annual fourth-highest daily maximum eight-hour average ozone concentration is equal to or less than 0.08 as determined by the method of **Appendix I, 40 CFR 50**.

Section 50-040 Nitrogen Dioxide

Concentrations of nitrogen dioxide at a location meeting ambient air monitoring site criteria, and as measured by an approved method, shall not exceed 0.053 ppm as an annual arithmetic mean.

Section 50-045 Lead

The lead concentration at a location meeting ambient air monitoring site criteria, and as measured by an approved method, shall not exceed 1.5 ug/m^3 as an arithmetic average concentration of all samples collected at that location during any one calendar quarter.

Prevention of Significant Deterioration Increments

Section 50-050 General

1. The purpose of LRAPA 50-050 through 50-060 is to implement a program to prevent significant deterioration of air quality in Lane County as required by the federal Clean Air Act Amendments of 1977.

2. LRAPA will review the adequacy of the State Implementation Plan on a periodic basis and within 60 days of such time as information becomes available that an applicable increment is being violated. Any Plan revision resulting from the reviews will be subject to the opportunity for public hearing in accordance with procedures established in the Plan.

Section 50-055 Ambient Air Increments

1. This rule defines significant deterioration. In areas designated as Class I, II or III, emissions from new or modified sources must be limited such that increases in pollutant concentration over the baseline concentration defined in LRAPA Title 40 must be limited to those set out in **Table 1**of this Title.

2. For any period other than an annual period, the applicable maximum allowable increase may be exceeded during one such period per year at any one location.

Section 50-060 Ambient Air Ceilings

1. No concentration of a pollutant may exceed:

   A. The concentration permitted under the national secondary ambient air quality standard; or

   B. The concentration permitted under the national primary ambient air quality standard; or

   C. The concentration permitted under the state ambient air quality standard, whichever concentration is lowest for the pollutant for a period of exposure.

Table 1 LRAPA 50-055 Maximum Allowable Increase Micrograms per cubic meter	
CLASS I	
POLLUTANT	*Micrograms per cubic meter*
Particulate Matter PM10, Annual Arithmetic Mean	4
PM10, 24-hour maximum	8
[1]PM2.5, Annual arithmetic mean	1
[1]PM2.5, 24-hour maximum	2
Sulfur Dioxide: Annual arithmetic mean	2
24-hour maximum	5
3-hour maximum	25
Nitrogen Dioxide: Annual arithmetic mean	2.5
CLASS II	
Pollutant	*Micrograms per cubic meter*
Particulate Matter PM_{10}, Annual Arithmetic Mean	17

	PM_{10}, 24-hour maximum	30
	[1]$PM_{2.5}$, Annual arithmetic mean	4
	[1]$PM_{2.5}$, 24-hour maximum	9
Sulfur Dioxide:		
	Annual arithmetic mean	20
	24-hour maximum	91
	3-hour maximum	512
Nitrogen Dioxide:		
	Annual arithmetic mean	25
CLASS III		
Pollutant		*Micrograms per cubic meter*
Particulate Matter		
	PM_{10}, Annual Arithmetic Mean	34
	PM_{10}, 24-hour maximum	60
	[1]$PM_{2.5}$, Annual arithmetic mean	8
	[1]$PM_{2.5}$, 24-hour maximum	18
Sulfur Dioxide:		
	Annual arithmetic mean	40
	24-hour maximum	182
	3-hour maximum	700
Nitrogen Dioxide:		
	Annual arithmetic mean	50

[1]$PM_{2.5}$ Increments will become effective on October 20, 2011